



RESOLUTION TITLE: TO APPROVE REVISIONS TO THE GASTON COUNTY PERSONNEL POLICY MANUAL RELATED TO THE SOCIAL MEDIA POLICY

WHEREAS, Gaston County believes it is important to have a Personnel Policy Manual for employees and supervisors to follow; and,

WHEREAS, it is prudent to review and revise the policy manual periodically to make sure it is understandable, consistent, and up to date with current law, regulations and philosophy; and,

WHEREAS, the current personnel policy manual was approved effective July 1, 2010; and,

WHEREAS, the current Social Media Policy was approved effective June 26, 2012; and,

WHEREAS, the proposed revisions to the Social Media Policy within the personnel policy are outlined in "Social Media Policy" Exhibit A (attached); and,

WHEREAS, the Gaston County Board of Commissioners must adopt all changes to the Gaston County Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners adopts revisions to the Gaston County Personnel Policy to be effective November 28, 2023, replacing the existing Social Media Policy adopted on June 26, 2012 with the updated version contained within "Social Media Policy" Exhibit A.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFrale	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-385	11/28/2023	RW	BH	A	A	A	A	A	AB	A	U

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EXHIBIT A



GASTON COUNTY SOCIAL MEDIA POLICY

PURPOSE

This document aims to establish policies and procedures related to the use of electronic communication, including County-approved sites, personal webpages, internet postings, social networking websites, weblogs “blogs,” and recording or broadcasting devices by County employees and to ensure such usage is not detrimental to other County employees or the County organization. All government communication tools should be used to maximize transparency, maintain the security of the network, and are appropriately professional.

For the purpose of this policy, the phrases “Social Media,” “Social Networking” or “Social Networking Site” shall mean blogs, networking sites (such as X, LinkedIn, Instagram and Facebook), photo sharing, dating websites, online internet forum, chat rooms, video sharing, microblogging, podcasts, X, and other similar websites, webpages, programs, apps, computer applications, and computer programs that are intended for one person to communicate with others. The absence of, or lack of specific or explicit reference to a particular site does not limit the extent of the application of this policy.

Moreover, for the purpose of this policy, Gaston County Government shall be abbreviated to “County” and the phrases “Posting,” or “Post,” shall mean disseminating information or data through social media, regardless of the method of dissemination.

All County employees and those who conduct business on behalf of the County, shall adhere to the guidelines outlined in this document to ensure that these forms of communication are appropriately used to disseminate information to County residents, visitors, and the public at large. Those who violate the procedures outlined in this social media policy will be subject to disciplinary action, up to and including termination of employment.

GUIDELINES FOR COUNTY WEBSITE & SOCIAL MEDIA SITES

County Website

Per Section 26.11 of the Use of Information Technology Resources in the County Personnel Policy Manual:

- Public internet content includes, but is not limited to, the main County public website and all content therein, other County-owned websites, which lie outside of the main County website, and social sites representing the County, which are administered by the County.
- County public internet content is the responsibility of the County Webmaster. The Webmaster and his/her designee(s) may edit and publish public web content on behalf of the County.

The County, at its option, may change, delete, suspend, or discontinue parts of or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing, as well as to future employees.

- The Webmaster is responsible for ensuring that all published content meets County website standards (i.e. design, layout, etc.).
- The Webmaster must review web application design and layout for adherence to standards before application publication. As web application content is dynamic in nature, review of said content by the webmaster is not required.
- Each department is solely responsible for the accuracy of the content of their respective website(s) and/or webpages. Individual departments may share links to other websites that allow the department to fulfill its strategic plan, if applicable. This includes links to local, state, or federal government sites, as well as links to nonprofit and educational websites.
- County public internet content may not include legally protected content such as copyrighted, trademarked, or patented materials.

Social Media Sites Administration

The Communications Office, which includes the Webmaster, will serve as administrator for all County social media accounts. The administrator will provide creation of social media accounts for interested departments upon request, if the requesting department can provide staff to operate accounts and adequate proof of potential audience served. The administrator will also authorize department leaders to designate staff to maintain the department's social media account.

