

**ARTICLE 58**  
**ADMINISTRATIVE ELECTRONIC MAIL & SOCIAL MEDIA**

**58.01 - General.** Electronic mail/social media is an integral part of doing business in HUD, enabling more rapid delivery of vital programs, services, and information. Increasing dependence on and use of email results in compelling need to protect these critical resources through constant and improved monitoring, administration, user training, and awareness.

The primary purpose of the email system is to enable users to exchange brief, informal, work-related communications, exchange of ideas related to government business, coordination of meetings and appointments, and any other communications that are in pursuit of the Department's mission.

Social media is a tool for the Department to share information with employees and the communities it serves. As social media usage has grown amongst our employees and constituents, the Department use of social media, such as, blogs, forums, clouds, mash-ups, podcasts, RSS Feed, social networking services, wild, etc., is important in order to pursue HUD's mission.

**58.02 - Policy.** The Agreement prevails in any conflicts between this Article and the HUD Electronic Mail Policy which includes the Recommended Executive Branch Policy/Guidance on "Limited Personal Use" of Government Office Equipment including Information Technology dated May 19, 1999 referred to in HUD Handbook 2400.1 Rev-1 Chg-3, June 2003/Social Media Policy posted on HUD@work on April 20, 2012. The Department will post the Electronic Mail/Social Media Policy, Procedures, and any other policy, procedures, guidance or regulations regarding Administrative Electronic Mail on HUD@work.

**58.03 - Training and Orientation.** The Department will provide training and orientation to employees regarding Electronic Mail/Social Media Policy and Procedures any subsequent policy, procedures, guidance, or regulations regarding Administrative Electronic Mail/Social Media within 30 days of the implementation of these policies. The Department will provide orientation to new employees within 30 days of their start date with the Department.

The Department agrees to provide access to training for all employees on electronic mail/social media topics, such as, but not limited to, archiving email messages and accessing archived email messages, use of electronic mail/social media tools, such as calendars, attachments, appointments, and tasks.

The Department agrees to provide access to training for all employees on the use of social media, such as, but not limited to, the use of Social Media intranet platforms, guidelines for Social Media use, responsible use of Social Media, and personal use of Social Media Sites.

The Department will post the Office of Special Counsel's "Frequently Asked Questions Regarding Social Media and the Hatch Act" on its intranet site, and provide employees with periodic reminders to consult that advice and will approve appropriate requests for official time for a union officer or steward to attend a union or Office of Special Counsel training on the Hatch Act.

**58.04 - Archiving of Electronic Mail/Social Media.** Messages over 60 days old will be automatically archived, but accessible to users. The Department agrees that the word "archive" will be used in lieu of the word "purge".

**58.05 - Electronic Mail/Social Media Maintenance.** The Department agrees to keep the size of each user's mail database at a manageable level, no less than 100-megabyte. Email users will be given advance notification prior to reaching their limitation, providing the user with the opportunity to correct the size of their mail files.

**58.06 - Electronic Mail Social Media Addresses.** The Department agrees that employees will not be required to change their email address as a result of the implementation of new electronic policy or procedures.

**58.07 - Email Rights.** Email messages will be treated like hard copy documents. Employees will be provided email access through Outlook Express or its successor as well as through the Virtual Private Network/HUDMobile or its successor. Authorized telework users will be provided with access to their HUD electronic mail/social media. Management agrees to apply the procedures of the Electronic Mail/Social Media Policy or any subsequent policy, procedures, or regulations fairly and equitably to all employees. The Department agrees that the Electronic Mail/Social Media Policy will not affect any statutory, regulatory, contractual, or any rights of the employees.

**58.08 - Personal Use.** The Department agrees that appropriate limited personal use of email/social media during regular duty hours does not constitute a misuse or violations of the Electronic Mail Rev-1 Chg-3, June 2003/Social Media Policy posted on HUD@work April 20, 2012, and the Limited Personal Use Policy Rev-1 Chg-2, March 2002. Employees are not permitted to use government computers in a manner that violates any law, including the Hatch Act.

**58.09 - Large Attachments.** Employees may request a temporary waiver from OCIO Management if they are required to send email message with attachments that exceeds the maximum file size. The necessity to store such email messages or the necessity to keep internal social media platforms will be determined by OCIO Management.

