

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

05-11-2-1

IN THE MATTER OF AMENDING CHAPTER 4 OF LANE MANUAL TO REVISE THE COMPUTER RESOURCES AND INFORMATION TECHNOLOGY TO INCLUDE COMMUNICATIONS AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ESTABLISH A MONTHLY STIPEND (LM 4.200 through 4.220)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 4 is hereby amended by removing, substituting, and adding the following section:

DELETE THIS SECTION

4.200 through 4.220
as located on page 4-1
(a total of 1 page)

INSERT THIS SECTION

4.200 through 4.220
as located on page 4-1
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise computer resources and information technology to include communications and to authorize the County Administrator to establish a monthly stipend (LM 4.200 through 4.220).

Adopted this 2nd day of Nov 2005.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 9/16/05 Lane County


OFFICE OF LEGAL COUNSEL

COMPUTER AND COMMUNICATION RESOURCES

4.200 Purpose.

The purpose of this policy is to provide guidance to the departments and employees in the prudent use and management of the computer resources, communication resources, and information technology of Lane County. *(Revised by Order No. 01-3-14-4; Effective 3.14.01)*

4.220 Policy.

Computer resources, communication resources, and information technology are provided and shall be used in the furtherance of County business. The County Administrator shall adopt administrative procedures implementing this policy, including sanctions for policy violation. Those procedures may include minor and incidental personal use, which for the limited purpose of compliance with the state ethics rules is considered part of the compensation package for County officers and employees. The County Administrator is authorized to establish a monthly stipend in lieu of an assigned communication device. *(Revised by Order No. 01-3-14-4; Effective 3.14.01)*

| At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
4.200 Lane Manual

**LEGISLATIVE
FORMAT**
4.220

**COMPUTER AND COMMUNICATION RESOURCES/INFORMATION
TECHNOLOGY**

4.200 Purpose.

The purpose of this policy is to provide guidance to the departments and employees in the prudent use and management of the computer resources, **communication resources**, and information technology of Lane County. *(Revised by Order No. 01-3-14-4; Effective 3.14.01)*

4.220 Policy.

Computer resources, **communication resources**, and information technology are provided and shall be used in the furtherance of County business. The County Administrator shall adopt administrative procedures implementing this policy, including sanctions for policy violation. Those procedures may include ~~limited~~ minor and incidental personal use ~~on non-work time~~, which for the limited purpose of compliance with the state ethics rules is considered part of the compensation package for County officers and employees. **The County Administrator is authorized to establish a monthly stipend in lieu of an assigned communication device.** *(Revised by Order No. 01-3-14-4; Effective 3.14.01)*

ADMINISTRATIVE PROCEDURES MANUAL

Chapter 1
Section 22
Issue 1 Date

SUBJECT: USE OF COUNTY COMPUTER AND COMMUNICATION RESOURCES

I. Purpose

The purpose of this procedure is to ensure that access to County Computer and Communication Resources within Lane County is used appropriately and the use is consistent with Oregon Public Records and Government Standards and Practices law, and to establish rules governing such use of County Computer and Communication Resources. The primary objectives are to meet the County's performance goals; to maintain the organization's credibility with our clients, the public, and to protect the integrity of the County's Computer and Communication Resources. Lane County reserves the right to review any data, files, or communications created, sent, accessed, stored, or received on its Computer and Communication Resources.

II. Scope

This procedure is applicable to all County departments and shall be administered in accordance with the authority delegated to the County Administrator in Lane Code 2.110(4)(f) and Lane Manual 4.220. Where any section, subsection, sentence, clause or phrase of this procedure is found to conflict with either properly negotiated and ratified collective bargaining unit contracts or with any state or federal law or administrative rule, the terms of such contracts, laws, or rules shall prevail. Exceptions will take effect upon written approval of the County Administrator. Individual Department Directors may establish more strict procedures for their respective departments.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Definitions

County Computer and Communication Resources (hereinafter "Communication Resources"): All forms of information technology that are acquired, purchased, leased, or licensed by Lane County, accessed on or from Lane County's premises; accessed using County computer or communication equipment, or County-paid access methods; or used in a manner that identifies the individual with Lane County. This includes, but is not limited to, e-mail, Internet, Intranet, County computer hardware and software, County wired and wireless Personal Digital Assistants (PDA's), cellular telephones,

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and other wireless voice or data devices. This definition does not include land-line local telephone use. It also does not include personal use of a personal computer communication device unconnected to Communication Resources on County premises.

Data: Information in a form suitable for processing by a computer, such as the digital representation of text, numbers, graphic images, or sounds.