- Following bans by the federal government in 2022 and the State of North Carolina in 2023, the County also banned on the use of the social media app TikTok on all County-owned devices. Furthermore, due to the security risk posed by the app, the County eliminated the use of any official County department accounts on that platform.

Public Rules & Disclaimer for All Social Media Accounts (other than X)

Any County departments that maintain social media accounts must publicly post the following language as the 'Public Rules & Disclaimer' in a visible location on the main page of the department's social media account.

The County uses social media to interact with residents, businesses and visitors about public issues related to our jurisdiction. Please note this is a moderated online discussion site and subject to North Carolina Public Records Laws, and e-discovery laws and policies. All comments and content shared on our government-sponsored social media sites must pertain to items within the jurisdictional control or authority of our governmental unit.

The County reserves the right to delete submissions that do not meet the purpose of this site as outlined above. The following are examples of unacceptable social networking content and comments. Please note this list is not intended to be all-inclusive:

- Any content or comments that do not relate to the jurisdiction or authority of the jurisdiction itself.*
- Profane or obscene language or content as determined by the profanity filters offered through each social media platform (such posts result in the comment/content being blocked through the social media's profanity filter).*
- Content that promotes, fosters, or perpetrates discrimination as defined in the County Personnel Policy Manual in section 20.1.2.*
 - Discrimination - Prejudicial conduct by an individual against another person because of sex, age, race, color, creed, religion, national origin, disability, military leave, or political affiliation.*
- Duplicate posts by the same author (the original post will be left intact assuming it follows the guidelines of acceptable comments or content).*
- Solicitations of commerce and/or, including content that contains gratuitous links (links or references to other relevant governmental webpages or official government sites are acceptable).*
- Promotions or content related to political organizations of any type.*
- Advocation of illegal activity; or those that compromise safety or security of the public.*
- Infringement on copyrights or trademarks.*

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- i) Confidential or non-public information, including but not limited to any personally identifiable medical information and any content that violates the legal rights of the owner of said content.

Please note that the opinions and comments expressed on this social media site do not reflect the opinions and positions of the County, its officers, or employees. If you have any questions concerning the operation of our social media platforms and the moderated discussion rules, please contact the appropriate County department directly or the Communications/Public Information Office by visiting www.gastongov.com.

Public Rules & Disclaimer for X

Because X does not allow account holders to post lengthy information on profile pages, County departments that use X must create a link to a webpage (departmental or County) where residents/visitors may access the *Public Rules & Disclaimer* information.

The purpose of this X account is to provide Gaston County residents and visitors with timely information about (insert brief summary here). Because representatives of the County communicate through this site, any communications posted on this page, may be subject to the North Carolina Public Records law, including direct messages to and from this account.

Please note that the opinions and comments expressed on this social media site do not reflect the opinions and positions of the County, its officers, or employees. If you have any questions concerning the operation of our social media platforms and the moderated discussion rules, please contact the appropriate County department directly or the Communications Office by visiting www.gastongov.com.

All members of the public are subject to a Three-Strike Rule. Commentors whose content has violated the guidelines in the Public Rules & Disclaimer three times and has been deleted three times on a social media page will be blocked from posting any content on the social media page for as long as the page exists. Deletion of content and implementation of the Three-Strike rule can only be implemented by the Communications Director or his or her designee, in consultation with and review from the County Attorney's Office.

The 'Three Strike Rule'

All members of the public are subject to a *Three-Strike Rule*. Commentors whose content has violated the guidelines in the *Public Rules & Disclaimer* three times and has been deleted three times on a social media page will be blocked from posting any content on the social media page for as long as the page exists. Deletion of content and implementation of the Three-Strike rule can only be implemented by the Communications Director or his or her designee, in consultation with and review from the County Attorney's Office.

