



# West Virginia Department of Transportation Policy: **DOT Social Media Use Policy** *Issued by the Secretary of Transportation*

Policy No: DOT 3.16

Issue Date: 06/07/2019

Revised 11/12/2021

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## 1.0 PURPOSE

Social media / social networking provides an additional method for communicating with people, State agencies, agencies outside the State, business partners, and employees. It is an optional model for interaction that can assist agencies in building stronger, more successful citizen and agency business relationships.

All employees are subject to the West Virginia Office of Technology Policy (WVOT): Social Media Access and Use. Policy No: WVOT-PO1017.

In addition to the WVOT policy, all employees are subject to the following policy.

This document provides policy for the professional use of internal and external social media (e.g. Facebook, Twitter, YouTube, Flickr, etc.) at the West Virginia Department of Transportation (DOT) agencies, including:

- appropriate implementation and authorization of agency-issued social media sites;
- responsible use of Social Media to conduct work-related research and evaluations of people, places, or other organizations;
- security measures to protect individuals, sensitive information, and DOT systems;
- accurate and professional representation of the DOT's positions; and
- Personal Use of Social Media that impedes DOT's effective and efficient operation and services to the public.

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## 2.0 SCOPE

This policy applies to all DOT employees, contractors or vendors who utilize, review, monitor, or update Social Media sites as a function of their job. This policy also applies to employees who access Social Media sites using DOT resources or otherwise represent themselves as DOT personnel. In addition, this policy applies under certain circumstances to Personal Use of Social Media as indicated within this policy.

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## 3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar cabinet subpart of the Department of Transportation.
- 3.2 **Employee:** A person who lawfully occupies a position in a DOT agency and who is paid a wage or salary and who has not severed the employee-employer relationship.

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- 3.3 **Social Media**: Social Media includes web- and mobile-based technologies which are used to turn communication into interactive dialogue among organizations, communities, and individuals. Examples are Facebook, Instagram, Twitter, YouTube, etc.
- 3.4 **Social Networking**: In the online world, Social Networking is the term used to describe the way that users cultivate contacts and interact with these personal or business friends in a secure environment.
- 3.5 **Terms of Service (TOS)**: Rules by which one must agree to abide in order to use a service. It is generally assumed such terms are legally binding.
- 3.6 **User**: A person authorized to access an information resource.
- 3.7 **Professional Use**: Authorized Social Media use on DOT equipment, DOT time, and on DOT official sites.
- 3.8 **Personal Use**: Use of Social Media on personal time and with personal equipment regardless of the employees physical location.

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### 4.0 POLICY

- 4.1 The DOT reserves the right to filter internet and Social Media site availability, and to monitor and review all Professional Use.
  - A. Internet access to Social Media web sites is limited according to the terms of this policy.
  - B. Internet access to Social Media will be granted only to users who are specifically authorized.
  - C. Only business-related activities are authorized.
- 4.2 All DOT employees are required to read and acknowledge this Social Media Use Policy by completing the Policy Acknowledgement Form attached as *Appendix A*.
- 4.3 Employees and contractors have no expectation of privacy while using DOT-provided resources. Authorized personnel will grant employee access to social media and grant employee access to DOT social media.
- 4.4 Any DOT content used or distributed on the internet must be non-confidential and non-sensitive information.
- 4.5 Individual user IDs and passwords must not be duplicated across multiple sites. Use of a current DOT password as a password on a social networking site endangers the DOT if the Social Networking site is subject to a security breach.
- 4.6 Agency-developed Social Media sites:

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- A. All agency-sanctioned communication through Social Media outlets shall remain professional in nature and shall always be publicized or posted in accordance with the existing communications policy, practices, and expectations.
  - B. To ensure that issues can be handled quickly in case of an absence, at least two people should be given administrative rights to Social Media accounts.
  - C. Administrative access is to be checked at pre-established intervals to ensure rights have not been added to unapproved users.
  - D. All responses to the public, comments, and posts should be monitored and approved beforehand, by a DOT authorized employee, rather than a contractor, or 3rd party site content manager.
- 4.7 All employees utilizing Social Media for any purpose on behalf of the DOT will observe the following:
- A. Users must identify themselves with a full signature. This will include the individual's name, the individual's title, and agency/office/department name.
  - B. Users must use caution about what they publish. Users are accountable for content that they post or publish and must seek and obtain legal and management authorization in deciding to post content that could be deemed potentially inappropriate or unreliable.
  - C. Users shall not post DOT confidential, sensitive, legally protected, or proprietary information.
  - D. Users shall respect copyrights and fair use. Users shall always maintain and be able to produce written permission any time copyrighted material is published.
  - E. In order to avoid any type of potential legal violation, users must be aware of and responsible for compliance with the TOS of the particular form of media.
  - F. Users are prohibited from using Social Networking sites from DOT equipment for political purposes, to conduct private commercial transactions, or to engage in other personal and private activities.
  - G. Users who connect to Social Media web sites through DOT equipment, computers, information resources, etc. are subject to all agency and DOT requirements addressing prohibited or inappropriate behavior in the workplace, including acceptable use policies, user agreements, sexual harassment policies, internet usage policies, etc.

