


City of Commerce, California  
Human Resources Policy and Procedure Manual

Approved:

  
Human Resources Director

  
City Administrator

Number: III-25 Effective Date: 11/5/13

**SUBJECT: ELECTRONIC COMMUNICATIONS**

**PURPOSE:**

To establish rules of conduct for all City of Commerce employees in regards to the use of all Electronic Communications to perform essential job duties.

**POLICY:**

The City of Commerce encourages the use of electronic communications resources to share information in support of its mission of public service and to conduct its business. This policy governs all Electronic Communications Resources including, but not limited to, the Internet, E-mail, voice-mail, cellular telephones, pagers, personal digital assistants, Smartphones, Blackberry devices, computers/laptops/tablets, telecommunications devices, video and audio equipment, wireless networks, data systems telecommunications equipment, transmission devices, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, software, and documentation that supports electronic communications services ("Electronic Communications Resources").

**Electronic Communications.** The City of Commerce's email system is an official communication tool for agency business. An official email address is established and assigned by the agency to each employee. All agency communications sent via email will be sent to this address. City of Commerce employees must use the official agency email, instead of their private email address (such as yahoo, hotmail, etc.) when communicating agency business via email, unless authorized by department head to set up a separate private email address designated solely for official communication.

Electronic Communications Resources must be used in compliance with applicable statutes, regulations, and agency's policies including those that require a work environment free from discrimination and harassment. Electronic communications should conform to the same standards of propriety and respect as any other verbal or written communication at the City of Commerce. Employees are expected to use common sense and judgment to avoid any communication which is disrespectful, offensive or illegal.

The City of Commerce, as the provider of access to its Electronic Communications Resources, reserves the right to specify how those resources will be used and administered to comply with this policy. It is important to realize that the message content sent from the agency's account reflects upon the agency (positively or

negatively) to those who receive the message. Employees may be subject to disciplinary action for using the Electronic Communications Resources in a manner other than for their intended purposes, or in a manner that violates applicable laws, rules and policies.

Electronic communications to recipients on systems outside of agency pass through systems and networks not managed by the agency. The privacy and confidentiality of these messages is, therefore, not assured. In addition, some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such regulations. Employees and other users of the Electronic Communications Resources may create criminal and civil liability for themselves and the agency by using outside or third party systems in an offensive, defamatory or illegal manner and in such event employees and other users may be subject to disciplinary action up to and including termination.

**Incidental Personal Use.** Electronic Communication Resources are provided by the City of Commerce to facilitate the performance of agency work. Employees should use their personal electronic communication devices to receive or send incidental personal messages while at work preferably during breaks or meal periods. Such use shall not interfere with timely completion of service to customers and work assignments. An employee should adjust their time card to reflect personal time, if time spent exceeds de minimus duration. Employees are expected to keep personal use of City electronic communications devices to a minimum. Employees are expected to request that family members limit incoming personal calls, e-mail, and text messages in order to minimize work interruptions. Such Incidental personal use is secondary and shall not (i) interfere with the agency's operation of Electronic Communications Resources; (ii) interfere with the user's employment or other obligations to the agency, or (iii) burden the agency with noticeable incremental costs. Incident use of the agency's Electronic Communications Resources should clearly indicate that the use is personal. Users of Electronic Communications Resources shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the agency unless appropriately authorized to do so. The agency is not responsible for any loss or damage incurred by an individual as a result of personal use of the agency's Electronic Communications Resources. Excessive personal use of City electronic communication devices may result in disciplinary action pursuant to the City's Disciplinary Policy.

The use of the City's electronic technology, including e-mail and wireless networks, should be used for business purposes only. All information sent, received or saved on the City's technology is the property of the employer. Employees have no personal privacy right in any such material and the City reserves the right at its discretion and subject to the approval of the City Administrator to give access to city owned communication resources to inspect and disclose the material without prior notice to the employee.

**Privacy Limits.** The California Public Records Act requires the agency to disclose specified public records. In response to requests for such disclosure, it may be necessary to examine electronic communications records that users may consider to be personal to determine whether they are public records that are subject to disclosure.