USE OF SOCIAL MEDIA BY COUNTY EMPLOYEES/REPRESENTATIVES ON COUNTY SITES

The County understands that online social media has become a common form of communication with regard to disseminating information. Because information, including comments, posted on the internet is permanent, employees who choose to participate in online social media should adhere to the following guidelines:

Allowable Social Media Usage

County employees who are responsible for maintaining County and/or department social media accounts should post useful, factual, and pertinent information on events, programs, services, and

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related items for Gaston County residents and visitors. When posting content to social media accounts, employees shall:

- Be honest and transparent;
- Post only within one's area of expertise;
- Post only useful information;
- Be responsive to citizen concerns;
- Keep it professional – avoid confrontation;
- Be accurate;
- Correct errors, and if modifying an earlier post, identify the change;
- Reserve breaking news for other media sites;
- Carefully consider the content before posting;
- Never address personnel issues; and,
- Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws, and any other laws that might apply to the County or a functional area of the County.

If unsure about a post, or, when in doubt, employees should reach out to department heads or the Communications Office for guidance, prior to posting to social media.

Photographs and Video Usage

When possible, employees should post original content (e.g., photos, videos, etc.). If employees cannot post original photos, videos, music, etc., the employees must follow all copyright and fair use laws as outlined in the Copyright Act of 1976.

Consent to the use of residents' images taken during large-scale events (e.g., fairs, festivals, and other County-wide events) is assumed; however, any use of images taken at small-scale events including those of minor children, require a completed release form, available in the Document Center on the County Intranet in both a PDF and online form.

Non-allowable Social Media Usage

County employees and those persons who conduct business on behalf of the County must adhere to the same prohibitions as outlined in the *Public Rules & Disclaimer for All Social Media Accounts* section of this policy and shall not:

- a) Post any content or comments that do not relate to the jurisdiction or authority of the jurisdiction itself.
- b) Use profane or obscene language or content as determined by the profanity filters offered through each social media platform (such posts result in the comment/content being blocked through the social media's profanity filter).
- c) Post content that promotes, fosters, or perpetrates discrimination as defined in the Gaston County Personnel Policy Manual in section 20.1.2.
- d) Post any solicitations of commerce and/or, including content that contains gratuitous links (links or references to other relevant governmental webpages or official government sites are acceptable).
- e) Post content that promotes political organizations of any type.
- f) Post content that advocates illegal activity or compromises the safety or security of the public.
- g) Infringe on copyrights, trademarks, or the public's First Amendment Rights (see section below on *The First Amendment and Social Media*).

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- h) Post confidential or non-public information, including, but not limited to, any personally identifiable medical information and any content that violates the legal rights of the owner of said content.

The First Amendment and Social Media

The First Amendment of the United States Constitution guarantees the freedom of expression and speech, as well as the right to petition the government for a redress of grievances; these protections apply only to a government forum. County social media accounts are used to conduct official county business, and as such, based on recent case law, are considered 'limited or designated public forums' and must allow for public expressions. However, the expressions must adhere to guidelines and/or policies as established by the County or government entity.

County employees who manage county-sponsored social media accounts or conduct any official County business using social media are prohibited from infringing on the First Amendment Rights of any member of the public who participates in public engagement with the County. Therefore, County employees and any other persons conducting county business must not:

- a) Hide or delete public comments based on personal feelings about the content; viewpoint discrimination is prohibited (*Robinson v. Hunt County Texas, 2019*).
- b) Block citizens whose comments criticize the official conduct of elected officials (see *Knight First Amendment Institute at Columbia v. Trump, 2018* and *Davison v. Loudon County Board of Supervisors, et al., 2017*).

