



## Human Resources

200 Church Street, Suite 102, Burlington, VT 05401

Voice (802) 865-7145/ Fax (802) 864-1777 Vermont Relay: 7-11-1 or 800-253-0191

### Minutes

#### Human Resources Committee

January 30, 2020

HR Conference Room, 200 Church Street, Suite 102

5:00 pm

**Present:** Councilor Ali Dieng, Councilor Brian Pine (BP), Councilor Perri Freeman (PF), HR Director, Deana Paluba (DP), HR Assistant, Stephanie Meunier (SM), Burlington Firefighters Association Kyle Blake (KB), Mayor's Chief of Staff, Jordan Redell (JR)

Meeting called to order by AD at 5:11

#### 1) Agenda

BP moved to approve the agenda; PF seconded

#### 2) November Meeting Minutes

PF moved to approve November 2019 meeting minutes; BP seconded

#### 3) Public forum

Courtney Lamdin, Seven Days Reporter (CL) was present from the public. No comment from members of public present

#### 4) Social Media Policy

DP presented the drafted Social Media Policy and stated unions had been asked for feedback. KB attending for Burlington Firefighters Association. DP opened discussed by paragraph of each part of the Social Media Policy.

KB asked if the policy applies to non-work hours and clarity around situations where individuals are proud to work for areas in the City, does this policy mean all such social media mentions require the disclaimer that the views presented are their own and not representative of the City's views?

DP responded, yes. Even when using non-City of Burlington (COB) equipment if employees have identified themselves as working for the COB and are engaging in comments about the City then they are subject to the policy. They should use common sense and ensure to state that the views expressed are their own.



## Human Resources

200 Church Street, Suite 102, Burlington, VT 05401

**Voice (802) 865-7145/ Fax (802) 864-1777 Vermont Relay: 7-11-1 or 800-253-0191**

BP asked if the draft policy was modeled after other best practices and if any had been subjected to any legal challenges?

DP stated yes, other cities benchmarked by the information shared from Anita Tinney with and independent firm, Employee Labor Relations Academy, and did not know of any legal challenges as this is an emerging topic.

Members asked if policy is retroactive.

DP stated the policy is not retroactive.

DP stated guidelines are very common and common-sense usage is thematic to social media policies in organizations.

BP recalled messages from constituents back in March 2019 around inappropriate use of personal accounts by Police Chief. Most concerned uses of personal social media account as primary way to disseminate new information and COB business.

JR stated the fourth bullet is clear regarding any COB business.

DP shared employees have the right to discuss working terms and conditions and organizations don't have the ability to limit that activity. Department Heads as members of leadership can be held to different standards. DP we do not expect Department Heads to use personal accounts for COB business or disseminate any COB related business information.

PF stated asked why only Department Heads, and stated leadership should be included as well.

PF asked questions with respect to use of proxy accounts and the proliferation of account profiles and related discussion and decisions in this area.

DP stated proxy accounts is outside the scope of this policy. This may warrant discussion perhaps by the Police Commission or the Council.

BP this is best for now and recognize revisit down the road.

BP requested to review Fletcher Free Library social medial policy and how does this draft compare.



## Human Resources

200 Church Street, Suite 102, Burlington, VT 05401

**Voice** (802) 865-7145/ **Fax** (802) 864-1777 **Vermont Relay: 7-11-1 or 800-253-0191**

KB asked for social media to be defined for clarity.

BP stated any COB employee that lures, or otherwise harasses is completely inexcusable.

DP agreed and stated policies are guidelines and create expectations about behaviors expected for COB employees. Employers cannot direct someone that they could not have a proxy account, but when engaging in COB business need to disclose who they are, this is included in the policy statements to not mislead or misrepresent.

DP indicated it is important to establish official policy, and would review this, but this policy would supersede other policies. It is important to get an official social media policy.

KB reaffirmed “use during working hours” would be struck due to 24 by 7 work hours. DP yes would be updated.

AD asked about sharing the Social Media Policy with the public.

JR stated that it is not usual course of business to hold public forums on internal policies.

DP stated this meeting is technically a public forum.

SM summarized next steps:

1. Send update to HR committee for next meeting
2. Gather input
  - a. Unions – DP will close this item with a forum with all union reps, NPAs, Mayor. KB will assist.
  - b. Public – DP stated this meeting is a public form, but will coordinate with AD to ensure next meeting is held in larger space.
3. Mayor approves
4. Memo requesting change sent to City Council
5. All COB employees receive Social Media Policy

5:57 pm Courtney Lamdin departed

### 5) Livable Wage Data

DP opened discussion on Livable Wage data presented during the Monday, December 16, 2019 City Council meeting.



## Human Resources

200 Church Street, Suite 102, Burlington, VT 05401

**Voice** (802) 865-7145/ **Fax** (802) 864-1777 **Vermont Relay: 7-11-1 or 800-253-0191**

BP commented that it was interesting that livable wage without healthcare was \$1.40 more; no one would argue that healthcare could be afforded with those monies.

