

**RESOLUTION NO. 2010-47**

**A RESOLUTION AMENDING CHAPTER 30 - ACCEPTABLE USE POLICY FOR INFORMATION TECHNOLOGY OF THE CITY PERSONNEL MANUAL.**

WHEREAS, the City of Wayne Personnel Manual was adopted by Resolution No. 88-31 on September 13, 1988; and

WHEREAS, it has been recommended by the City's legal counsel that Chapter 30 – Acceptable Use Policy for Information Technology of the City of Wayne Personnel Manual, which was adopted by Resolution No. 2002-1 on January 8, 2002, be amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska as follows:

1. Amendments to the Personnel Manual, as set out in the attached Exhibit "A", are hereby approved.
2. The effective date of the amendment set out in Exhibit "A" shall be July 20, 2010.

PASSED AND APPROVED this 20<sup>th</sup> day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit "A"**  
**Amendments to Personnel Policy Manual**  
**Resolution No. 2010-47**

**ACCEPTANCE USE GUIDELINES**  
**FOR COMPUTERS AND INTERNET SERVICES**  
**AND**  
**E-MAIL AND TELEPHONIC COMMUNICATIONS**

**Sec. 30.10 GENERAL PRINCIPLES**

Computers and Internet services are provided by the City of Wayne to support open communications and exchange of information and the opportunity for collaborative government-related work. The City of Wayne encourages the use of electronic communications by its departments and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of computers and Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required. City departments are expected to maintain and enforce this policy. Abuse of the Internet access provided by the City in violation of law or City policy will result in disciplinary action, up to and including termination of employment. Employees may be held personally liable for any violations of this policy.

During business hours computer use, and Internet communications to and from City employees and with outside government agencies, are presumed to be work related. City computers and data stored in them are the property of the City, and may be accessed at any time by authorized City officials. The equipment, services, and technology provided to access the Internet offered by the City remain at all times property of the City. As such, the City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems. Employees should not expect privacy in the use of City computers.

At a minimum, users of computers and Internet services provided by the City of Wayne are expected to:

1. Make a reasonable effort to inform themselves of this acceptable use policy, and acceptable and unacceptable uses of computer equipment and the Internet in general. This burden of responsibility is on the user as to acceptable and unacceptable uses prior to use. Compliance with all applicable acceptable use restrictions is mandatory.
2. During on-duty hours City provided computers and Internet services are to be used only for City government-related activities.

The City Library provides use of computers and Internet services to the public free of charge. Therefore, no charge will be assessed to employees who use the computers and these Internet services during off-duty hours for personal business of a legal/ethical nature.

3. Respect the legal protection provided by copyright and license of programs and data.

4. Respect the privileges of other users.

5. Respect the integrity of computing systems connected to the Internet.

6. Know and follow generally accepted etiquette of the Internet. For example, always use civil forms of communication and avoid being drawn into “flame wars.”

7. Avoid uses of the network that reflect poorly on other agencies or on the City.

8. During normal requirements of the various jobs within the City, protection of programs, data and select files may be required. Encrypting and/or use of passwords may be necessary to protect sensitive data. Sensitive data to be defined as personnel records, any information used in pending legal action, draft materials, and/or any information that if released prior to appropriate action may be detrimental to any City function. All passwords and/or encrypting methods including encrypting programs in use on City of Wayne owned or leased computerized equipment must be on file with the Department Head or City Administrator. Such passwords shall be listed on forms provided by City offices. The password or encrypting information must be filed and available within three working days from the date the password or encryption is used. When changing or updating passwords, the three working days is from the date that change is made.

Evaluation of the guidelines of this acceptable use policy may require the City Administrator, Department Heads or supervisors to view any document, program or materials displayed on any City computer, terminal or monitor on request.

Users should remember that the City of Wayne’s personnel rules and regulations on employee conflict of interest, legal/ethical conduct, and appropriate use of City property apply to the use of electronic communications systems supplied by the City.

### **Sec. 30.20 SPECIFICALLY ACCEPTABLE USES**

1. Communication and information exchange directly related to the mission and goals of the City and work tasks of its departments.

2. Communications and exchange for continuing professional development, to maintain currency of training and education, or to discuss issues related to the user's City activities.

3. Application for or administration of grants or City contracts.

4. Utilization for advisory, standards, research, analysis, and professional society activities related to the user's City work tasks and duties.

5. Announcement of new City regulations, ordinances, procedures, policies, rules, services, programs, information, or activities.

6. Any other City administrative communications not requiring a high level of security.

7. Communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable uses.

**Sec. 30.30 SPECIFICALLY UNACCEPTABLE USES FOR CITY INTERNET USAGE**

1. Any purpose which violates a federal, state or local law.

2. Any for-profit activities unless specific to the mission, goals or duties of the City, or related work tasks of a department.

3. Purposes not directly related to the City's mission and goals or department's work tasks during normal business hours.

4. Using the City's time and resources for personal gain.

5. Access to and distribution of: (a) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated offensive representations or descriptions of excretory functions, masturbation, or lewd exhibition of the genitals, (b) material sent or received in violation of the Protection of Children Against Sexual Exploitation Act of 1977, as amended, 18 U.S.C. 2252.

An exemption is allowed for authorized City law enforcement officers searching for information pertaining to specific criminal activity directly related to active investigations within the jurisdiction of the City of Wayne.

6. Access to and distribution of computer games that have no bearing on the City's mission and goals or a department's work tasks. Some games that help teach, illustrate, train, or simulate City related issues may be acceptable.

7. Interference with or disruption of network users, services or equipment.

8. Intentionally seeking out information on, obtain copies of, or modify files and other data which are confidential under federal, state, or local law, unless specifically authorized to do so once the legal conditions for release are satisfied.

No intentional copy is to be made of any software, electronic file, program or data using City provided Internet services without a prior, good faith determination that such copying is, in fact, permissible. Any efforts to obtain permission should be adequately documented.

9. Intentionally seeking information on, obtaining copies of, or modifying files or data belonging to others without authorization of the file owner. Seeking passwords of others or the exchanging of passwords is specifically prohibited.

10. Users intentionally representing themselves electronically as others, either on the City Internetwork or elsewhere on the Internet unless explicitly authorized to do so by those other users. Users shall not circumvent established policies defining eligibility for access to information or systems.

11. Intentionally developing programs designed to harass other users or infiltrate a computer or computing system and/or damage or alter software components of same.

12. Fund raising or public relations activities not specifically related to City activities.

13. Using the Internet for political causes or activities, religious activities, or any sort of gambling.

14. Sending or posting discriminatory, harassing, or threatening messages or images.

15. Sending or posting messages or material that could damage the City's image or reputation.

16. Participating in the viewing or exchange of pornography or obscene materials.

17. Refusing to cooperate with a security investigation.

#### **Sec. 30.40 ADDITIONAL GUIDELINES**

1. Computer Viruses on Downloaded Software. Any software obtained from outside City government should be virus checked prior to use. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the

Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

2. Use by Contractors. Contractors and other non-City employees may be granted access to City provided Internet services at the discretion of the City Administrator. Acceptable use by contractors and other non-City employees working for the City is the responsibility of the contract administrator. The contract administrator is expected to provide contractors who use City Internet services with this information.

3. Passwords. Use passwords associated with the City information system only on that system. When setting up an account at a different information system that will be accessed using the Internet, choose a password different from ones used on City information systems. Do not use the same password for both local and remote Internet accessed site.

4. Logoff (Exiting). Always make a reasonable attempt to complete the logoff or other termination procedure when finished using a remote, Internet accessed system or resource. This will help prevent potential breaches of security.

5. E-mail Security. Unencrypted electronic mail sent or received outside any department and on the Internet cannot be expected to be secure.

6. Large File Transfers and Internet Capacity. The Internet connection is a shared resource. While routine electronic mail and file transfer activities will not impact other users much, large file transfers and intensive multimedia activities will impact the service levels of other users.

Users contemplating file transfers over ten megabytes per transfer or interactive video activities should, to be considerate of other users, schedule these activities early or late in the day.

7. Disclaimers. Users should avoid being drawn into discussions where disclaimers like “this represents my personal opinion and not that of my Department or the City of Wayne” need to be used. When you are using Internet services provided by the City, users need to remember that they are representing the City of Wayne.

## **Sec. 30-50 PROCEDURES**

The City Administrator, department head or their delegated representative are responsible for their employees' compliance with the provisions of this policy and for investigating non-compliance. When an instance of non-compliance with this policy is discovered or suspected, the management shall take action in accord with City personnel policies. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City of Wayne Internetwork. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use

policy. Discipline may be appropriate in cases of criminal or civil action where laws are violated.

### **Sec. 30.60 E-MAIL AND TELEPHONIC COMMUNICATIONS**

All electronic and telephonic communication systems and all information transmitted by, received from and stored in these systems, including e-mail, voice-mail, and text messages, are the property of the City of Wayne (the "City"). These systems are to be used solely for job-related purposes and not for personal purposes. There is no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

Employees shall not use a code, access a file, or retrieve any stored communication unless authorized. The City may monitor an employee's use of this equipment at any time at its discretion. Such monitoring may include printing and reading all e-mail messages entered or stored in these systems or retrieving voice-mail messages or other information.

The City may tape, record, videotape or otherwise monitor an employee's conversations or communications with other employees or non-employees for legitimate business purposes, such as for evaluation and training. An employee may be notified when such recording occurs. However, that notice may not be given to an employee in certain circumstances such as when the City is conducting an investigation into alleged policy or contractual violations.