

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
Bureau of Human Resources

May 19, 2015

HUMAN RESOURCES MEMORANDUM 3-15

TO: All Agency Heads, Agency Human Resource/EEO Representatives

SUBJECT: UPDATED Personal Use of Social Media Policy

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State of Maine agencies (the “State”) may use social media¹ technologies to enhance communication, collaboration and information exchange with citizens in accordance with guidelines and procedures issued by the Office of Information Technology.

The State recognizes that state employees may use social media technology off the job and that such use is subject to certain constitutional and statutory protections. Personal use of social media technologies by state employees that undermines or interferes with the ability of State agencies and state employees to carry out their responsibilities may be the proper subject of State review and corrective action.

The purpose of this policy is to educate state employees that their personal off-duty use of social media technologies may be the proper subject of State review and corrective action where there is a nexus between the personal use and the workplace.

Employees have no expectation of privacy in their use of social media while using any system or device provided by the State or any system or device the cost of which is reimbursed by the State. The State retains the right to monitor, search, access, inspect and read all information contained on any system or device provided or reimbursed by the State. It is the policy of the State of Maine that:

1. Personal use at work: This includes personal use of social media while at work by an employee (e.g. logging onto Facebook and providing personal updates to a Facebook page or Twitter account during work hours using their own or their agency’s information technology resources, when such activity is outside of the employee’s official job function).
 - A. Any such use shall be incidental, shall not interfere with work responsibilities and shall be consistent with the Policy Concerning the Use of State-Owned Information and Technology (I.T.) and Related Communications Equipment and Resources and any additional use policies adopted by the agency.
 - B. Excessive personal use of social media during work hours is prohibited.

¹ Social Media is defined as a set of technologies for enabling a community of participants to productively collaborate. It includes: blogs; wikis; microblogs such as Twitter™; networking sites/tools such as Facebook™ and LinkedIn™; video sharing sites/tools such as YouTube™; and bookmarking sites/tools such as Del.icio.us™.

2. Personal use outside of work: This includes use of social media by an employee in his or her personal capacity outside of work using non-state resources (computers, internet access, e-mail etc.). Any personal use of Social Media ***outside of work*** is subject to First Amendment protections. However, where such personal use is related to subject matter pertinent to State employment, it must be conducted in such a manner that no impression is created that the employee is speaking on behalf of the Agency.
 - A. The personal usage identity *must* be distinct from the Agency usage identity, for instance, established under a personal email account, and *not* the State email account.
 - B. Employees are prohibited from posting information on behalf of a State Agency on the employee's personal *Social Media* page.
 - C. If an employee identifies himself or herself as a state employee or the employee's personal expression suggests that the employee is an employee of the State, the employee should include a clear disclaimer indicating that the employee is *not* communicating on behalf of the State. The disclaimer should state: "The information on this site is not posted on behalf of the State of Maine," or words to that effect.
 - D. Employees must refrain from disclosing State confidential information.
 - E. Employees are prohibited from using their state-issued e-mail address(es) for any personal social media "account," whether based in the World Wide Web or elsewhere.
 - F. This policy does not extend to, and is not intended to, impair or diminish employees' rights as provided by the State Employees Labor Relations Act or similar laws relating to collective bargaining.
3. State harassment and discrimination policies, confidentiality policies, ethics rules, code of conduct, and workplace violence policies are applicable to all *Social Media* usage.

S/ Joyce A. Oreskovich

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