DP said the Livable Wage summary requested to look at cost and impact to ensure all COB employees making livable wage. The results demonstrated all compliant under livable wage exemptions. As an extra means the data summarized that if all COB employees, even those exempted by statute, were raised to livable wage, based on a point in time, the cost to the COB was approximately \$208,000 increase to overall budget.

BP inquired about demographics of people in those groups, especially if less than 22 years of age.

AD asked why Burlington School District was not included. Would be good to work or request they do the same.

DP stated we can certainly ask, but was clear that as HR Director she only has access to COB not Burlington School District and has not authority to mandate.

BP stated ordinance applies to Burlington School District.

PF asked for clarity on population numbers and wondered if POC are overrepresented as PF sees a lot in livable wage data and women and POC are overrepresented in low wage jobs.

DP provided breakdown as 68 female and 71 Males and those under 22 years of age was highest age group represented in the exempted livable wage population.

PF shared comments regarding the value of equity and how makes community stronger. Livable wage data shows that giving in Chittenden County on \$20 per hour or less hard way to go and a statewide campaign, to actually be livable and affordable long way to go more towards \$18-\$20 per hour.

BP important to recognize and be aware of the cost of doing things as a \$300K increase in one year means cut somewhere.

DP stated went to full council and referred to this committee. AD and PF to talk about where to go next.

## 6) Update status of Diversity, Equity, and Inclusion (DEI) Director



## Human Resources

200 Church Street, Suite 102, Burlington, VT 05401

**Voice** (802) 865-7145/ **Fax** (802) 864-1777 **Vermont Relay: 7-11-1 or 800-253-0191**

DP shared 21 applications /Interviews/ meetings. Offer is out to selected candidate and hoping to close. The offered candidate has strong experience with the City of Bloomington, great initiatives, and skill and experience with equity and help with analytics. Candidate has now visited Burlington.

AD met with the candidate and felt was self-starter, strong accomplishments, great Energy, and commands a leadership presence. Felt quality of life in Burlington was highly attractive to the candidate.

DP stated some of the challenges are the nature of the role as a Limited service position and the salary requirements. Suggested changing role to a regular vs LS role.

DP will see where negotiations go. If not will reach out to next best candidate or repost as there was only one other viable candidate as determined by review and interviews conducted in first round.

### 7) Other business

Tentative next meeting date: TBD.

### 8) Adjournment

Meeting adjourned 6:57 pm by AD



# Human Resources Committee



## **AGENDA**

### **Human Resources Committee**

**March 10, 2020**

**Lorraine B. Good Room**

**135 Church Street**

**Burlington, VT**

**5:00 pm**

- 1) Agenda
- 2) Approval of Minutes of January 30, 2020 meeting
- 3) Public Forum
- 4) Social Media policy
- 5) City of Burlington: Use of email signature
- 6) Adjournment

City of Burlington  
DRAFT Personal Use of Social Media Policy

City employees are permitted incidental and occasional personal use of social media during work hours, provided the use is limited in duration and does not have a detrimental effect on productivity, as determined by the employee's supervisor. Nothing in this policy is meant to prohibit employees from using social media to discuss their hours, wages, and conditions of employment, to otherwise interfere with their rights to engage in protected concerted activity, or to infringe upon state or federal constitutional rights.

This policy is written pursuant to 21 V.S.A. § 495(l), which limits the City from requesting employees' personal social media account information except in certain circumstances. Employees are required to provide the City with information concerning any City business that is conducted on an employee's personal accounts. City employees are expected to comply with all City and Department policies, as well as the following standards, when using personal social media accounts during work hours or while using City equipment or systems, excluding any public Wi-Fi provided, enabled or supported by the City.

- City employees should expect no right to privacy or confidentiality when accessing social media or personal social media accounts by means of City information systems or equipment, which does not include any public Wi-Fi provided, enabled or supported by the City.
- Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Burlington, or that they represent the views of the City or any City officer or employee, without the express permission of the head of the user's Department or the Mayor's Office.
- Any user profile, biography, or posting on a personal social media account that identifies that person as a City employee should include a qualifying statement in substantially the following form: "Standard disclaimers apply," "Views are my own," "The views I express on this site are my own and do not represent the City of Burlington's positions, strategies, or opinions."
- A universal disclaimer on an employee's social media profile shall be regarded as sufficient disclaimer for the social media site, absent extraordinary circumstances.
- Postings by an employee on or via a personal account under this policy will not be presumed to represent or reflect the views of the City. A failure to include a disclaimer does not independently violate the policy but the omission of such disclaimers may be evidence that the employee failed to ensure statements are not attributed to the City.
- If commenting on City business, employees should make it clear that the comments represent their own opinions and do not represent those of the City of Burlington. When commenting on City business on personal social media accounts, employees may not intentionally mislead or misrepresent themselves to any member of the public with the intention to influence any official or member of the public regarding City business.
- .