City personnel using the City's communication resources are not entitled to an expectation of privacy when using their City resources to transmit or send personal

information or information deemed private by its originator. Although, the City has, indicated above, permitted minimal incidental personal use of the City's Electronic Communications Resources, employees shall not have any privacy rights in connection with such incidental personal use. The City cannot provide the City's employees with permission to use the City's electronic technology for incidental personal use if such incidental personal use provides the employee with an expectation of privacy rights in connection with such use. Thus, the intent of this policy is to make it clear that employees do not have any privacy rights to any of the information, including information sent during permitted incidental personal use, and that all such information is the property of the City and may be accessed, inspected and disclosed, at the City's discretion, without prior notice or permission from the employee.

All communications transmitted via the City of Commerce's Electronic Communications Resources, whether or not related to personal or confidential matters, are subject to monitoring, at the agency's discretion. The City of Commerce monitors communications transmitted via the agency's Electronic Communications Resources in the ordinary course of business for purposes that include ensuring their reliability and security. The existence of passwords and "message delete" functions do not restrict or eliminate the agency's ability or right to access electronic communications.

Additionally, the City of Commerce may be required to produce information transmitted or stored on its Electronic Communications Resources pursuant to a court order, subpoena, or statute.

**Restrictions.** The information sources accessible via the internet are worldwide and constantly growing in kind and number. It is not possible for any Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the City of Commerce reserves the right to restrict access to any data source, at its sole discretion. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all the possibilities, the following are examples of inappropriate use of the City of Commerce's Electronic Communications Resources:

- 1) Exposing others unwillingly, either through carelessness or intention, to material which is offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive or hostile work environment.
- 2) Any use that may, for a reasonable person, create or further a hostile attitude or give offense on the basis of race, color, religion, national origin, citizenship, ancestry, marital status, gender, disability, age, veteran's status or sexual orientation.
- 3) To conduct Union business that has not been authorized by the City Administrator or his or her designee.
- 4) Communicating confidential agency information to unauthorized individuals within

or outside of agency.

- 5) Sending messages or information which is in conflict with applicable law or agency policies, rules or procedures.
- 6) Broadcasting unsolicited personal views on social, political, religious or other non-business related matters.
- 7) Attempting to access unauthorized data or break into any agency or non-agency system; unauthorized use of a password/mailbox is prohibited.
- 8) Engaging in theft or the unauthorized copying of electronic files or data.
- 9) Performing acts that are wasteful of computing resources or that unfairly monopolize resources to the exclusion of others is prohibited. These acts include, but are not limited to: sending mass mailings or chain letters and creating unnecessary network traffic.
- 10) Intentionally misrepresenting one's identity for improper or illegal acts.
- 11) Engaging in unlawful activities.
- 12) Engaging in commercial activity or activity for financial gain, not under the auspices of the agency; use of the city's Electronic Communications Resources to set up personal business.
- 13) Engaging in recreational use of the agency's Electronic Communications Resources that interferes with the ability of the employee or other users to conduct agency work. This includes but is not limited to downloading or uploading software, games, or shareware. Employees are also prohibited from downloading and using instant messenger (IM).

In addition to these restrictions, excessive on duty time spent in the use of the city's communication resources for personal and private reasons is considered a theft of the city's time since it deprives the City of productive work time during which the employee is expected to be exclusively engaged in their duties and responsibilities.

**Overtime - Prior Approval Required.** The Fair Labor Standards Act (FLSA) requires that the Agency pay each employee who is entitled to receive FLSA overtime for all hours worked. This provision does not apply to employees who are exempt from FLSA overtime because of the executive, administrative, or professional nature of their job duties.

1) No time spent in any activity on the agency's Electronic Communications Resources for the benefit of the agency may be done outside of employee scheduled work hours without advance approval from the employee's immediate supervisor. Emergencies may arise that call for an exception to this rule. If a minimal amount of Electronic Communication occurs, it shall not require prior supervisory approval or time recording. In emergencies the employee may perform the work, but must notify a

supervisor as soon as possible, and in no event later than the end of that day. If the employee's supervisor denies the request to work overtime, the employee must obey the supervisor's directive and cease working overtime.

2) All pre-approved time spent outside of the employee's scheduled hours on the agency's Electronic Communications Resources for the benefit of the agency must be reported on official agency forms so that the agency may pay the employee for that work. Employees may never choose to work and not request compensation. All legitimate overtime will be compensated.

3) Employees are required to record all work time on official agency records and to work overtime with approval. Failure to follow the agency's overtime approval procedures will result in being paid for all legitimate work time, and being subject to disciplinary action, up to and including termination for violating the overtime approval procedures.