Download: To copy data (usually an entire file) from one location to another. The term is often used to describe the process of copying a file from the Internet to one's own computer.

E-Mail: The transmission of text messages, memos, and reports.

Internet: The worldwide network of computers communicating with one another via an agreed upon set of protocols. Internet access also may involve a wide range of other information services and communications technology.

Intranet: The network based on protocols belonging to the County, accessible only by County employees, or others with authorization. An intranet's web site looks and acts just like any other Internet web site, but the firewall surrounding an intranet prevents unauthorized access.

Wired Telephones: Lane County's telephone system, currently a land-line based system.

Wireless Telephones: Cellular telephones.

Wireless Internet Access Devices: Devices and services provided by cellular and wireless companies to access the Internet.

V. Ownership and Public Records. Communication Resources are provided and shall be used in the furtherance and conduct of County business.

A. Public Records

1. Unless otherwise specified, all software programs, documents, and data generated and/or residing on the Communication Resources or generated by County employees or others at the direction of the County, and all Communication Resources are County property and public records.
2. Employees should not expect personal privacy with respect to any of their activities using Communication Resources. Under Oregon's Public Records law, there is no absolute right to privacy for any public record, which includes e-mail and other data; in fact, all County records are public records subject to limited confidentiality and disclosure exceptions.

3. The County reserves the right to access and disclose without prior notice any data stored on Communication Resources, including but not limited to removable flash or external storage devices, or created storage media.
4. Any data or telephone records may be accessed and reviewed at any time without prior notice by the Department Director, the County Administrator, the Information Services Director, County Counsel, or County Human Resources Manager. Data or records may also be accessed and reviewed by Information Services or other assigned support staff in their role of providing support services.
5. Retention of data. Since County data is public record, it is subject to the same retention requirements as hard copy documents. Data should be retained even if it is confidential, privileged, or otherwise exempt from disclosure under the Public Records Law. The retention and disposition of public records is authorized by retention schedules issued by the Secretary of State Archives Division. Records may be retained either in hard copy or electronic format. If a hard copy of the electronic data is printed, then the electronic version may be deleted. One version should be kept according to the applicable retention schedule. Questions about retention of electronic data (or other public records) shall be directed first to the Department Director, then, if necessary to County Counsel.

B. Exceptions to records requests

1. The County may exercise any applicable privileges and objections to a public records or discovery request made for any County data contained in the Communication Resources or otherwise created or utilized in the furtherance of County business.
2. An employee who wants the County to assert a privilege or objection under the Public Records law with respect to County data shall notify the Department Director who will consult with County Counsel about the request.

VI. Guidelines. The following guidelines are designed to assist employees in their use of Communication Resources.

- A. Communication Resources should be used as a tool for County business purposes. They are not to be used for personal pursuits while at work, unless permitted under Section VII.
- B. Users should not expect privacy; they should observe courtesy and good security practices. There are a variety of ways data can be disclosed to people other than the intended recipient, including as a result of unauthorized access. The intended

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recipient of data or voice communication can forward information to a third party without the creator's knowledge; data communications sometimes are misdirected or disclosed to third parties due to human or system error. Data can be disclosed in the course of maintaining the Communication Resources.

- C. Lane County has the right to and may monitor the usage of any Communication Resource without prior notice.
- D. E-mail should be used wisely. It is appropriate to use e-mail to get important information to colleagues, provide project updates and status reports, share meeting times and scheduling information, provide reports and information that have been requested by the other party, and let a supervisor know of important changes and developments. Refer to the E-mail Protocol Guidelines available in Human Resources or the employee's department for additional information. If an employee receives an inappropriate e-mail, he or she should take appropriate steps to inform the sender to not send such e-mail, delete the message and not forward it. The employee can contact the Information Services Department if assistance is needed.
- E. Employees should represent Lane County's best interests, with a prudent exercise of judgment in the use of Communication Resources. This includes avoiding visiting improper Internet sites or "sounding off" in group discussion sites, such as chat rooms, blogs, newsgroups, and instant messaging. When logged in from a site that is identifiable with Lane County, employees should avoid any communications or activities that could be construed as improper or that otherwise could harm Lane County's reputation.
- F. Employees should respect the rights of others. Employees shall not copy or distribute any copyrighted material. It is always wise to treat all material as copyrighted, unless the author has given his or her permission for the material to be redistributed.

VII. Acceptable Use:

- A. County Business. Communications Resources are provided and shall be used in the furtherance and conduct of County business. Acceptable uses of Communications Resources include, but are not limited to, communication, data creation, or Internet activity that is in direct support of County-budgeted programs and activities.

