



Sample Social Media Policy

September 2012

This is a sample social media policy that Community Action Agencies (CAA) may use as a starting place to create their own policy. This policy has not been approved by any outside authority, such as the Department of Health and Human Services. You should review it carefully and edit as necessary to ensure that it meets the needs and practices of your organization and complies with state and federal laws. We strongly recommend that you work with an employment law attorney in your state when preparing this policy or any other policy for your CAA. This sample policy is not intended as legal advice.

Community Action Agency (CAA) realizes that many employees may participate in social media as a way to share their life experiences and thoughts with family, friends and colleagues. Social Media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity web site, web bulletin board or chat room whether or not associated or affiliated with CAA, as well as any other form of electronic communication.

An employee's use of Social Media may involve certain risks and requires an employee to exercise certain responsibilities. Thus, it is important for employees to remember that any conduct that adversely affects the employee's job performance, the performance of colleagues or others who work on behalf of or for the CAA, such as suppliers, vendors, etc., may result in disciplinary action up to and including termination.

To assist employees in making responsible decisions about the use of social media, CAA has established the following guidelines for the appropriate use of Social Media.

Personal Use (Not Related to CAA Business)

Employees may not participate in Social Media while on work time, except as explicitly permitted below in the section entitled "CAA Business-Related Use." Any personal use of CAA computer or communications equipment such as workstations, phones, laptops, or network infrastructure, to participate in Social Media must be minimal, occasional, limited to non-work times, may not be at the expense of an employee's job performance or interfere in any way with the business needs and operations of CAA, and may not impose costs on CAA.

An employee should not use her/his CAA email address to register on any Social Media website for personal use. Any Social Media postings by an employee shall be consistent with CAA's policies including, but not limited to, CAA's anti-harassment and non-discrimination policies as well as CAA's policies regarding the non-disclosure of information CAA is required to keep

Comment [A1]: The federal law that social media policies tend to conflict with is the National Labor Relations Act (NLRA). The NLRA provides all workers with a protected right to engage in concerted (or group) activity for purposes of collective bargaining, mutual aid or protection. This right includes communications with one another about the terms and conditions of employment. Social media policies that are viewed as restricting or prohibiting an employee's rights to communicate about his or her conditions of employment including, for example, pay, will be found invalid by the National Labor Relations Board (NLRB) the federal administrative body charged with adjudicating potential violations of the NLRA.

In 2012, the General Counsel for the NLRB issued guidance interpreting the NLRB's prior decisions and predicting the NLRB's approach to employer's social media policies. This guidance is referenced throughout the comments.

Comment [A2]: The General Counsel for the NLRB explained in guidance issued in 2012 that it is important to define terms used throughout the policy.

confidential pursuant to state and federal laws. Inappropriate postings that may include discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination.

Comment [A3]: The language here was taken from a social media policy approved by the General Counsel of the NLRB. It is important to note that the NLRB has generally found that language restricting unlawful behavior does not violate an employee's rights under the NLRA.

If CAA is a subject of Social Media content an employee is creating, the employee must be clear and open about the fact that s/he is an employee and her/his views do not represent those of the CAA. (for example: "The views and comments stated herein are personal and do not necessarily reflect the views of my employer."). CAA reminds employees that work-related complaints are more likely to be resolved if the employee speaks directly with his/her co-workers or follows the procedures set forth in CAA's Complaint Policy. However, if an employee decides to use Social Media to post complaints or criticisms, CAA asks that the employee avoid using statements, photographs, video or audio that could be reasonably viewed as malicious, obscene, threatening, intimidating, disparaging to CAA employees and clients or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or CAA policy.

Comment [A4]: Again, the language here was taken from a social media policy approved by the General Counsel of the NLRB. It is important to note that the NLRB has generally found that language restricting unlawful behavior does not generally violate an employee's rights under the NLRA. However, when upholding this language, the NLRB stresses the importance of using examples to clarify that any language restricting an employee's activities is for the purpose of prohibiting unlawful behavior. If this language did not include an example, it is likely that the NLRB would strike it based on it being ambiguous and overly broad.

