

RESOLUTION #321
A RESOLUTION SETTING POLICY AND PROCEDURE
FOR ELECTRONIC COMMUNICATIONS
BY THE TOWN OF WILBUR

WHEREAS the Town of Wilbur acknowledges for the best interest of the town for all departments and divisions the need to establish a Electronic Communications Policy and Procedure, and

WHEREAS this is a policy for efficient, ethical employee use of electronic communications equipment, software and data; to encourage use that enhances employee productivity; to confirm that electronic communications used in the conduct of government are public records; and to prohibit inappropriate use,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Wilbur as follows:

A. General Policy Statement

Town equipment and software, and internet/e-mail access are intended to increase employee productivity in the conduct of their official duties with the Town. Town Employees will comply with the Public Records Act as it relates to electronic communications. Inappropriate use of information systems or electronic communications, as defined below, is prohibited.

Definitions

1. "Electronic communication" is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.
2. "E-mail" is an electronic communication that may be sent to another user within the Town's information system or to a user outside the Town's system via the internet.
3. "Information systems" include all electronic equipment, software and/or data (either furnished by the Town or property of the employee) used in the performance of their work assignments, including computers, telephones, fax machines, pagers, e-mail, voice mail and palm pilots.
4. "Internet" refers to the World Wide Web.

B. Business Use and Limited Personal Use

The Town's electronic equipment and information systems are intended for professional business use in performing the duties

of an employee's job. Limited personal use may be permitted, with prior approval, according to the following guiding principles:

1. It is incidental, occasional and of short duration;
2. It is done on the employee's personal time. Personal time means off-duty, break or on lunch.
3. It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with individual's employment with the town.
4. It does not result in incremental expense to the town. Examples of "incremental expense" include, but are not limited to
 - a) if the town were paying for an hourly dial-up connection to the internet, and an employee's personal use incurred additional charge;
 - b) long-distance telephone, cellular phone or fax charges;
5. The employee has his/her supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of this policy;
6. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. It does not violate the other "prohibited uses" or other specific limitation outlined in this policy.

C. Prohibited Uses

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;

4. Any business or non-profit organization as defined by the IRS;
5. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the Town's Sexual Harassment Policy 9.A.1.n;
6. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. Any information that violates copyright laws;
8. Copying any Town-licensed computer software for personal use is prohibited;
9. On-duty use of games, except during off-duty or lunch periods;
10. See also specific prohibitions relating to individual types of system use, below.
11. Viewing or sending any form of pornography.

D. Electronic Communications - "e-mail"

The Town encourages the use of e-mail as a method of increasing employee productivity, thereby improving the overall capabilities of the Town to serve its citizens.

With few exceptions, everything in government relating to the conduct of government or the performance of governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection. The Public Records Act (RCW 40.14) applies to electronic mail; the following guidelines should be followed for records retention of e-mail. For these and other reasons, while e-mail is less formal than memoranda or letters, it should still follow the standards of good business etiquette.

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender, such as meeting notices, reminders, telephone messages and informal notes, should be deleted once their administrative purpose is served.

2. All other messages used in connection with the transaction of governmental business constitute a public record. Such records are subject to public inspection and copying; users should print out a copy of the record and file for keeping according to the Town's Record Retention Schedule.

3. E-mail should not be used when seeking legal advice or to discuss matters of pending litigation or other 'confidential' Town business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system.

4. External e-mail will not be used for personal use, since employees' conventional e-mail address includes the Town's "return address."

5. Limited personal internal use of e-mail may be permitted if it complies with the provisions of Section B. and does not violate Section C. General announcements via internal e-mail should be avoided;

E. Internet Use: Browsing, List-Servs, Newsgroups, etc.

1. It is the policy of the Town to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All employees are responsible for using the internet resources in an effective, ethical and lawful manner, and in accordance with this policy. Employees may be authorized by their Department Head to have internet access to enhance their ability to perform the duties of their position.

2. Limited personal use of a persistent internet connection may be approved by an employee's department head or designee if it meets the criteria of Section 4.3 above, and if said use is not in violation of Section 4.4 above. Personal use may only consist of browser capability and may not include ListServs, Newsgroups, Chat Rooms or other capabilities unless specifically approved by the Department Head, which approval shall only be given when consistent with the requirements of this policy.

3. Any purchases made on behalf of the Town via the Internet must conform to the Town's purchasing policy and budget allocations.

4. Using Town equipment or Town internet connection to violate the integrity of another system (hacking) is prohibited.

F. System Security

1. Acquisition of computer equipment. All acquisitions of information systems components will be coordinated through Town Hall/department Heads.

2. Conscientious care. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any

equipment, software and data damage and/or destruction of which they become aware of.

3. Downloading/installing software (including upgrades and screensavers). Installation of unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor before downloading or installing software on any Town-owned computer.

