

# The Social City: #Community of #Tomorrow

Ike Pigott  
Positive Position  
Jan. 26, 2017



# Being a Social City

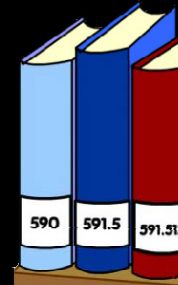
- How “Citizens” use Social Media
- The Policies you Need
- Hierarchy of Engagement
- Empowerment

# Dynamic for success...

What you **knew**



What you **found**



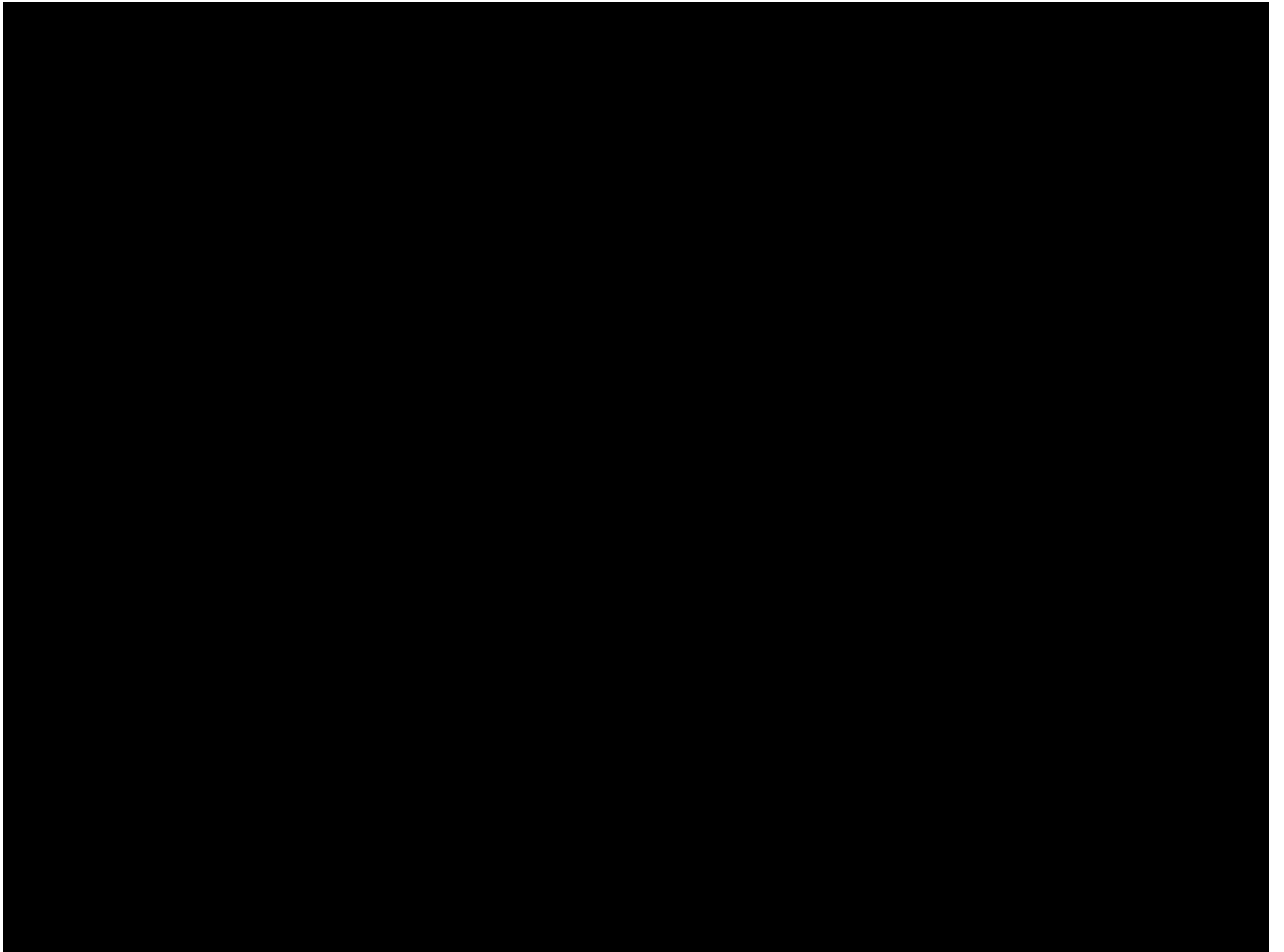
Google

What your network  
**finds for you**

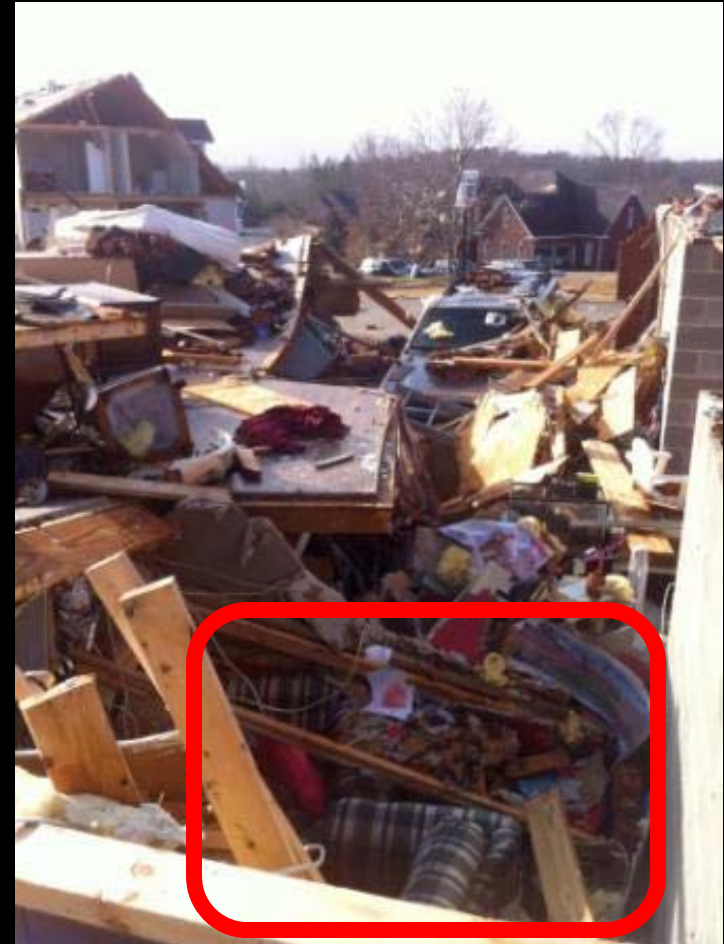


# How #People use Social Media





# How #People use Social Media





# How #People use Social Media



Our smartphones have  
become our new newspaper



# The Policies You Need

Statement of Purpose

(why you are using social accounts)

Employee Use

(who can use **for** the job, and why)

Employee Presence

(what they do on their own time)



# Statement of Purpose

Who is ultimately responsible for accounts and quality control?

Who will respond?

Which accounts are “official,” and which do you intend to monitor?

Who can use social as a channel?



# Hierarchy of Engagement

Ignoring



# Legal Considerations in the Use of Social Media by Public Employees

Arnold W. “Trip” Umbach III  
STARNES DAVIS FLORIE LLP

STARNES | DAVIS  
FLORIE LLP

# Personal Use of Social Media by Employees



Does the City's policy allow  
personal use while on the clock?

Should it?



# First Amendment (Freedom of Speech)

- Employee speaking as a citizen or as an employee?

[If employee, then no free speech rights]

- If speaking as a citizen, is the speech on a matter of public concern?

[If not, then no free speech rights]

- If a matter of public concern, does the City's interest in promoting the efficiency of public services outweigh employee's interest?

[If so, the employee can be disciplined]