An employee should be honest and accurate when posting information or news and if a mistake is made, the employee should quickly correct it. An employee should never post any information or rumors that s/he knows to be false about CAA, CAA clients or people working on behalf of CAA.

CAA Business-Related Use

An employee is not permitted to visit Social Media websites during work hours, unless specifically authorized to do so for business-related purposes, either: (1) by virtue of employee's job responsibilities; or (2) with express authorization as specified below. Those employees who do have authorization and post messages on CAA websites or social media accounts should understand that they are posting on behalf of CAA and must adhere to CAA's professional standards, values, policies and applicable laws at all times.

1. Employees who have job responsibilities that include posting information to CAA-maintained websites and/or social media accounts understand and agree that the content and followers of the blog or other website belong exclusively to CAA and that upon request the employee must provide CAA with any information necessary to log in to a CAA-maintained website or social media account. No employee may create an official CAA account or change a password, as this is solely the responsibility of CAA's ITS department, and specifically the Director of Technology, Systems Development. Further, employees must be mindful of the issue of copyright infringement when posting materials that may be owned by others.

Comment [A5]: It is important to note that the NLRB has found that requiring employees to get permission before reusing others' content or images is unlawful as it would interfere with employees' protected right to take and post photos of, for instance, employees on a picket line or employees working in unsafe conditions.

2. Individuals who do not have job responsibilities that include the posting of information to CAA-maintained websites and/or Social Media accounts in the name of the CAA or in a manner that could reasonably be attributed to CAA must obtain express written authorization from the CEO, a Vice-President, or a Department Head.

Comment [A6]: The NLRB has found that this language does not violate an employee's NLRA rights because such language refers only to CAA maintained websites and cannot be reasonably construed to restrict employees' exercise of their right to communicate about working conditions among themselves and with third parties.

All employees authorized to post on CAA social media accounts should identify themselves and their affiliation with CAA. Any content posted should be current and accurate. If you do make an error, take responsibility for it and correct it quickly. Do not post any information that is obscene, defamatory, libelous, threatening, harassing, or intimidating to another person or entity. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or CAA policy. Individuals may be held personally liable for such remarks.

When posting for authorized business-related purposes, employees should refer to the CAA's political activity policy to ensure compliance with laws governing such activities. Employees are also prohibited from using or disclosing any personal identifiable information about any individual who has received services from CAA. If a comment contains information that identifies an individual who has received services from CAA and is sent by anyone other than that individual, the posting author should edit the identifying information out of the post promptly.

Employment References

Requests for employment recommendations on Social Media websites from former employees of CAA should be treated like any other employment reference and are subject to CAA's reference policy. An example of this would be a former employee asking a current employee to provide a reference on LinkedIn. Any postings to that website automatically include an individual's business affiliations. Therefore, employment references (whether online or not) should not be provided by CAA personnel, other than through the Human Resources Department. Additionally, the former employee must first submit a reference release to Human Resources.

Employment Representations

Following the end of your employment relationship with CAA, you shall take prompt affirmative steps to ensure that no Social Media website represents you to be a current employee of CAA.

General Implementation of Policy

This Social Media Policy is not to be applied or interpreted in a manner that interferes with any rights employees may have under the National Labor Relations Act. For example, employees should feel at liberty to discuss wages, performance, status, discriminatory treatment etc.

Comment [A7]: Note that solely having a disclaimer will not protect a social media policy from being struck down by the NLRB. It is equally, if not more so, important to define the terms used in a policy, use examples of prohibited conduct where possible, and be specific and precise in outlining the policies' prohibitions

Employees who violate this policy are subject to discipline, up to and including dismissal or legal action. CAA prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Additionally, please keep in mind that CAA's Policy for Use of Computers, Internet Access System and E-Mail, which is available on the CAA internal staff website, also applies to all CAA employees.

If you have any questions or concerns regarding these policies, you are encouraged to speak to _____.