

<b>CITY OF APPLETON PERSONNEL POLICY</b>	<b>TITLE:</b> <b>ELECTRONIC COMMUNICATION</b> <b>(INTERNET, CELL PHONES)</b>	
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## I. PURPOSE

To provide guidelines for the use of ~~City~~ electronic communications systems and/or equipment, whether issued or funded by the City or personally owned, while on-duty or when used for work-related purposes (including but not limited to e-mail, FAX, Internet, voicemail, calendars, telephones, computer applications, internal network or any device that is used to access or monitor any of these services). The City of Appleton provides this policy to set standards for users to adhere to when utilizing these resources.

## II. POLICY

Generally, any communications transmitted by, received from or stored in City of Appleton systems and/or equipment are the property of the City of Appleton and are subject to open records (see Public Records Policy). Some personal communications may be exempt pursuant to law, however, (even if deleted) they are still not considered private if created or transmitted using City equipment (computers, cell phones, instant messaging, etc.). The use of City equipment for private or personal purposes must be pre-authorized by a supervisor. Failure to follow this policy may result in discipline up to and including discharge.

For purposes of Library administered systems, networks and/or equipment, Library Administration and Network Services serve the review and approval functions of Human Resources and Information Technology as listed below. Library rules and procedures are subject to review and approval by Human Resources, Information Technology and Legal Services.

### III. DISCUSSION

The City of Appleton reserves the right to monitor City systems and/or equipment to ensure they are being used for legitimate business purposes, to ensure City systems and/or equipment are being used appropriately, and to access information at any time with or without notice. While monitoring an employee's electronic communication, the City of Appleton will have the right to access all information to which an employee has gained access or created.

Employees should recognize that legally they do not have a personal privacy right in any matter created, sent, received or stored in a City of Appleton system and/or equipment. When an employee deletes a message this does not guarantee that it has been erased.

Employees who are provided City equipment or devices for purposes of electronic communication related to City business will be expected to utilize them for City business to facilitate compliance with open records laws. All materials created, sent, received or stored in a City of Appleton system or device will remain City of Appleton property and may, subject to applicable laws, be monitored or recorded by authorized staff as applicable, including Human Resources, Legal Services or Information Technology staff and such records may be subject to discovery and disclosure.

All City equipment should be used by the employee only. Employees should take a common-sense approach to care for the equipment (securing in the trunk of a vehicle to deter theft, taking inside when below freezing, not letting it out of sight in a public setting, etc.).

### IV. GENERAL GUIDELINES

When using City of Appleton electronic communication systems and/or equipment, employees will be required to follow these guidelines:

- A. Employees should have prior supervisory approval before utilizing City resources for personal use and personal use must be kept to a minimum (limited frequency and duration). Department directors have the right to restrict usage to workplace use only. An employee is expected to wait until non-work time or breaks for personal usage of electronic devices, unless extenuating circumstances arise. Employees shall not allow persons not employed by the City to utilize City issued devices and/or equipment.
- B. Usage will be audited and monitored by the department director and/or Mayor if applicable. The department director, or Mayor and Finance Director will determine whether the employee should reimburse the City for any personal or unauthorized services (e.g., cell phone overage charges or text message charges). An authorized supervisor may request to monitor systems by making the request to both the Human Resources Director and the Information Technology Director.
- C. Employees shall not access, send, solicit, display, print or otherwise distribute material that may harass, threaten or embarrass others or that is sexually explicit, fraudulent or otherwise inappropriate for a professional environment. This also violates the City's Harassment & Discrimination and Workplace Violence policies.

