

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 2733

AN ORDINANCE creating a new Chapter 8.15 to the City's Personnel Policies Handbook entitled "Computer System, Internet, and Email Use" and replacing the existing Chapter 8.15, "Electronic Media".

WHEREAS, the City's Personnel Policies Handbook chapter relating to electronic media is outdated, does not comprehensively cover electronic formats and different forms of electronic communication in existence today, and should be replaced;

WHEREAS, the City desires to adopt a new Chapter 8.15 which is in keeping with today's technology and electronic mediums;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter 8.15, Computer System, Internet, and Email Use created and former Chapter 8.15 replaced.

A new Chapter 8.15 to the Personnel Policies Handbook is hereby adopted, which replaces the existing Chapter 8.15 as follows:

8.15 COMPUTER SYSTEM, INTERNET, AND E-MAIL USE

The City of Union Gap furnishes computers for employees' use in conducting City business. This includes access to e-mail and the Internet. The Internet contains many useful features, including e-mail to non-City resources, access to research materials, and information exchange.

The purpose of this policy is to establish basic rules for employees' use of the City's computer system, including the Internet, and Internet e-mail.

The Internet can be misused in a variety of ways, including but not limited to:

- 1) Downloading files that contain viruses, thereby endangering City information services;
- 2) Accessing objectionable material;
- 3) Wasting work time by performing unauthorized research or accessing non-business related information and people or for computer games, or online games.

A. Individual Responsibilities: Internet users are responsible for complying with this and all other City policies when using the City's resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination.

B. General Policies for Use of the City's Computer System, Including the Internet:

1. An employee does not have a right to privacy when using the Internet via City resources and employees should not expect or assume any privacy regarding the content of email communications. The City reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including e-mails) downloaded or sent via the Internet using City resources are the City's records and property of the City; such records are subject to potential review and disclosure under the public disclosure law of the State of Washington. Even after an email message has been "deleted," it may still be possible to retrieve it.

2. The Mayor and or his/her designee has the right to restrict or prohibit any employee from Internet access for violation of the policies set forth herein. Violations may also result in disciplinary action, up to and including termination.

3. Internet use via City resources is for City business. Except as outlined here, use of City's computer, Internet and email services are for City business only. Some limited personal use is permitted, so long as it does not result in cost to the City, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software. Such limited use shall not occur on "paid time", but is permitted immediately before or after work hours and during an employee's breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet, or transmitting e-mail to a family member to assure safe arrival at home. Any personal use of the City's computer, Internet and email services must comply with all applicable laws and City policies, including anti-discrimination policies and Internet usage policy.

4. Internet use must comply with applicable laws and City policies including but not limited to all federal and state laws, and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of City resources, information and data security.

5. All Internet use must be consistent with the City's Personnel Policies Handbook.

C. The City's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of City business. Employees are prohibited from gaining unauthorized access to another employee's e-mail messages, or sending messages using another employee's password.

D. In order to prevent potential City liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the City of Union Gap.

E. The City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside the City) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the City for any purpose, as well as the public if a proper request is made for public records.

F. Good judgment should always be employed in using the City's e-mail and Internet systems. Employee e-mail messages may be read by someone other than the person(s) to whom they were sent. E-mail inconsistent with the City's policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the City's policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable, offensive or potentially discriminatory material.

G. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing e-mail messages to assure messages are not inadvertently sent to the wrong person inside or outside the City. E-mail creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, e-mail cannot be retracted. Even after deletion at a workstation, e-mail can be retrieved and read.

H. The safety and security of the City's network and resources must be considered at all times when using the Internet. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from the Mayor's Office and the appropriate Department Director and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone other than as authorized by the Mayor and or his/her designee.

I. There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the City has no control over available information on the Internet and cannot be responsible for the content of information.

J. Prohibited Uses of the Internet: The following is a non-exclusive list of prohibited uses of the Internet and Internet e-mail:

1. Commercial use – any form of commercial use of the Internet is prohibited;

2. Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;

3. Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;

4. Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;

5. Political – the use of the Internet for political purposes is prohibited;

6. Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee’s job title, job description, or position with the City is prohibited;

7. Social networking sites – the accessing and/or creation of social networking sites, such as My Space, Facebook, Twitter, Blogs and similar sites is prohibited for non-city business purposes;

8. Instant messaging;

9. Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding City business is prohibited;

10. Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-City related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;

11. Unauthorized attempts to access another’s network or e-mail account;

12. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;

13. Spamming e-mail accounts from the City’s e-mail services or City machines.

K. Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

L. With respect to Municipal Court computers, the State Administrative Office of the Courts (AOC) has rules and regulations in place concerning use of those computers, internet, and e-mail usage. Those rules and regulations shall apply to the Municipal Court, its employees, and its use of computers, internet, and e-mail to the extent that they are not inconsistent with the policies set forth in this Chapter.

Section 2. Effective Date. This ordinance shall take effect five days after its publication.

PASSED BY THE CITY COUNCIL this 27th day of June 2011.

Jim Lemon, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn Thompson, CMC, City Clerk

Robert F. Noe, City Attorney