Examples of acceptable use in support of County activities include:

Communication for County purposes with private sector, federal, state, or local government agencies, their committees, boards and/or commissions.

The use of worldwide web or search engines to research work-related topics.

Any other administrative communications or activities that are in direct support of normal and accepted County programs.

Communication for current position-related professional development, or other professional development approved by the Department Director, to increase knowledge of issues in a field or subfield of knowledge.

- B. Wireless Telephones. The use of County-provided wireless telephones and wireless Internet access devices is limited to work-related duties. Exceptions are when a personal call is directly related to official duties such as a meeting, which runs later than expected or a last minute change of schedule. Incoming calls regarding family emergencies are also permitted. The Oregon Government Standards and Practices Commission Advisory Opinion No. 98A-1003 prohibits all other personal usage of County-provided cellular telephones.
1. The County may require that certain employees carry a wireless telephone and/or wireless Internet access device for job related purposes. If so required, the County may assign a County-owned device and calling plan for the employee's work-related use.
 2. Alternatively, at the sole discretion of the Department Director and upon request of the employee, a monthly stipend as established by the County may be paid to the employee in lieu of being assigned the wireless telephone only. (Refer to APM Chapter 2, AUTHORIZATION AND REIMBURSEMENT FOR USE OF EMPLOYEE-OWNED WIRELESS TELEPHONE FOR COUNTY BUSINESS
 3. Employees accepting the monthly stipend will be responsible for acquiring their own wireless telephone, which they agree to use for County business according to the job requirements assigned by their supervisor or Department Director.
 - a. Such requirements may include but are not limited to publication of the employee's personal wireless number as needed, and call availability requirements.
 - b. If assigned, the employee will receive the wireless telephone in monthly payments as part of compensation through the County payroll system.
 - c. This allowance is considered income to the employee as defined by the Internal Revenue Service, and is therefore subject to standard payroll taxes.

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- d. The prohibitions against personal use of County-owned equipment do not apply to an employee using a personal wireless telephone in lieu of being assigned a County wireless telephone.
4. Assignment of a County wireless telephone or wireless Internet access device or a monthly wireless telephone stipend for any employee is at the sole discretion of the County, and the County reserves the exclusive right to modify or discontinue such assignment, allowance, or practice at any time for any reason.
- C. Personal Use. Personal use of Communication Resources which otherwise complies with this APM and which does not interfere with County business is permitted subject to the conditions stated below. The Information Services Director, Department Director or the employee's supervisor may cancel this personal use privilege.
 1. For the limited purpose of compliance with the state ethics rules (Government Standards and Practices Law and administrative rules), this personal use is considered part of an employee's compensation package.
 2. Personal use may not involve any prohibited activity under Section VIII.
 3. Personal use of the Internet on non-paid time (lunch break during regular work shift) is limited to a maximum of one (1) hour per week.

Personal use of the County email program (i.e., Outlook) during County-paid work time is permitted up to one (1) hour per week.

Personal use of other Communication Resources is not time limited, but must comply with all other aspects of this APM.

4. Examples of acceptable personal use:

Communication with family.

Review of County sponsored benefit account information, such as life insurance, retirement accounts, flexible spending (Section 125 program), and health insurance.

Use of Communication Resources, including County fax systems for submitting benefit forms and/or information.

Access of educational resources for career development.

Communications in support of community volunteer activities, such as school boards, and other non-profit organizations.

Tracking personal appointments and contacts is permitted during paid time and is not subject to the hour limitation or lunch hour restriction. However, employees should be aware that contacts and appointments could be subject to disclosure under a public records request.

5. Department Directors may authorize individual exceptions to the timing of the personal use privilege under Section VII, C-3 above.
6. Personal use shall not consume significant system resources or storage capacity on an ongoing basis.

VIII. Unacceptable Use

- A. Prohibited Activities. Employees are strictly prohibited from using Communication Resources in connection with any activities listed below. While personal use is permitted by Subsection VII (C), it does not include or permit any of the following prohibited activities:

Note: the list below is illustrative of prohibited activities; however, if a prohibition exists in any applicable law, administrative rule, other administrative procedure or directive established within the employee's department, it is likewise applicable.

1. Using Communication Resources to conduct personal business for private financial gain or avoidance of private financial loss at any time.
2. Except for the purchase or sale of goods or services for County use when authorized by the Department Director, using Communication Resources to engage in any commerce, including the purchase or sale of any goods or services.
3. Accessing personal Internet accounts, financial, trading, and personal travel accounts to perform a financial transaction.