# Fourth Amendment (Privacy/Search and Seizure)

- Does the employee have an expectation of privacy?
- Is the City's search reasonable?

# Discrimination

- Hiring – checking an applicant's social media
- Harassment – through social media



# Record Retention

- Social media records must be maintained like all other records
- Review Records Retention Policy
- Social media may be a public record that has to be produced in response to request

# Wage and Hour Laws

- City's social media is accessible 24/7
  - Is after hours work on social media reported?
  - Overtime?

123 - John R. Doe		Pay Period 06/02/06 to 06/16/06		Required Deductions		
Earnings				Federal Income Tax	00.00	00.00
Hours 50	Rate 9.00	This Period 450.00	YTD 900.00	FICA - Medicare	06.08	12.16
				WI State Income Tax	00.00	00.00
				FICA - Social Security	25.92	51.84
Gross Pay			450.00	900.00	Other Deductions	
				Health Insurance	00.00	00.00
				401k	00.00	00.00
				Parking	00.00	00.00
				NET PAY	\$418.00	\$836.00

---

Your Employer  
1234 Some Street  
Milwaukee, WI ZIPCODE

Check Number: XXXXXX  
Pay Date: 06/19/06

PAY \*\*\*Four hundred eighteen dollars and 00 cents\*\*\*\*\*\$418.00

To the Order of  
John R. Doe  
555 Some Street  
Milwaukee, WI ZIP CODE

# Helpful Resources

<http://socialmediagovernance.com/policies>

[https://www.ctg.albany.edu/publications/guides/social\\_media\\_policy](https://www.ctg.albany.edu/publications/guides/social_media_policy)





Arnold W. “Trip” Umbach III  
**STARNES DAVIS FLORIE LLP**

100 Brookwood Place, Seventh Floor  
Birmingham, Alabama 35209

[tumbach@starneslaw.com](mailto:tumbach@starneslaw.com)

(205) 868-6072

STARNES | DAVIS  
FLORIE LLP

# Ike Pigott

## Positive Position

(205) 447-4468

ike@positiveposition.com

@ikepigott



