

# Technology and Communication Policy



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Amended: June 22, 2009  
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# TOWN OF MATTHEWS TECHNOLOGY AND COMMUNICATION POLICY

## I. PURPOSE

This Policy covers the use of all technology resources and communications systems belonging to the Town of Matthews and applies to all Town employees. Technology resources and communications systems include, but are not limited to, pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources, personal digital assistants, wireless devices and Internet resources. The Town provides technology resources and communications systems to enable Town employees to provide timely and efficient services. This is the primary function of these resources and systems and any activity or action that is inconsistent or interferes with this purpose is prohibited. Because technology systems are constantly evolving, the Town of Matthews requires its employees to take a common sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this Policy. Failure to adhere to this Policy places the Town and the individual at risk for legal and financial liabilities, potential embarrassment, and other consequences.

## II. DEFINITIONS

For the purpose of this Policy the following definitions apply:

- A. *Employee*- Any employee of the Town to include, but not be limited to, all full-time and part-time employees, probationary and regular employees, trainees, reserve officers, temporary or seasonal employees, and volunteers.
- B. *E-mail*- The distribution of messages, documents, files, software, or images by electronic means over a phone line or a network connection. This includes internal e-mail and Internet e-mail.
- C. *Internet*- A worldwide network of computer servers connected by phone lines that allow access to the public through a special language (HyperText Markup Language or HTML) and a special protocol (HyperText Transfer Protocol or HTTP).
- D. *Local Drive*- Most Town workstations have one drive. This primary drive is used for the storing of programs.
- E. *Network*- A system by which many computers are connected together. The Town's network allows employees access to authorized areas on the different computer systems. This includes access to printers and the Town's network drives.

- F. *Network Drives*- These drives are to be used to store information that needs to be shared on a regular basis. This drive is used for the backup and archiving of the appropriate data from the local drive. Employees should create and edit their “original” documents on the network drive.
- G. *Outside Data Source*- Any file, program, image (pictures and etc.), or document received on media (diskettes, CDs, DVDs, flash drives, or tapes), through the Internet (including Internet e-mail), or through file transfer.
- H. *Public Record(s)* – As stated in N.C.G.S. 121-2(8) & 132-1(a), all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

### **III. ADMINISTRATION**

Each Department Head shall become thoroughly familiar with the requirements set forth in this Policy and administer this Policy consistently within their department and with other departments. The Department Head shall explain this Policy within their department and see that it is fully implemented. It is the Department Head’s responsibility to ensure their department’s users abide by the requirements and guidelines set forth in this Policy and any related documents.

Department Heads and the Information Technology Manager have the authority to inspect the contents of any equipment, files, or e-mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to, investigation of network slowdown; system hardware or software problems including software license compliance; general system failure; litigation or potential litigation; reasonable suspicion of a crime or violation of policy; or a need to perform work or provide a service when an employee is not available. When an instance of noncompliance with this Policy is discovered or suspected, the Department Head shall proceed in accordance with Town and departmental policies.

Department Heads and the Information Technology Manager have the authority to block out any Internet sites deemed to be inappropriate, unrelated to Town business, in response to violations of personal use restrictions as found in Section IV of this Policy, or for other reasons in the best interest of the Town. All technology resources and communications systems users acknowledge their consent that the Town may, at its discretion, inspect, use, or disclose any electronic communications and/or data without further notice for any legitimate business, legal, or discretionary purpose. The Town may utilize monitoring software to administer this Policy.

The Communications Director and Department Heads and their designees have the authority to deviate from this Policy only for Town business in the course of their duties.

#### IV. POLICY

All technology resources, communications systems, and all information transmitted by and received from, or stored on Town systems are the properties of the Town of Matthews and as such, are subject to inspection by Town officials. The Town reserves the right for Town purposes to enter, review, and monitor the information on all systems or media, without advance notice. This might include investigating theft, possible violation of a Town policy or a breach of the security of the communications systems, personal abuse of the system, or monitoring workflow and productivity.