City of Burlington  
DRAFT Personal Use of Social Media Policy

- Employees must not use an employee's City email account or password in conjunction with a personal social networking site.
- Employees may post personal photographs or provide similar means of recognition that may cause them to be identified as a City employee. Examples include promotion, recognition, appointments, events, and awards.
- Personal or business venture social media account names shall not give the appearance of being affiliated with the City of Burlington or any city department. For example, using "BED", "Burlington Fire", "City of Burlington", or similar language in a personal handle is not acceptable. However, this prohibition does not apply to the Burlington Firefighters Association or The Burlington Police Officers' Association.
- Employees should follow these guidelines that apply to personal communications using various forms of social media:
  - Employees are encouraged to use common sense when using social media sites.
  - Remember that what you write, when considering any privacy restrictions or settings, may be public, may be public for a long time, and may spread to large audiences.
  - Refrain from posting information that you would not want your supervisors or other employees to read or that would be embarrassing to see in the newspaper or on television.
- The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City or any members of the public whom the City serves. Employees must avoid posts that contain content that is regarded as bullying or threatens violence, that have the effect of harming, insulting, degrading or defaming others, including work colleagues, or that the employee knows to be false to harm another's reputation.
- Employees must respect copyright, fair use, and financial disclosure laws and protect sensitive and confidential City-related information, including, but not limited to personal health information or financial information of other individuals. Confidential information does not include information about employees' wages, working conditions, or employment terms that is used for protected concerted activity.
- Employees must not use non-public information to further their own or another's private interests, whether in financial transactions, through advice, or by unauthorized disclosures.
- Employees must not publish or report on conversations that are meant to be pre-decisional or internal to the City unless given express permission by management and reviewed by Department Head.

**Personal Social Media Use:**

The City respects the right of employees to post and maintain personal websites, blogs, social media sites, and other web applications on non-work time. However, a City employee's personal use of social media may reflect on the City or appear to represent City policy or to be on behalf

City of Burlington  
DRAFT Personal Use of Social Media Policy

of the City, even if performed outside the workplace or not on City information systems. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not substantially impair or impede the performance of their duties, such as (but not limited to) by misrepresenting any position of the City, revealing confidential information gained from their position with the City, or implying that they are authorized to speak on behalf of a Department when they are not.

Every employee is expected to consider their City association in participating in online social networks. If employees identify themselves as City employees or have positions that are known to the general public, they should ensure that their profiles and related content (even if they are of a personal and not an official nature) do not violate policies or procedures of the City.

Department heads and others in leadership positions are allowed significant latitude to explore ideas and positions, subject to the mayor's supervisory authority. However, those with leadership responsibilities, by virtue of their position, must consider whether personal thoughts published, even in clearly personal venues, may be misunderstood as expressing the City's positions. All employees should assume that their team and those outside the City will read what is written. A public blog is not the place to communicate policies to City employees. Employees should assume that any thoughts expressed on social media, depending on the account's privacy restrictions or settings, are in the public domain and can be published or discussed in all forms of media.

### **Department Heads**

- Department heads are often responsible for communicating the position of the City and as such carry a higher standard to represent the City in a way that is consistent with City policies and standards.
- All social media posts on personal accounts and/or through City social media accounts made by Department Heads that comment on City business are subject to scrutiny and may need approval of the City designated officials.
- Department Heads are not permitted to communicate sensitive or confidential City business to the public without appropriate review and approval by the Mayor's Office.
- Department Heads should not use personal social media as the primary means to communicate City business or direction.

### **Policy Violation Considerations**

Violation of this policy by a City employee may result in discipline up to and including dismissal, subject to and in accordance with applicable collective bargaining agreements, the City's Personnel Policies, applicable ordinances of the City of Burlington, and state or federal law. In addition, some conduct may violate other laws for which there are criminal or civil penalties. The City does not regularly monitor any employee's personal social media sites;

City of Burlington  
DRAFT Personal Use of Social Media Policy

however, if information is brought to the City's attention that a City employee's social media use may not be in conformance with this or other City policies, the City may consider investigating those allegations and may issue any appropriate corrective action warranted. City employees should not have an expectation of privacy in public engagements about or impacting City business on social media.

An employee who wishes to determine ahead of time whether a particular social media use falls within the appropriate bounds of this policy may consult directly with the employee's Department Head or HR Manager. Each situation will be evaluated on a case by case basis because the laws and social media technology are evolving.

**Defining Social Media**

In the rapidly expanding world of electronic communication, *social media* can mean many things. *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, personal web site, social networking or affinity web site (e.g., Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, etc), or web bulletin board, whether or not associated or affiliated with the City of Burlington.