If a County employee must disseminate information to the public and does not wish to receive commentary from the public, it is best to post the information on either the Gaston County website or the department website, if applicable. However, if the employee must post the information on social media and does not wish to receive commentary from the public, the employee should utilize the "disable comments" function on the social media site. For example, Facebook created an option for "pages" to disable comments from the public at large but allow comments from the pages or profiles mentioned in the post. **This function must be used at the time the post is created and not after comments have been received. Once comments have been received, they cannot be disabled, nor can they be hidden or deleted.**

USE OF SOCIAL MEDIA DURING EMERGENCY SITUATIONS

Regarding Emergency Situations

During an emergency incident or event in which there has been either a Declaration of a State of Emergency, an activation of the Emergency Operations Center (EOC), or any combination thereof, the County's Communications Director will assume direct oversight of the information presented on all County social media accounts. If the EOC has been activated, all pre-scheduled posts and information updates will be placed on hold. County employees who manage social media accounts should post the following message on their respective pages, **"Emergency Notification and Activation of Joint Information System."**

For the duration of the incident/event, all individual account posts will cease, and accounts will default to posting only the emergency information presented on the main County account. Moreover, all departments should monitor their respective accounts and maintain contact with the Communications Director throughout the duration of the event to ensure regular social media updates related to the incident/event are not missed.

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Once the emergency incident/event has ended, all County social media accounts should post the following message, “**Emergency Cancellation and Deactivation of Joint Information System.**” The Communications Director will give the clearance to all departments to resume normal social media operations.

PERSONAL USE OF SOCIAL MEDIA

The County does not restrict County employees, or anyone who conducts business on behalf of the County, from creating or maintaining social media/networking accounts for personal use as a private citizen outside of work and supports the right of employees to have personal webpages and/or weblogs (blogs).

Employees and those who conduct business on behalf of the County should follow the guidelines outlined below when using personal social media/networking sites:

- a) Do not use personal accounts to interact with County or County-related business contacts and never use the County account to interact with personal contacts.
- b) If an individual/group posts comments about County business on your personal site, please refer them to the official County sites, phone numbers or email addresses.
 - a. Use of a personal site for County business may make that site subject to the same public records laws, disclosures, and other standards as the County’s official social media sites.
- c) Do not post photographs or other depictions of work-related sites, equipment, activities, or duties without authorization from the Communications Director or their designee.
- d) Employees must not misappropriate or use the County’s brand, logo, or slogan without authorization from the Communications Director or their designee. However, employees may share such information found on County and County-sponsored social media networking sites.
- e) Any conduct deemed impermissible under the law, if expressed in any other form or forum, is impermissible if expressed through personal social media outlets. For example, posted material that is discriminatory, obscene, defamatory, libelous, or malicious is prohibited.
- f) Employees should not post, transmit, reproduce, share, and/or disseminate information (text, pictures, video, audio, etc.) to the internet or any other forum (public or private) that:
 - a. violates the Grievances and Complaints section of the County Personnel Policy Handbook;
 - b. disrupts the smooth and orderly flow of work within the organization or delivery of services to the County’s citizens;
 - c. discloses any information that would jeopardize the safety of County staff; or
 - d. discloses any personnel or confidential information.
- g) Supervisors cannot send “friend” or “follow” requests to subordinates because of the inherent power imbalance in that relationship. Supervisors are allowed, however, to accept “friend” or “follow” requests that are initiated by a subordinate.

Other Gaston County Policies

All content posted on County-approved and County-sponsored social media sites, webpages, and “blogs” is subject to all other County policies in the County Personnel Policy Manual.

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Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Communications

Board Action

File #: 23-547

Commissioner Brown - Communications (Human Resources) - To Approve Revisions to the Gaston County Personnel Policy Manual Related to the Social Media Policy

STAFF CONTACT

Adam Gaub - Communications Director - 520-405-9541

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County has not had an update to its Social Media Policy since June 26, 2012, when some of the most commonly used social media platforms were still in their infancy. The Gaston County Communications Office researched social media policies at other local governments, consulted with the University of North Carolina at Chapel Hill's School of Government, and worked with the County Attorney's Office to create a more robust policy that better protects the County and provides better guidelines for how employees will utilize social media when acting on behalf of the County. This new Social Media Policy replaces, in its entirety, the existing Social Media Policy in the Gaston County Personnel Policy.

POLICY IMPACT

See attached for full details of proposed policies.

ATTACHMENTS

Resolution; Exhibit A

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

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