The use of the Town's technology resources and communications systems by non-exempt employees outside of their regular workday/shift (while "off the clock") is to be limited by the following rule: occasional time i.e. "*de minimus*" spent checking e-mails, replying to messages, etc. is not compensable. *De minimus* time is measured in a small number of minutes per day (i.e. ten or less according to the ninth circuit). Any continuous use (over 10 minutes) of these devices will be considered working time that must be accurately recorded and paid in accordance with the Fair Labor Standards Act. In order for a non-exempt employee to be compensated for working beyond *de minimus* it must be authorized by a supervisor or Department Head before the work takes place. Documentation of technology use may be required by a supervisor. Supervisors are not to send messages that require responses to non-exempt employees while off the clock or otherwise could cause an employee to violate this policy unless explicitly requiring the employee to work prior to commencement of said work.

Electronic communication is a public record like any other public document. Users must understand that communication created, received or backed up on the Town system may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of, incorrectly, as personal and private. Employees have no right of personal privacy or any expectation of privacy in any matter stored in, created, received, or sent over Town technology resources and communications systems. Electronic communications may also be searched for and used as evidence in any legal or administrative proceeding. Electronic communications regarding Town business are public records and subject to disclosure regardless of what device is used or whether or not these communications are stored on an external server provided to the Town by a third party, i.e., Google.

Anytime information is transmitted through electronic media there is the possibility that it could be intercepted. Therefore, no confidential Town information may be transmitted electronically without the prior approval of the supervisor or Department Head. If the employee is uncertain about whether it is appropriate to electronically send a particular piece of information or not, he or she should err on the side of caution and obtain approval from his or her supervisor or Department Head before sending.

An employee represents the Town during all times in which he or she is using Town technology resources and communications systems. Employees should use the same judgment in all resource and system use that you would use in written correspondence or in determining appropriate conduct. While in the performance of work-related functions, while on the job, or while using Town owned technology resources and communications

systems, Town employees are expected to use them responsibly and professionally. Employees shall make no intentional use of these resources and systems in an illegal, malicious, inappropriate or obscene manner, nor shall they use these resources to visit sites or conduct activity that is illegal, malicious, inappropriate, or obscene. Each Internet capable workstation will be configured to allow the screening and review of sites visited on the Internet.

Employees may use discussion group mail lists, blogs, social networking sites, personal webpages, or other types of internet postings which can be accessed by the public. Employees who use discussion group mail lists, blogs, social networking sites, personal webpages, or other types of internet postings which can be accessed by the public are subject to Article IX of the Personnel Policy regarding detrimental personal conduct. Any inappropriate use that reflects poorly upon the Town is prohibited.

Photographs or other depictions of Town of Matthews buildings, vehicles, uniforms, emblems, or the Town seal and logo shall not be used on employee Internet postings, public or private, without permission. An employee wishing to use such references, photographs, or depictions as noted above must receive the approval of his/her Department Head.

The following are Guidelines for the use of Social Media:

1. Employees do not speak on behalf of the Town unless authorized to do so.
2. Employees should keep employer information confidential.
3. Employees should assume that every communication is a public record. Employees have no right or expectation of privacy in any communication that is created, sent, or received either using Town property – including but not limited to cell phones, land lines, internet, computers, voicemail, e-mail accounts and fax – or that relates in any way to an employer or its official business. All such uses and communications are subject to monitoring, review, and inspection by the Town at any time without notice. Remember that everything on the internet lives indefinitely.
4. Employees should not discuss another employee, business partner, or vendor using social media.
5. Any statement about Town business or other business must be readily verifiable by means of a link to a reliable, neutral source with reputation for fact checking and accuracy.
6. The Communications Director is authorized to administer the Town's social media program. Employees / Departments will not be given their own social media page but can post Town information on the Town's pages with the consent of the Communications Director.
7. Employees should not conduct Town business, internal or external, using social media without the consent of the Communications Director.

