

TOWN OF MILFORD POLICY ON ELECTRONIC AND TELEPHONE COMMUNICATION

PURPOSE

To describe the Town of Milford's policy on the use and monitoring of its electronic and telephonic communications systems, including E-mail, voice mail, and social media sites.

POLICY

All electronic and telephonic communication systems and all communications and stored information transmitted, received, or contained in the Town's information system are the property of the Town of Milford. The use of any software and business equipment for private purposes that could result in personal gain or profit, without prior permission from your Department Head, the Town Administrator, or the Board of Selectmen, is strictly prohibited. Town of Milford business equipment includes, but is not limited to, facsimiles, telecopiers, telephones, computers, copy machines, etc. It is the opinion that, at the time of this writing, no such activities are ongoing. Such equipment also may not be used to solicit other individuals for any purpose or to transmit sexually or other offensive messages. All passwords and pass codes are the property of the Town of Milford and no employee may use passwords or pass codes that are unknown to the Town.

Violations of this policy are subject to the progressive disciplinary process as outlined in the current Town of Milford Employee Handbook of Personnel Rules and/or any applicable Collective Bargaining Agreement. To ensure that the use of electronic and telephonic communication systems and business equipment is consistent with the Town's interests, the Town – or its authorized representative(s) – may, from time to time, monitor the use of such equipment and may print out and read all E-mails entering, leaving, or stored in these systems.

PROCEDURE

Current employees will acknowledge receipt of this policy and its intent in a meeting with their Department Head. Said policy is hereby incorporated by reference into the current Town of Milford Employee Handbook of Personnel Rules and/or any applicable Collective Bargaining Agreement.

New employees will be required to sign for a copy of the Town of Milford Employee Handbook of Personnel Rules or applicable Collective Bargaining Agreement upon acceptance of employment with the Town of Milford.

SOCIAL MEDIA GUIDELINES

1. PURPOSE

The Town of Milford endorses the secure use of social media to enhance communication and information exchange; streamline processes; and foster productivity with its employees. These guidelines establish the Town's position on the use and management of social media and provide guidance on the management, administration, and oversight of social media. These guidelines are not meant to address any one particular form of social media but to apply to all forms of social media including emerging technologies.

2. SCOPE

These guidelines shall apply to all employees and department volunteers of the Town of Milford.

3. PHILOSOPHY

Social media provides a valuable means of assisting the Town in providing community education, community information, emergency preparedness, and other related community objectives. It also provides citizens with a valuable tool for communicating with the Town. The Town also recognizes the role that social media tools may play in the personal lives of its employees. However, employees and volunteers must be aware that their use of social media, even in their personal lives, can have an effect on the performance of their duties and could negatively impact the Town. These guidelines provide specific restrictions and prohibitions on the use of social media when acting as a representative of the Town of Milford as well as guidance of a precautionary nature as to the use of social media by Town personnel in both their personal and professional lives.

4. DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Electioneering: [659:44-a Electioneering by Public Employees](#). Electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. (added 7.26.21)

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that enable the user to generate content and encourage other user participation. This includes, but is not limited to, social networking sites: Facebook, MySpace, Twitter, YouTube, Wikipedia, blogs, and other sites.

Social Networks: Platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Town Personnel: Refers to employees and department volunteers of the Town of Milford.

5. PROCEDURES

- A. Prior to creating a social media site, departments should consider the need and value of a department or program dedicated site versus relying on the Town website to disperse department or program information. Department staff should calculate the time and effort it will take to maintain a site such that the information posted will remain current and that visitors will continue to find the site useful over time.
- B. Department Heads must obtain approval from the Town Administrator and the Director of Community Media prior to creating a social media account.
- C. Department Heads must approve the creation of social media accounts within their departments and appoint specific staff members to maintain the sites. Department Heads are responsible for ensuring that their staff follows the procedures set forth in these guidelines and monitoring the sites for appropriate use by their employees.
- D. All approved uses of social media must be reported to the Town's Director of Community Media. The Director of Community Media will maintain a list of all active Town social media sites, *including login and password information*. Passwords must not be changed without first informing the Director of Community Media of

the change. The Director of Community Media must be informed if the department intends to stop operating its social media site.

- E. Department staff is responsible for monitoring comments, immediately removing any prohibited content, and saving content as required by the NH Right-To-Know law (RSA 91-A). In addition, when staff removes content that they deem to be inappropriate, they need to include their name, the date and time the content was removed, and a brief explanation as to why the content was removed.

6. CONTENT

Town Posted Information

- A. The most appropriate uses of Town social media sites are:
- Time-sensitive and emergency information such as road closures and weather emergencies.
 - As a communications/marketing tool which increases the Town's ability to broadcast its messages to the widest possible audience. Specifically this would include such things as advertising upcoming Recreation Department events, or upcoming meetings of the various Town committees, boards or commissions.
- B. Information posted to the Town's social media sites is subject to the New Hampshire Right-To-Know law (RSA 91-A).
- C. Wherever possible and reasonable, content posted to the Town's social media sites will also be available on the Town's main website.
- D. Social media sites shall clearly indicate that they are maintained by the official department and shall have the department logo and contact information prominently displayed.
- E. Each social media site shall include an introductory statement that clearly specifies the purpose and scope of the Town's presence on the site.
- F. Social media sites should contain links directing users back to the Town's website for in-depth information, forms, documents, or online services necessary to conduct business with the Town of Milford.
- G. Social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- H. Information posted on social media sites must be related to official Town business.
- I. Town employees shall be professional in all social media outlets, especially when responding to criticism or negative posts.
- J. Town Employees are expressly forbidden to misuse any social media access privileges in any way that may include, but are not limited to:
- a. Using social media accounts for unlawful activities, including violations of copyright law, or for activities that are malicious or have the effect of harassing other users.
 - b. Violating the terms of service policies of any network to which they are utilizing. For example, when maintaining a Town Facebook page, Facebook's published Terms of Service must be adhered to.