**58.10 - Unauthorized use.** Unauthorized use of HUD's electronic mail/social media system includes, but is not limited to, the sending of email messages or file attachments that contain illegal, inappropriate, or offensive messages to fellow employees or the public. Such activities include, but are not limited to: hate speech, or material that is patently offensive on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.

**58.11 - Email Access Restrictions.** The Department agrees to notify the employee, but reserves the right to temporarily deny access to email or internal social media in order to protect the Information Technology infrastructure. The Department agrees that denying an employee access to email is not an adverse action. During the time of a temporary restriction, the employee will be instructed as to alternative means of completing work assignments, and when necessary the employee's performance standards will be adjusted.

**58.12 - Discipline.** The Department agrees that any disciplinary action taken to correct an employee's misuse or unauthorized use of email/HUD social media platforms will be in accordance with the HUD/AFGE Agreement.

**58.13 - Monitoring Email.** The Department agrees that no employee's email will be monitored or reviewed without establishment of cause.

**58.14 - Receipt of Messages.** The Department agrees that recipients of email messages are not responsible for the content, attachments, or other mailing list recipients, and shall not be held liable for simple receipt of the message.

**58.15 - Virus.** The Department agrees that employees will not be responsible for unknowingly opening an email/social media containing a virus, script, or agent that the Department fails to detect or any content of shared social media messages.

**58.16 - Union Email.** The Department agrees that the Union is authorized the use of email to conduct representational activities, in accordance with the HUD/AFGE Agreement, Article 48. In no way will the Electronic Mail/Social Media Policy or any subsequent policy, procedures, guidance, or regulations adversely affect the Union's abilities to perform all activities in accordance with the Statute.

Union representational emails and its contents will be treated as confidential, private and union-privileged communication. Union representational emails will not be monitored or used by the Department except in extreme circumstances.

**58.17 - Freedom of Information.** The use of the government email system is not considered private. HUD's electronic mail and internal social media platforms may be subject to discovery and Freedom of Information Act requests. The Department will follow relevant FOIA case law, statutes, and regulations as it relates to Union emails. Upon receipt of a FOIA request involving Union representational emails, the Department will notify the Union and allow 5 days for the Union to file any comments to the Department.

## **SOCIAL MEDIA**

**58.18 -Department Social Media Sites.** Employees who are assigned to post material on the Department's social media sites must have any material to be posted approved by a supervisor or management official prior to its being posted. Therefore, employees may not be disciplined or have performance ratings affected where a supervisor has not approved the timely posting of material to a social media site

**58.19 - Receipt of Social Media.** The Department agrees that recipients of any type of social media are not responsible for the content, images, links, attachments, entries, comments, other recipients, etc., and shall not be held liable for simple receipt of the social media.

**58.20 -Employees' Personal Social Media Sites.** The Department will not require employees to provide passwords or other access to an employee's personal social media sites.

If employees state their place of employment and/or official title on social media, then the following disclaimer is suggested: "Any opinions expressed are my own, and do not reflect the official positions of the Department of Housing and Urban Development or the United States Government."

Provided employees do not use their official position/title, employees are free to engage alone or with others in personal activities and make personal comments about the operations of the Government in general and the Department, so long as such comments are otherwise lawful.

If the Department becomes aware of any postings on an employee's social media site that are a violation of this section or any other rule, regulation, law, or policy, the Department will bring that to the employee's attention immediately in writing and provide a reasonable amount of time after receipt of the written request to remove the offending post. Management will consider voluntary removal of any such posting a mitigating factor in any disciplinary action.

**58.21 - Union Use of Social Media.** The Department agrees that the Union is authorized the use of social media platforms to conduct representational activities, in accordance with the HUD/AFGE Agreement. Any changes in social media access will be bargained as appropriate, in accordance with Article 49.

Union officials, when acting in their capacity as Union representatives using HUD facilities, are entitled to the latitude in speech and action in accordance with prevailing case law. Postings using government equipment shall not contain material that is pornographic, racist, bigoted, sexist, libelous, or in violation of the Hatch Act. If the Department becomes aware of any posting on the Union's social media pages that exceeds the boundary of protected activity, it will contact the Union and the Parties will discuss the Agency's concerns.

If the Department becomes aware of any postings on the Union's social media site that are a violation of this section or any other rule, regulation, law, or policy, the Department will bring that to the Union's attention immediately and provide a reasonable amount of official time after receipt of the written request to remove the offending post. This official time will be over and above any grant of official time provided elsewhere in this agreement.