Supervisors are expected to discuss appropriate use of a particular resource and system with employees as a part of the training for its use.

Personal use of Town resources and systems by an employee neither expresses nor implies sponsorship or endorsement by the Town.

The following uses of the Town's technology resources and communications systems are strictly prohibited:

1. Use of the technology resources and communications systems to send messages that violate any policy of the Town, including the Town's policy against harassment. Such messages include, but are not limited to, those that contain sexual implications, racial slurs, or other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.
2. Intentionally viewing, downloading and/or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or messages that abuse or belittle any person, group, or classification of individuals.
3. Use of the technology resources and communications systems to distribute personnel information, unless it is an authorized Human Resources function, that includes, but is not limited to salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medial records, or related information.
4. Use of the technology resources and communications systems to compromise the integrity of the Town and its business in any way.
5. Use of the technology resources and communications systems to knowingly send copies of documents in violation of copyright laws.
6. Use of the technology resources and communications systems by unauthorized persons.
7. Use of the technology resources and communications systems for operating personal business or soliciting of any kind.
8. Copying Town owned software without the permission of the Information Technology Department since it may violate software copyright laws.
9. Loading of software from any source either external or internal without the prior approval of the Information Technology Department.
10. Use of the technology resources and communications systems to send chain letters.

## **A. E-MAIL AND INTERNET**

Use of the Town's technology resources and communications systems by employees for personal use must be restricted to occasional use that does not interfere with the conduct of Town business. Supervisors are expected to monitor the extent of personal use of these resources and systems during regular working hours. Personal use considered greater than occasional use of the Town's technology resources and communications systems by employees is a violation of this Policy and the employee also may be in violation of Article IX of the Personnel Policy.

Town employees have a responsibility to make sure that all public information disseminated via the Internet is accurate. Employees shall provide, in association with such information, its source and the date at which it was current, and an e-mail address allowing the recipient to contact the staff responsible for making the information available in its current form.

Any business or personal use of the Internet or e-mail by a Town employee shall clearly and accurately identify the employee. Anonymous or pseudonymous use is prohibited.

E-mail is considered an official form of communication between departments and between employees. Computer users are required to frequently check for the receipt of e-mail messages.

The following uses of the Town's e-mail/Internet are strictly prohibited:

1. The configuration of a web browser's home or default page to allow online continuous flow of information (such as stock quotes, photographs, or sports scores). This uses a significant amount of capacity and affects other employees' access time. If you do visit a site where continuous updates are given, exit out as soon as you have checked the information.
2. Use of web browser based e-mail systems such as Hotmail, Yahoo Mail, Google Mail, Netscape Mail, Facebook, Twitter, and Microsoft Mail for the conduct of Town business.
3. Use of Town e-mail to advertise, notify or announce any personal item for sale or to be given away. Only Town sponsored or authorized items or events may be announced via the Town's e-mail system.

## **B. TELEPHONE AND CELLULAR / DIRECT CONNECT PHONES**

The Town telephone and cellular/direct connect phone system is intended primarily to accomplish the work of the Town. Providing services to internal and external customers is always the first priority. Personal use should be limited in accordance with the provisions of this Policy.

The Town will deem personal use excessive if it prevents the employee from handling customer inquiries, complaints and request for service in a timely manner or if it interferes with employees accomplishing their job responsibilities. All personal toll calls are to be reimbursed to the Town.

Cellular/direct connect phones make employees and work groups more accessible and efficient in the field, and thereby, more productive. They also provide a higher level of safety. It is therefore in the best interest of the Town to provide for certain employees and work groups cellular/direct connect phones either on a direct supply basis, or through a reimbursement program.

Department Heads will identify those employees or work groups that should have cellular/direct connect service to better enable them to conduct Town business. The Town shall provide a cellular/direct connect phone and account. This account shall be used primarily for the conduct of Town business with only minimum private use. Employees possessing Town issued cellular/direct connect phones must reimburse the Town for all personal use. For current rates, please see "Attachment A". The reimbursement must be sent along with the monthly statement which includes the highlighted charges to Accounts Payable. Use shall be subject to the North Carolina Public Records Law.

