

Public Statements About County Business

Objective:	To define the rights and responsibilities of employees and public officials with regard to public statements about County business.	Policy/Procedure Number:	01-40
Reference: (All Applicable Federal, State and Local Laws)	The Constitution of the United States, Amendment 1; US. Supreme Court <i>Garcetti v. Ceballos</i> , 547 U.S. 410 (2006), U.S. Supreme Court <i>Connick v. Myers</i> , 461 U.S. 138 (1983); U.S. Supreme Court <i>Lane v. Franks</i> , 573 U.S. (2014)	Effective Date:	June 21, 1994
Legislative Policy Statement:	It is in the best interest of Tompkins County to balance four legitimate competing interests: County employees' and public officials' right to free speech; the personal privacy of County employees, public officials, and citizens; County government's need to promote efficiency in its delivery of services and to avoid unjustified damage to its relations with the community; and the public's interest in obtaining accurate information about County government.	Responsible Department:	County Administration
General Information:		Modified Date (s):	February 19, 2019
		Resolution No.:	2019-26
		Next Scheduled Review:	February 2024

I. Definitions: **County Business** - Any law, regulation, policy, procedure, or practice of County government, written or unwritten; any role played by an agent or agency of County government, including individual employees or public officials, in the course of its exercise of its responsibilities; any data collected, records created, or reports generated by County government; and the nature, subject, contents, and results of discussions and decisions internal to the government that have any of these as their subject.

Employees and Public Officials - All persons filling positions of any rank within County government, including elected or appointed officials, administrators, paid staff, and volunteers, and also including members of any administrative board, commission, or agency of that government.

Public Statements - Any statement made by an employee or public official which is intended for, or likely to be seen, heard, or read by an audience that includes persons other than County employees or officials or the speaker's own family and friends. This includes statements made on social media.

Social Media - A collection of online communication channels, including websites and applications that enable users to create and share content. Examples of social media platforms include, but are not limited to blogs, Facebook, YouTube, Twitter, LinkedIn, Instagram, and Snapchat.

II. Policy

- A. All employees and public officials have the right to make public statements about County business. The responsibilities that correspond to that right follow. All are based upon judicial findings that public employees' and public officials' free speech rights are not absolute and must be balanced against the government's legitimate interest in promoting efficiency in its delivery of services and preventing unjustified damage to its relations with the community.
- B. When making public statements about County business in contexts where misunderstanding might otherwise result, including statements or representations on social media, employees and public officials must clearly state whether they are authorized to speak for County government, or to represent some part thereof, or are speaking solely on their own behalf. Department Heads are always authorized to speak for their departments, and they may designate other staff to do so.

- C. In the course of their work, employees and public officials sometimes acquire confidential information relating to particular persons or proceedings. Employees and public officials are at all times responsible for maintaining the confidentiality of such information; the importance of adhering to that duty is only magnified when one makes a public statement.
- D. No employee or public official may make a public statement regarding County personnel matters. Personnel matters include comments about the job performance of named County employees, other than elected officials.
- E. All public statements about County business by employees and public officials must be made in good faith. Knowingly making an untrue statement or making an untrue statement with reckless disregard for the statement's accuracy, will each warrant disciplinary action if the result is impaired governmental efficiency or damage to the County's relations with the community.

III. Procedure: