



Social Media: Off-Duty Behavior

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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A legal grey area exists when it comes to a public employer's ability to regulate an employee's use of social media when he/she is off-duty. In some instances, an employee's social media presence off-duty may be problematic and even dangerous for a municipality. An example of this is when police officers post inappropriate photos of themselves online while identifying themselves as public safety officers or undercover officers or post information that could compromise the integrity of a law enforcement investigation. These issues have prompted many police and fire departments to adopt a department-specific social networking policy.

A municipality may want to consider the following in creating their social media policy:

- Authorized use of uniforms, insignia, emblems, municipal logos and anything related to municipal business
- Anonymous "blogging" or information sharing regarding municipal business
- Discussing work issues or personal thoughts about municipal strategies online
- Protection of sensitive information
- Security of undercover public safety work (present and future) such as an employee's future capacity to move into an undercover position

A municipality should have clear policies in place to address certain off-duty online activity of employees. In public service, the off-duty behavior standard may be set high, particularly for public safety employees.

Because the test for determining whether an employee's off-duty use of social media can result in discipline, or is truly speech that is protected under the first amendment, is fact specific, it is important for you to consult legal counsel and your human resources professional before disciplining an employee for this type of conduct.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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