NOTE: the prohibited uses described in Sections VIII(A)(1), (2) and (3) likely constitute a violation of the Oregon Code of Ethics and may result in civil liability for the employee. See, ORS Chapter 244.

4. Accessing personal e-mail accounts.

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NOTE: Accessing personal e-mail accounts exposes the Communication Resources to security threats such as viruses.

5. Attempting to or circumventing, reducing, or defeating security or auditing systems of Communication Resources or those of any other organization without prior written authorization from the Information Services Director.
6. Taking any action that attempts to or renders the user's computer equipment unusable or that interferes with another's use of Communication Resources.
7. Obtaining unauthorized access to any computer system.
8. Using another individual's password unless this is approved by the Department Director, the Information Services Director, County Counsel, or the County Administrator.
9. Using another individual's account or identity without explicit documented authorization, unless approved by the Information Services Director, Department Director, County Counsel, or the County Administrator. (Use of Outlook's capability for granting and assigning delegates is allowed and provides necessary documentation.)
10. Giving non-Lane County employees or other users not authorized by the Department and Information Services Director access to Communication Resources.
11. Monitoring or intercepting the files or electronic communications of employees or third parties, unless this is approved by the Information Services Director, and one of the following: Department Director, County Counsel, or the County Administrator. This prohibition does not apply to an authorized use of a particular software program (for instance: calendar management).
12. Engaging in illegal, fraudulent, tortious, or malicious conduct.
13. Downloading data (other than software) off the Internet without previous authorization from the Department Director. (Exception: data necessary to the employee's performance of duties).
14. Downloading software off the Internet without previous authorization from the Information Services Director.
15. Except as allowed under any software license and as authorized by the Information Services Director, copying or downloading any software from or onto the Communication Resources, especially software, tools or viruses

having the potential for bypassing or damaging the Communication Resources and/or the County systems' security protocols. No unauthorized software or hardware is permitted on the Communication Resources. Any commercial software residing on the Communication Resources shall be purchased through an authorized vendor or otherwise lawfully obtained. Except as otherwise allowed under the software license, and except for backup/archival purposes, software owned by Lane County or installed on the Communication Resources is covered under the copyright laws and shall not be copied, duplicated, or installed on any other computer resource.

16. Soliciting, supporting, opposing, or promoting political or religious causes or beliefs.
17. Using the Communication Resources in a manner that would constitute or might be construed by a reasonable person to constitute an endorsement of a specific commercial entity by Lane County.
18. Working on behalf of organizations or businesses without any professional or business affiliation with Lane County, or working on behalf of organizations or businesses with such affiliation but outside of the specific County business with them.
19. Except as expressly authorized by the Department Director or the County Administrator as a matter of County concern, and except for communications in support of community volunteer activities as listed in Section VII, C, using the Communication Resources on behalf of non-profit or charitable activity. (Note: the annual Charitable Giving campaign is so authorized.)
20. Sending, receiving, or storing offensive, obscene, or defamatory data.
21. Sending uninvited e-mail of a personal nature.
22. Visiting or viewing pornographic Internet sites, downloading pornographic data from the Internet, sending or retrieving sexually explicit or offensive messages, cartoons or jokes, ethnic slurs, racial epithets or any other statement or image that might be construed as harassment, disparagement, libel, or discriminatory based on sex, race, sexual orientation, national origin, disability, or religious or political beliefs.
23. Annoying or harassing other individuals, including any prohibited form of harassment.
24. Distributing or storing chain letters, jokes, solicitations, junk mail, spam, offers to buy or sell goods, or other non-business material of a trivial or frivolous nature.

25. Using Communication Resources to play games.
 26. Using Communication Resources in a manner that interferes with the productivity of the employee or co-workers or the County communication.
 27. Use of any large bandwidth Communication Resource (e.g., internet radio, streaming video) unless authorized by the Information Services Director or provided on the County's Intranet.
- B. Departmental Authorization. A Department Director may authorize a specific prohibited activity for a specific individual for legitimate County business purposes, except for activities which require the Information Services Director's approval. Such authorization must be in writing.
- C. Violation. Employees violating the Lane Manual policy or this APM are subject to discipline, up to and including termination of employment. Furthermore, employees using Communication Resources for defamatory, illegal, or fraudulent purposes also may be subject to civil liability and criminal prosecution.

IX. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the Management Services Director, who is delegated the responsibility to interpret and implement this procedure.

Approved: _____
County Administrator

Effective Date