4. Downloading files from the Internet. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to Town business.

5. Unauthorized access. Employees are prohibited from using "loopholes" or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given and sharing it with other users.

6. Use of aliases. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.

7. Unlicensed or copied software is prohibited on any Town computer. No supervisor or department director may authorize the use of unlicensed or copied software on any Town computer.

G. Telephone, Fax, Cellular Phone, Computer Printers, Photocopy Machines

1. Telephones: Town employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Long Distance calls should be charged against the employee's personal credit card or home number. If an employee makes a personal long distance call on a Town account, the employee will reimburse the Town for that expense.

2. Facsimile Machines: Employees may not use Town Fax machines for personal use to send long distance facsimile messages, or to receive local distance facsimile messages. If an employee makes a long distance fax on a Town account, the employee will reimburse the Town for that expense; if an employee receives a solicited personal fax on a Town fax machine, the employee will reimburse the Town for that expense.

3. Cellular Telephones: Cellular telephones should not be used for personal use, except for necessary work-related situations

such as unanticipated overtime or family emergencies. Non-work-related, local and long distance personal cellular telephone charges should be reported to the Town and reimbursed at the per minute rate the Town pays for minutes billable to the phone in excess of the "free time". This reimbursement shall apply to all personal calls within or outside the "free time" range.

However, an employee's Department Head may authorize an employee to use his/her Town issued cellular phone to make personal calls. The Department Head shall make this decision based on the employee's job responsibilities. The employee who receives this permission shall reimburse the Town at the rate indicated in the paragraph above.

The Town of Wilbur allows employees of the Town to obtain personal cellular phones at the government rate through the Town of Wilbur with authorized cellular providers as approved by the Town Council. An agreement by the Town and the employee must be signed by both parties before any such service is provided (see attached agreement "A").

It is the responsibility of the employee to make prompt payment of cell phone bills and charges. Any misuse or non payment where the cellular company contacts the Town of Wilbur for payment or misuse will be dealt with in section as follows:

Any employee who fails to pay the bill or misuses the cell phone will be subject to discipline whether full, part-time or volunteer employees under Section A. Standards of Conduct and Discipline of the Personnel Manual and appropriate SOP's. The Mayor or Council at their discretion may cancel the cellular phone and garnish the employee's wages or use any legal means to recover the cost of the bill including any and all expenses and legal costs occurred by the Town. The Town may use any or all of this section at its discretion.

4. Computers & Printers: Town employees may use Town computers for personal use if said use meets the criteria outlined in Section B. above and does not violate Section C. of this policy; said employees will reimburse the Town at the rate set by the Town fee schedule.

5. Photocopy Machines: Town employees may use Town photocopy machines for personal use by paying a photocopy charge established by the Town's fee schedule.

6. Other equipment: Except as provided in this policy, employees will not use Town equipment for personal use. In no event shall a Town employee take Town property to his or her home without consent of the employee's supervisor.

H. Monitoring, Enforcement and Penalties

1. All hardware, software, programs, applications, templates, data and data files residing on Town information systems or storage media, whether Town business or personal, are the property of the Town of Wilbur. The Town retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to employees.

2. The Town retains the right to monitor and audit the use of e-mail and internet use. The right to use these technologies does not include the right to privacy.

3. Deleted documents, messages and data may be retrieved from a variety of points in the computers. Employees should assume that electronic evidence discovery might recover deleted or unsaved data.

4. Employees' use of a personal internet account on Town equipment and employees' use of a Town internet account on personal equipment are subject to prior supervisor approval and the provisions of this policy. Said employees should be aware that their personal e-mail and electronic files could be monitored by the Town, and could be reviewed as part of a Public Records request.

5. Each employee is required to read and sign this policy. (See attachment "A"). In addition to any other penalty, fine or cost reimbursement required by any provision of this policy, violation of this policy may result in discipline, up to and including termination of employment, as in accordance with Town personnel policy A. Standards of Conduct and Discipline and appropriate SOP's.

Passed and approved this 6th day of May, 2007.

Attest:

Carla J. Shirley, Clerk/Treasurer

Donald G. Reid, Mayor

Approved as to Form

Cynthia E. McMullen, Town Attorney

Attachment "A"

ACKNOWLEDGEMENT AND ACCEPTANCE OF
RESOLUTION SETTING POLICY AND PROCEDURE FOR ELECTRONIC
COMMUNICATIONS BY THE TOWN OF WILBUR

I agree that the use of the Town's Electronic Communications capabilities is an important tool for conducting the town business and as such I agree to abide by the Town's Resolution #321 and the Town of Wilbur's Personnel Manual and appropriate SOP's for use of all electronic communication devices.

Employee's Printed Name

Employee's Signature

Date