As an alternative, designated employees, as approved by the Town Manager or Designee, may establish a personal account with the Town selected cellular/direct connect service provider and receive reimbursement if their service plan meets the minimum criteria. The Town will establish a standard monthly reimbursement rate for the use of this personal account for Town business. For current minimum criteria and reimbursement rates, please see "Attachment A". Employees may purchase plans that provide for additional cellular minutes beyond the minimum established, but this will be at the employee's expense. In addition, the equipment shall be the property of the employee and it shall be his/her responsibility to maintain.

Employees seeking reimbursement shall sign a reimbursement agreement with the Finance Department. The Finance Department may require copies of personal account bills for audit purposes. Employees may be required to provide cell phone usage information to fulfill requests for public information. Reimbursement rates are subject to change, based on service rates. Reimbursements shall be treated in accordance with IRS regulations. Use shall be subject to the North Carolina Public Records Law.

The Town shall designate which "direct connect" numbers shall be programmed on the equipment for Town needs. Equipment is expected to be available for communication needs at all work times, and other times as needed by specific job requirements.

Text messages via cellular/direct connect phones related to Town business are subject to the North Carolina Public Records Law.

### **C. PRINTERS, COPIERS, AND FAXES**

Photocopy machines, printers, and fax machines shall be used for the transaction of Town business. Personal use should be limited in accordance with the provisions of Article IV, Section A, titled "Email and Internet". Unauthorized copying of copyrighted material is strictly prohibited.

#### **D. SECURITY**

All employees who use the Town computer equipment must have a user profile and password or access code. These are not to be shared with any other person at any time. Each employee is responsible for all actions taken while using his/her profile, password, or access code. Therefore, signing on for another employee with your password is not permitted at any time. Passwords must not be written down and stored, posted anywhere, programmed into a macro or stored on the computer system in an unencrypted form. Department Heads or their approved designees are required to request a user profile and password for any new employee prior to that employee's first day of work.

Personal computers containing sensitive information are not to be left unattended without first logging off or locking the desktop. All PCs are required to be logged off at the end of each workday. All removable media such as USB jump drives, CDs and DVDs containing sensitive information and sensitive documents should be locked up when employees are away from their workstation. Employees are responsible for notifying their supervisor if unauthorized entry into their computer systems occurs or is suspected to have occurred.

Employees are expected to adequately secure Town technology resources and communications systems on or off Town premises and will be held responsible for any loss or damage as a result of negligence.

No protected employee information is to be removed from Town premises unless for authorized Town business use and security must be maintained at all times. All employees are required to comply with all applicable Federal and State laws and Town policies and procedures regarding protected employee information.

Encryption methods shall be used for certain technology resources and communications systems according to Information Technology Department procedures and best practices.

Training on the proper use of the Town's technology resources and communications systems is provided either by the Information Technology Department or by an employee's department. In some cases the resource or system will not be provided for use if the employee has not attended the appropriate training session.

Employees are not to revise other employee's files without permission. The examination, modification, copying, or deletion of files and/or data created by other employees without prior consent is prohibited.

All outside data source information must be scanned for viruses before using. This includes information from another Town employee if you think that it originated outside the Town network. This is to prevent viruses from infecting the Town's entire network.

Data created by Town employees on Town owned equipment does not need to be virus checked. Each individual employee is responsible for the prevention of the spread of viruses.

Software from any source either external or internal shall not be loaded without the prior approval of the Information Technology Department. This includes personal software, shareware, freeware, or other Internet-distributed programs.

Due to the potential for security and compatibility issues, access to Town technology resources and communication systems through personal devices such as smart phones and tablets that are used by Town employees for Town business may be restricted at the discretion of the Information Technology Manager. At no time will employees' use of personal devices pose a security threat to the Town's technology resources and communication systems.

