

Municipal Association of South Carolina

Human Resources Challenges in a Changing World

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Dress Code/Appearance Policy

- Yes, you can have a dress code /appearance policy.
- Probably more important today – more casual lifestyle.

- Uniforms
- Prohibited clothing/accessories
 - Can be different for different departments, positions

Legal issues

- Safety
- Religious discrimination

Use of Personal Phones

- Yes, you can prohibit bringing personal phones on City property.
- Yes, you can prohibit the use of personal phones during work time.
- Yes, you can prohibit the use of City-issued phones for personal reasons

- Remember – records of city-issued phones are subject to FOIA

Social Media

- Facebook, Twitter, Snapchat, Instagram, and whatever else has developed in the last two days.

• Applicants

- Can check social media accounts of applicants
 - *But* – do not ask applicants for login or password information.

• Use of social media by employees

- Can restrict use/access during worktime
- Can restrict use of city-owned devices
- Apply discipline on a case by case basis after careful investigation

• Employees – Legal Issue


– Employees have a First Amendment right to speak on matters of public (not private) concern

– Even if public concern, employer can discipline the employee if the employee's interest in speaking is outweighed by the government's interest in providing effective and efficient service to the public


• Consider the context in which the speech was made, including the employee's role and the extent to which the speech impairs the efficiency of the workplace

– Factors: Did the employee's speech


- Impair the maintenance of discipline
- Impair harmony among coworkers
- Damage close personal relationships
- Impede the performance of the employee's duties



- Interfere with the operation of the agency
- Undermine the mission of the agency
- Communicate to the public or to coworkers in private
- Conflict with the responsibilities of the employee within the agency
- Abuse the authority and public accountability the employee's role entailed



- Social Media Policy
 - Remind employees that what they post can be seen, even if “private”
 - Remind employees they need to advise readers they do not speak for the City (unless official City communication)



- No “prior restraints.”
- Not overly broad.
 - E.g., “Any information that would tend to discredit or reflect unfavorably upon the City” found to be overly broad.