

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
SOCIAL NETWORKING AND SOCIAL MEDIA POLICY AND STANDARDS

POLICY NUMBER:	ODAFF 06.C
EFFECTIVE DATE:	5/14/2020
REVISION DATE:	N/A
APPROVAL DATE:	5/14/2020

PURPOSE

During the 2019 Legislative Session, the Legislature passed Senate Bill 198. Effective November 1, 2019, “[a]ll state agencies and political subdivisions of this state shall adopt a social networking and social media policy that shall apply to the use of social media by state employees and employees of any political subdivision of this state to discourage abusive or offensive online behavior.” *See* 74 O.S. § 840-8.1.

APPLICATION

This policy applies to the conduct of all employees of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) who, for work purposes, utilize social media or social networking, while in their capacity as a state employee, on state time, and using state resources.

DEFINITIONS

The words and terms used in this policy mean the following:

1. “Capacity as a State Employee¹” is conduct that occurs when the employee is:
 - (i) Performing work assigned by their state employer;
 - (ii) Engaging in conduct subject to their state employer’s control;
 - (iii) Representing themselves in a manner that a member of the public could reasonably expect that they are speaking on behalf of their state employer; or
 - (iv) Sharing information that they would not possess if not for their status as a state employee.

¹“Capacity as a State Employee” is similar to “scope of employment” and defined at 51 O.S. § 152(12) as “performance by an employee acting in good faith within the duties of the employee's office or employment or of tasks lawfully assigned by a competent authority including the operation or use of an agency vehicle or equipment with actual or implied consent of the supervisor of the employee, but shall not include corruption or fraud. . . .”

2. “Comment” means a response to an article or social media content submitted by a commenter.
3. “Social Networking” or “Social Media” means interaction with external websites or services based upon participant contributions to the content. Types of social media include social and professional networks, blogs, micro blogs, video or photo sharing and social bookmarking.
4. “State Resources” means any State-owned property, physical or digital, including but not limited to State-owned or provided computers, tablets, cellular telephones, and/or internet service.
5. “State Time” means the time the employee is receiving wages or other remuneration from the State, including time when the employee is working from home or engaging in work activities at a location other than the employee’s designated work-site.

SCOPE OF CONDUCT

All employees of the ODAFF are discouraged from sharing content or creating comments on social media containing the following, when it is directed at a citizen of the State of Oklahoma:

1. Obscene sexual content or links to obscene sexual content;
2. Abusive behavior and bullying language or tone;
3. Conduct or encouragement of illegal activity; and
4. Disclosure of information which an agency and its employees are required to keep confidential by law, regulation or internal policy.

Employees are reminded that disclosure of confidential information is prohibited at all times, not solely through social media conduct. Any such disclosure may subject the employee to disciplinary action up to and including termination.

The ODAFF has appointed the Public Information Officer to be the ODAFF ’S sole voice on social media and to the public in general. Therefore, no other employee should make posts, comments, or reply to other comments regarding the official work of the ODAFF. Individual social media conduct affects the public view of the ODAFF and can possibly subject an employee to disciplinary action up to and including termination. If you have questions or need further guidance on the ODAFF’s social media policy, please contact your HR representative or your direct supervisor.

All ODAFF employees may have personal social networking and social media sites and/or accounts. These sites and/or accounts should remain personal in nature and be used to share personal opinions or non-work related information. Following this principle helps ensure a distinction between sharing personal views and ODAFF views. ODAFF employees shall not use their agency e-mail account or password in conjunction with a personal social networking or social media site and/or account.

Employees are reminded that employment with ODAFF is a matter of public information whether or not it is specified on your social media accounts. Employees should be mindful that whenever you discuss issues in an online platform, your comments can be tied back to your employment with the state. All ODAFF employees should be courteous and civil when interacting with the public on social

media. Nothing in this handbook is meant to prevent an employee from exercising his or her right to make a complaint of discrimination or other workplace misconduct, or to express an opinion on a matter of public concern.

OPEN RECORDS AND RECORDS DISPOSITION

Social Media and Social Networking content may meet the definition of “a record” subject to the Records Management Act, 67 O.S. §§ 201 – 217, along with the Consolidated Records Disposition Schedules. These policies detail the lawful retention and disposition of every record created or received by the ODAFF. The ODAFF follows both the General Records Disposition Schedule for State Agencies as well as our own ODAFF specific schedule.

Employees are reminded that social media content regarding the official work of the ODAFF may be a record subject to disclosure under the Oklahoma’s Open Records Act, 51 O.S. §§ 24A.1 – 24A.32.

CIRCULATION

In addition to inclusion in ODAFF’S Policies and Procedures Manual, a copy of the Social Networking and Social Media Policy shall be distributed to each employee of ODAFF via his or her official ODAFF email address.

REFERENCES

74 O.S. § 840-8.1

Executive Order 2019-20