- c. Misrepresenting the Town's programs or policies in their communications.
- d. Conducting political activities or private business.

Information Posted by Outside Individuals

For all Town social media sites that allow posts and/or comments, those sites are limited public forums that are moderated by Town staff to ensure content posted by outsiders is appropriate.

1. Posted content (including comments, photos and links) must be related to the topic posted by the Town to be considered appropriate.
2. Information posted to the Town's social media sites is subject to the New Hampshire Right-To-Know law (RSA 91-A).
3. Inappropriate and prohibited content is subject to immediate removal from the site. This includes, but is not limited to, content that:
 - Is not topically related to the particular article being commented upon.
 - Promotes or advertises commercial services, entities or products.
 - Supports or opposes political candidates or ballot propositions.
 - Is obscene
 - Discusses or encourages illegal activity.
 - Promotes, fosters, or perpetuates discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - Provides information that may tend to compromise the safety or security of the public or public systems.
 - Violates a legal ownership, including, but not limited to, copyright law.
 - Spam

7. PERSONAL USE

The following section provides guidance of a precautionary basis on the use of social media by Town personnel in both their personal and professional lives.

- A. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of their duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
- B. As public employees, department personnel are cautioned that their speech either on or off duty, and in the course of their official duties on matters of public concern, may not necessarily be protected speech under the First Amendment.
 - a. This speech may form the basis for discipline if deemed detrimental to the Town or department and the speech is not protected by the First Amendment.
 - b. Employees should assume that their speech and related activity on social media sites will reflect upon their position within the Town.
- C. Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the appropriate Board or Commission or their designee.

- D. Employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without expressed authorization.
- E. Employees shall, at all times, exercise diligence to avoid holding themselves out as spokespersons for their department except when duly authorized to do so. For this reason, the use of titles, department logos, Town-owned images, or identification as an employee of the department when using social media sites is prohibited.
- F. Employees and volunteers engaged in patient care are prohibited – while on or off duty – from posting federal HIPAA-defined, patient-identifiable information or information that can reasonably be used to identify a patient in any form that relates to the past, present or future physical or mental health of an individual. Additionally, employees and volunteers are prohibited from releasing scene or patient photographs or from discussing patient care, transport and activities on personal social media sites or the department's social media site without the expressed written permission of the department Privacy Officer.

8. ELECTIONEERING - ELECTIONEERING BY PUBLIC EMPLOYEES

RSA 659:44-a Electioneering by Public Employees –

- I. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties.
- II. No public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.
- III. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office.
- IV. Any person who violates this section shall be guilty of a misdemeanor.

Source. 2003, 172:2, eff. June 18, 2003. 2016, 176:1, eff. Jan. 1, 2017.

The Town of Milford issued an email to Town employees clarifying that in item 695:44-a II above "government property or equipment" refers to "Town owned/operated property". Further, the Town includes social media (Facebook) as a mode of electioneering. In item 695:44-a, III the Town clarifies that public employees cannot ask for people to vote in a particular way.

Exceptions: A public employee is defined as "any person employed by a public employer" with some limited exceptions. [RSA 273-A:1, IX](#). Those exceptions include:

- (a) Persons elected by popular vote.
 - (b) Persons appointed to office by chief executive or legislative body of the public employer.
 - (c) Persons whose duties imply a confidential relationship to the public employer; or
 - (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call.
- For the purpose of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source funding of the position in which he/she is employed.

The "Electioneering by Public Employees" will be added to the Town of Milford's Social Media Guidelines section of the Electronic & Telephone Communication Policy to assist in clarifying the role of a public employee. The current Town of Milford's Electronic and Telephone Communication Policy is available to all employees on the Town's website in the Milford Employee Handbook (Chapter 9-under review) and individually listed as an individual [policy on the Town's website](#). The Electronic and Telephone Communication Policy can be accessed by town employees on the Town of Milford website under the Human Resources section.

Please note that Section 6 – Town Posted Information, subsection J) d. states:

J. Town Employees are expressly forbidden to misuse any social media access privileges in any way that may include, but are not limited to:

d. Conducting political activities or private business.

Employees should contact their Department Head if they have any questions about this policy. Employees may also reach out to either the Human Resources Director or the Town Administrator for clarification.

This amendment to the Town of Milford's Social Media Guidelines section of the Electronic & Telephone Communication Policy is being respectfully recommended for adoption to the Milford Board of Selectmen.

Recommended by John Shannon, TA and approved by BOS 07/26/2021

9. DISCIPLINARY ACTION

Any disciplinary action for violations of these guidelines will follow, and be consistent with, the Town of Milford Employee Handbook, the Town of Milford Ethics Policy and/or any applicable collective bargaining agreements.