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- H. Users will not visit any Social Media web sites that are not related to a business purpose while using DOT equipment, computers, information resources, etc. Professional use and personal use is to be kept separate.
  - I. Users will exercise caution while on Social Media sites and will not click unknown links, download unapproved programs, or otherwise engage in behavior that would violate WVOT Policy.
- 4.8 Employees engaging in Personal Use of Social Media on personal time and with personal equipment, regardless of the Employee's physical location (*Section 3.7*), may be subject to disciplinary action when:
- A. The conduct would have violated a DOT policy had the Social Media use occurred in the workplace on DOT time, equipment or authorized sites; and
  - B. The Social Media use has a clear and direct nexus (connection) to the workplace such as a uniform; and
  - C. The Social Media use impedes DOT's effective and efficient operation and services to the public.

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### 5.0 ENFORCEMENT & AUTHORITY

Any employee found to have violated this policy may be subject to disciplinary action up to and including dismissal under the DOT's disciplinary policy. Disciplinary action will be administered accordingly. The DOT may enforce, investigate, and refer potential violations of this Social Media Use Policy to the appropriate entity if such use violates Title VII of the United States Civil Rights Act, the Americans with Disabilities Act, The West Virginia Human Rights Act, the United States Equal Opportunity Commission, the EEO Coordinator, the Ethics Commission, W.Va. Code §61-8-30 (Photography of a corpse or person being provided medical care or assistance – known as "Jonathan's Law") and such other statutes, rules, regulations, policies, and investigative agencies whether or not specifically identified herein.

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### 6.0 RELEVANT MATERIALS/DOCUMENTS

This policy is consistent with the following federal and state authorities:

- 45 Code of Federal Regulations (CFR) §§ 164.308-316
- Freedom of Information Act
- Gramm-Leach Bliley Act (GLBA)
- Health Insurance Portability and Accountability Privacy Rule
- NIST SP 800-14 and NIST SP 800-53
- State Health Privacy Laws
- WV Code § 5A-6-4a
- WV Executive Order No. 7-03
- WVOT Policies Issued by the Chief Technology Officer (CTO), [www.technology.wv.gov/security/Pages/policies-issued-by-the-cto.aspx](http://www.technology.wv.gov/security/Pages/policies-issued-by-the-cto.aspx)

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- Title VII of the Civil Rights Act of 1964, §§ 701 et seq.,
- 42 U.S.C.A. §§ 2000e et seq. (Title VII of the U.S. Civil Rights Act of 1967, as amended)
- 42 U.S.C. 2000e(k) (Pregnancy Discrimination Act of 1978)
- 42 U.S.C. 1981 et seq. (Civil Rights Act of 1991)
- 42 U.S.C.A. § 1983
- U.S. Const. Amend. I.
- U.S. Const. Amend. XIV
- 29 U.S.C. 621, et seq. (Age Discrimination in Employment Act, as amended)
- 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
- 29 CFR 1600-1699 (EEOC Uniform Guidelines)
- W.Va. Code § 5-11-1 et seq., West Virginia Human Rights Act
- W.Va. Code § 6B-1-1 et seq., West Virginia Government Ethics Act
- W.Va. Code § 5-15-1 et seq., White Cane Law
- W.Va. Code § 61-8-30, Jonathan's Law
- AH-504, Social Media Use Policy Acknowledgement Form

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### 7.0 CHANGE LOG

November 12, 2021

- Updated employee definition.
- Added language to clarify professional and personal use.

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### Appendix A Policy Acknowledgement Form

Agency: \_\_\_\_\_

Site and/or organization: \_\_\_\_\_

I have read, understand, and agree to abide by the West Virginia Department of Transportation Social Media Use Policy.

I understand and agree that if I violate any of the provisions of any of these policies, I may be subject to disciplinary action up to and including termination.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

### TO BE COMPLETED BY SUPERVISOR

I, \_\_\_\_\_, certify that I have discussed with and provided the above listed employee a copy of the West Virginia Department of Transportation Social Media Use policy.

\_\_\_\_\_  
Supervisor's Name (Print)

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date