- D. No employee shall intentionally intercept any communication without consent. The Privacy Act of 1986 makes any interception without consent illegal and punishable under the law.
- E. Employees shall not copy, download, disseminate or print copyrighted materials except within 'fair use' rules, applicable licenses, contracted agreements, with express permission of the copyright holder, or as otherwise allowed by law. This includes articles, images, games, software, music, etc.
- F. Employees shall not use City of Appleton equipment/resources to engage in personal, non-employer-related activities for gain or profit as referenced in the Code of Conduct Policy. Examples include, but are not limited to, consulting for pay or advertising or selling goods or services for personal gain.
- G. Employees shall not engage in illegal activities or use any City of Appleton communication system for any illegal purposes, including initiating or receiving communications that violate any laws or regulations. The City of Appleton will fully cooperate with lawful requests from law enforcement agencies and internal investigations for logs, diaries, data and archives on any computing activities.
- H. Employees are prohibited from using cameras or other video-capable recording devices within the City without the express prior permission of their department director and of the person(s) present at the time (unless it is at a public meeting or public gathering place). Use of cameras or other video-recording devices are explicitly banned from City restrooms and locker rooms.
- I. Employees are prohibited from knowingly visiting inappropriate Internet sites, unauthorized chat rooms or instant messaging services through the City systems. If an employee inadvertently connects to an inappropriate internet site he/she must disconnect immediately and inform the supervisor of the incident. This would not pertain to employees during times they are required to access an inappropriate site in the course of their job duties. ~~Designated staff at the Library may use instant messaging services for work related purposes on Library systems at the discretion of the Library Director. These services may only be used with log files enabled and will be subject to regular review by the Library Director or designee.~~
- If an employee receives an unsolicited/inappropriate joke, advertisement etc. these messages should be immediately deleted. If an employee receives a grossly inappropriate message, they should immediately notify their supervisor.
- J. When an employee is using the City of Appleton equipment to perform union business, they must follow the same procedures as outlined for personal business.
- K. Any employee who uses City systems and/or equipment off-duty is doing so voluntarily and will not be compensated for off-duty use unless they have received prior approval from their department director.
- L. Employees should inform a supervisor if he/she becomes aware that a fellow employee is violating any of the guidelines listed above.
- M. The City of Appleton will report any illegal usage to the police.

## **V. SPECIFIC GUIDELINES**

### **A. Cell Phones**

1. Employees are expected to follow applicable state or federal laws and regulations regarding the use of cell phones/tablets at all times. As a part of Wisconsin law (as of December 1, 2010), employees are prohibited from texting while driving any motor vehicle.
2. Employees should refrain from using their cell phone/tablet while driving and/or operating equipment. Employees should pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to use hands-free technology. These guidelines will not supersede stricter departmental rules.
3. Employees who are charged with traffic violations resulting from the use of electronic communications equipment while driving for the City may be held personally liable for the consequences of such actions.
4. Activation of services beyond the normal plan (e.g., internet activation, data charges, text messaging, roaming charges, long distance, etc.) on a City-issued cell phone must have prior written authorization from the employee's department director and/or Mayor if applicable.

### **B. Fax/Copy Machines**

Reasonable use of copy machines and fax machines for personal needs must have supervisor approval. High volume personal usage is prohibited. As a guide to define reasonable usage, please consider this to be 20 sheets of paper or less.

## **VI. PERSONALLY OWNED COMMUNICATION DEVICES**

Employees may carry a personally owned communication device while on-duty, subject to the following conditions and limitations:

- A. Permission to carry a personally owned communication device may be revoked if it is used contrary to provisions of this policy.
- B. The City accepts no responsibility for loss or damage to a personally owned communication device.
- C. The device and any associated services shall be purchased, used and maintained solely at the employee's expense.

## **VII. SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- A. Ensuring that employees under their supervision are provided appropriate training on the use of electronic communications systems and equipment consistent with this policy.
- B. Monitoring, to the extent practicable, the use of City systems and equipment in the workplace and take prompt corrective action if a member is observed or reported to be improperly using City systems and/or equipment.
  1. An investigation into improper conduct should be promptly initiated when circumstances

warrant.

2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with Human Resources or the City Attorney's office.

If you are uncertain at any time how to apply these guidelines or have any questions, you should seek guidance from your supervisor, or the Human Resources Department or Legal Services prior to engaging in electronic communications activities or using City-owned electronic communications equipment.

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