



**DEPARTMENT OF CORRECTIONS
Employee Services**



Title: Personal Use of Social Media That Impacts the Workplace	DOC Policy: 20.1.8
Effective Date: 3/31/2022	Supersedes: 3/14/2022
Applicability: Employees and non-employee service providers	
Directives Cross Reference: Statute: ORS 659A.330 Policy: 20.1.2 Code of Ethics 20.1.3 Code of Conduct 20.1.7 Promotion and Maintenance of a Respectful Workplace DAS Policy 107-004-110, Acceptable Use of State Information Assets DAS Policy 107-004-010, Information Asset Inventory & Management DAS 50.010.01 Discrimination and Harassment Free Workplace DAS 50.010.03 Maintaining a Professional Workplace DAS Policy 50.010.02, Violence-Free Workplace DAS e-Governance Board’s State Web Guidelines DAS e-Governance Program’s Social Networking Guide	

I. PURPOSE

- A. The purpose of this policy is to provide procedures for on and off-duty personal use of social media by employees, and non-employee service providers when such use has a nexus to the department.
- B. Oregon Department of Corrections (DOC) employees, Oregon Correction Enterprises (OCE) employees, and non-employee service providers serve a diverse population of adults in custody and adults on supervision. Personal conduct on social media that adversely impacts the workplace may negatively impact public perception of the corrections system, disrupt operations, impact security functions, or create conflict between employees and non-employee service providers.
- C. Given their relationship with the Oregon Department of Corrections, the rights of department employees, and non-employee service providers to engage in speech as provided under the state and federal constitutions and state and federal laws may be qualified when such speech rights conflict with their job duties.
- D. The purpose of this policy is not to constrict or prohibit protected union activity under the Public Employees Collective Bargaining Act (PECBA).

II. DEFINITIONS

- A. **Adult in Custody:** Any person under the supervision of the Oregon Department of Corrections who is not on parole, probation, post-prison supervision, or leave status.
- B. **Adult on Supervision:** Any person under the supervision of the Oregon Department of Corrections who is on parole, probation, post-prison supervision, or leave status.
- C. **Employee:** Any person employed full-time, part-time or under temporary appointment of Department of Corrections or Oregon Correctional Enterprises (OCE).
- D. **Higher Standard:** Applies to managers and supervisors. Managers/supervisors are held to a higher standard and are expected to be proactive in creating and maintaining a discrimination and harassment free workplace. Managers/supervisors must exercise appropriate measures to prevent and promptly correct any discrimination, workplace harassment or sexual harassment they know about or should know about.
- E. **Nexus:** A nexus means a relationship between the department's legitimate business interests reasonably connected to the on or off-duty conduct of an employee, non-employee service provider, or volunteer.
- F. **Non-Employee Service Provider (NSP):** An individual who provides services or programs to the department or to adults in custody or adults on supervision, but not as a paid employee of the department. Examples of non-employee service providers include contractors, volunteers, mentors, criminal justice partners, and government agency partners.
- G. **Protected Class Under Federal Law:** Race; color; national origin; sex (includes pregnancy-related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses military leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.
- H. **Protected Class Under Oregon State Law:** All federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.
- I. **Public Employees Collective Bargaining Act (PECBA):** A collective bargaining and dispute resolution process for Oregon's public employers and unions representing public employees. Employers covered by PECBA include, among others, the State of Oregon, cities, counties, school districts, community colleges, public hospitals, and special districts. PECBA is administered by the Employment Relations Board (ERB).
- J. **Workplace Intimidation:** Unwelcome, unwanted, or offensive conduct based on or because of an employee's, non-employee service provider's (NSP), or volunteer's protected class status. Workplace intimidation may occur between a manager/supervisor and a subordinate; between employees and NSPs; and among non-employees who have business contact with employees. A

complainant does not have to be the person harassed but could be a person affected by the offensive conduct. Examples of intimidation include, but are not limited to, derogatory remarks, slurs and jokes about a person's protected class status.

- K. Social Media: An umbrella term encompassing various activities that integrate technology, social interaction, and content creation. This includes blogs, wikis, photo and video sharing, podcasts, social networking (Facebook, Twitter, Instagram, Snapchat, etc.), as well as similar applications or technologies currently in use or which may be developed in the future.

III. POLICY

A. Employees, and non-employee service providers are prohibited from engaging in the following conduct using personal social media:

1. Revealing sensitive information or information otherwise confidential by law that is gained through working or volunteering for the department, including but not limited to the safety and security functions of the department or information about adults in custody or adults on supervision.
2. Posting content or action that compromises the employee's, non-employee service provider's, or volunteer's ability to perform duties in their official capacity.
3. Using sexually explicit language or images where such material identifies them as an employee, non-employee service provider, or volunteer of the department, or can reasonably be identified as such, and that the language or images have the potential to cause an adverse impact on the department's legitimate business interests or impedes the performance of the individual's duties. Identity may be determined by listing oneself as an employee, non-employee service provider or volunteer of the department or being descriptive of one's role with the department on a social media platform.
4. Posting, transmitting, or otherwise disseminating content that violates the Department of Administrative Services statewide or Department of Corrections workplace policies, including speech that ridicules, maligns, disparages, or otherwise promotes discrimination based on age, race, religion, sex, sexual orientation, gender identity or expression, ethnicity, nationality, disability, or other protected class category.
5. Posting any form of visual or personal identification of themselves as a department employee, non-employee service provider, or volunteer that is reasonably deemed to be detrimental to the safety and security of any institutions or department operations.
6. Posting content addressing any open case or investigation whether involving an adult in custody or adult on supervision, personnel matter, or other department investigation, when such content could reasonably be deemed to jeopardize the employee's or non-employee service provider's performance of duties, the integrity of the pending investigation, or is otherwise detrimental to safety and security of any institution or department operations.

7. Representing the employee's or non-employee service provider's affiliation with the department or the individual's official position as providing authority or legitimacy to their personal social media posts.
8. Representing an employee's, non-employee service provider's, or volunteer's opinion as the opinion or policy position of the department.

B. General Guidance

1. Employees and non-employee service providers are encouraged to apply privacy controls on personal social media to maintain their privacy to the extent possible. Consider whether personal profile information, prior posts, or digital content clearly identifies them as an employee, non-employee service provider, or volunteer of the department and may imply that their personal views expressed on social media represent the views of the department.
2. Even with privacy controls applied, there is a risk that content that has a connection to the workplace that is intended to be private may be reposted by others who have permission to view the employee's, non-employee's, or volunteer's account.
3. Employees and non-employee service providers are encouraged to think before posting a picture or comment on personal social media that may have an impact to the workplace. The employee, non-employee service provider, or volunteer should consider whether they would be comfortable if the director, a supervisor, a coworker, an adult in custody, an adult on supervision, or the public were to see it.
4. When employees and non-employee service providers post their personal opinion on matters that involve the department, they should provide a disclaimer similar to the following: "This is my personal opinion, and I am not representing the official position of the department."
5. The department may access information that is generally available to the public about the employee or non-employee service provider through their social media accounts or forwarded by other recipients without prior notice to the individual.

C. Enforcement

Violation of this policy or any other Department of Corrections policy may be subject to disciplinary action up to and including dismissal.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: _____signature on file_____

Julie Vaughn, DOC Rules Coordinator

Approved: _____signature on file_____

Heidi Steward, Deputy Director