North Carolina General Statutes govern what kind and how long some kinds of information are required to be kept. This includes electronic information (including e-mails) as well as paper documents. Employees need to see their supervisor, Department Head, or the Town Clerk for instructions as to which information needs to be kept.

When a user leaves the employ of the Town for any reason their e-mail will be accessed for the purpose of saving those messages that pertain to Town business. These files may be subject to transfer to another user if necessary to conduct Town business. The employee's Town e-mail service will be discontinued.

## **E. VIOLATIONS**

It is the user's responsibility to read and abide by the provisions set forth in this Policy. If any employee violates any of the provisions of this Policy, or if a supervisor or Department Head knowingly permits a violation of this Policy, the employee, and supervisor or Department Head will be subject to disciplinary action as provided in the Personnel Policy.

## **EMPLOYEE VERIFICATION OF TECHNOLOGY AND COMMUNICATION POLICY**

I, \_\_\_\_\_ acknowledge that I have read and received a copy of the Town of Matthews Technology and Communication Policy. I fully understand the terms of this Policy and agree to abide by them. I realize that the Town's security software may record for management use the Internet address of any site that I visit, and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive will be recorded and stored in an archive file for management use. I authorize the release by third-party vendors of all messages sent or received through externally operated servers to the Town of Matthews. I understand that electronic messaging services are provided to employees by the Town of Matthews and therefore any messages created, sent, and/or received with said system are property of the Town. I know that any violation of this Policy could lead to disciplinary action up to and including dismissal as provided in the Personnel Policy.

Employee's Department: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*A signed copy of this employee verification form will be filed in the Employee's Personnel File.*

## **CELLULAR/DIRECT CONNECT PHONE REIMBURSEMENT AGREEMENT**

As an employee subject to the Technology and Communication Policy and Personnel Policy of the Town of Matthews, I recognize and understand that reimbursement for cellular/direct connect phone service is provided by the Town to employees in support of the business operations of the Town. I further understand that the phones are my property and I am responsible for payment of my account. The Town will review and recommend the calling plan used for the phone to ensure the plan is the most economical based on its business use and not its personal use. I understand that while employees are allowed to select other plans, they must select a plan that is equal to or greater than the minimum plan authorized by the Town.

I acknowledge and understand that supporting information may be required to determine if there is enough business use to merit the issuance of a monthly reimbursement for the phone.

I am aware that I am solely responsible for good care and maintenance of the phone equipment and payment of my cellular/direct connect phone bill. Reimbursement shall be terminated immediately at the end of Town employment, and may be terminated in the case where an employee moves into a position not requiring such service.

I understand and acknowledge that reimbursements shall be treated in accordance with IRS regulations. I understand that use shall be subject to the North Carolina Public Records Law.

I certify and acknowledge that I have read and understand this policy regarding cellular/direct connect phone regulations and will comply with the regulations as set therein.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

I recommend reimbursement of \_\_\_\_\_ per month to the employee referenced above, beginning \_\_\_\_\_.

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

Town Manager or Designee: \_\_\_\_\_ Date: \_\_\_\_\_

# ATTACHMENT A

## Minimum Requirements/Reimbursement Rates

The Town of Matthews will reimburse employees for the use of their personal cellular/direct connect phones for the conduct of Town business at the following rates, provided they meet the minimum service requirements specified below:

### **Cellular Phones:**

#### **Department Heads, Squad/Crew Leaders and others as designated by the Department Head:**

Minutes of cellular service to be determined by employee, unlimited direct connection minutes. \$45.00/month.

#### **Others as designated by Department Head:**

Zero cellular phone minutes, unlimited direct connection minutes. \$36.00/month.

#### **PDA for Manager and Department Heads and others as designated by the Town Manager:**

Minutes of cellular service to be determined by employee, unlimited direct connection minutes and internet access. \$85.00/month.

#### **Cell phone with text and email and without direct connection as designated by the Town Manager:**

Minutes of cellular service to be determined by employee, unlimited text and email. \$45.00/month

Rates Effective: November 23, 2010