



# Email Usage Policy

Policy No. D-04<sup>1</sup>

The Scope of this policy includes the following individuals:<sup>2</sup>

- ✓ Employees (including Appointed Officials, Probationary Employees, Full-Time At-Will Employees, Part-Time Employees, Temporary Employees, Civil Service Employees, Teamsters Employees, HPOA, HPSA, and IAFF Employees)
- ✓ Full-Time Elected Officials
- ✓ Volunteers

## I. PURPOSE

To establish usage guidelines for City's electronic mail services (herein referred to as "email") and instant messaging (herein referred to as "IM").

## II. POLICY APPLICATION

### A. Acceptable Use

Email and IM are communication tools used to complement other forms of City-provided avenues of communication. They are intended to provide an efficient means of internal and external communication in order to further the City's mission and increase job efficiency. They are provided for legitimate business use in the course of assigned duties and not for any use which is in violation of the "Prohibited Use" section of this policy.

An email address will be assigned by the Department of Information Technology (DoIT) to each person who uses email on the City's network. Microsoft Exchange is the only

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<sup>1</sup> This policy is not to be construed as a contract or an implied contract concerning any employment-related decision or term or condition of employment. The City reserves the right to revise, delete or add to any and all policies, procedures, work rules or benefits stated in this policy at its sole discretion. See Introduction, Administrative Policy No. A-01.

<sup>2</sup> The relevant definitions for the individuals identified in the Scope of this policy are defined in Introduction, Administrative Policy No. A-01.

approved email system for use on City workstations. All work-related email must be routed through the City's internal email system.

Outlook Web Access ("OWA") provides employees the ability to access their City email from anywhere via the Internet. To use this tool, employees must be on a computer that has Internet access and a web browser. OWA allows users to use email via an interface similar to the Microsoft Exchange program that is used on City computers. This tool does not provide access to any other City resources.

Very limited personal use of email or IM is permitted by this policy at the discretion of the employee's supervisor. "Very limited personal use" means that the messages are short, composed quickly and during an employee's authorized break, occur infrequently, and sending such messages does not (1) compromise the security or integrity of the City's system or information, (2) or create an ambiguity as to whether the message being sent reflects the City's communications or the employee's personal communication. By way of example, employees should not solicit for charitable donations on City email in their personal capacity (unless it complies with the Solicitation of Donations Policy, Administrative Policy No. B-13) or use City email to send political communications to representatives in their personal capacity because the recipient of the email could be confused as to whether or not the communication was authorized by the City. Employees may not use personal emails or IM to violate any of the City's policies and procedures. Very limited personal use of email or IM is a privilege, and any overuse/abuse of the privilege is prohibited.

Employees have no expectation of privacy regarding any email or IM content sent or received via the City's email or IM systems, whether related to personal or City matters. All information, including email messages and files, that are created, sent, or retrieved over the City's email or IM systems is the property of the City, and should not be considered to be the employee's private or personal information. Any electronically stored information that employees create, send to, or receive from others may be retrieved and reviewed when doing so serves the legitimate business interests and obligations of the City. The City reserves the right to monitor employee use of its email and IM systems at any time. All information including text and images may be disclosed to law enforcement or to other third-parties without prior consent of the sender or the recipient.

To maintain the integrity of the email system, the City reserves the right to filter both internal and external email attachments and content in accordance with its policies and in compliance with applicable laws. Emails containing potentially offensive language, such as profanity, may be quarantined. Additionally, certain file types that have been identified as potential legal, security, or size concerns cannot be distributed via the email system and will be quarantined by the content filtering system. Employees will not be able to release items quarantined by the content filtering system, without the approval of DoIT. When business-related use of these file types is necessary, sharing

can be accomplished through the use of network shares or through a City-provided file transfer system.

Unsolicited commercial email, also known as spam, has grown significantly over the years. The City reserves the right to reconfigure its content and spam filtering without prior notice or cause.

Microsoft Exchange is intended solely for the transmission and receipt of City email messages, and does not serve as a record keeping system. See Records Directive 2 and 3 for more information on electronic recordkeeping systems.

The Department of Information Technology will store and provide electronic access to fifteen (15) months of sent and received email messages for all active employees through the use of an email archive. Email will be purged from the email archive after fifteen (15) months, unless emails are subject to a Legal Hold pursuant to the Legal Hold Procedures Policy, Administrative Policy No. B-21.

Use of mobile devices, including personally owned mobile devices, for accessing City email is permitted, provided they meet the DoIT security standards.

## **B. Prohibited Use**

The email and IM systems may not be used for personal (unless it is very limited personal use as described above) or financial gain, to market or solicit commercial ventures, or for any other purpose that violates a City policy. The email system may not be used to conduct any type of unlawful activity. The sending of chain letter emails is prohibited. Setting up rules or other methods to automatically forward City email to personal and non-City email accounts is prohibited. Employees may not send emails or other communications from an account that is not their own assigned account. Use of personal or non-City email or IM accounts for conducting City business is prohibited.

Email containing confidential<sup>3</sup> City data can only be sent to individuals authorized to view and receive it, and the email must be encrypted using the DoIT-approved encryption technology. Confidential City data shall not be sent or viewed using IM technologies. An employee who receives an email that is marked confidential by an attorney in the CAO or retained by the CAO, shall not forward the email to any other person unless consent is obtained from the CAO and the CAO attorney is Cc'd on the email. An employee who receives an email that is marked confidential by anyone other

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<sup>3</sup> Confidential data may include, but is not limited to, documents/information containing personal information; records of recreational facility/activity registration where the name, address, telephone number of the applicant are collected; employee medical records; employee personnel records; attorney/client privileged information; and information that is subject to the deliberative process privilege. If an employee is unsure as to whether a document/information is confidential, it is the employee's responsibility to inquire with their supervisor and/or department director to confirm the nature of the document/information.

than an attorney in the CAO or retained by the CAO, shall not forward the email to any other person unless consent is obtained from a CAO attorney, employee's supervisor, department director, or Director of Human Resources.

Department director approval is required for authorization to send "All Users" emails. Email should be directed only to those employees for whom the information is relevant.

Employees are prohibited from reviewing or exchanging any content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to, pornography, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would offend someone on the basis of their race, color, creed, sex, age, national origin or ancestry, physical or mental disability, veteran status, as well as any other category protected by federal, state, or local laws. Employees who receive emails that contain content of this kind should report it to their supervisor immediately. Any use of email to harass or discriminate is strictly prohibited by the City.

Failure to comply with the policies and procedures outlined herein may lead to revocation of system access privileges and disciplinary action, up to and including termination, in accordance with the provisions of any applicable collective bargaining agreement and Civil Service Rules and Regulations. The City does not consider conduct in violation of this policy to be within the course and scope of employment. Accordingly, to the extent permitted by law, the City reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

### **III. APPROVAL**

**APPROVED BY:**

Robert Murnane, City Manager

**REVIEWED BY:**

Josh Reid, City Attorney

Jennifer Fennema, Director of Human Resources

**Record of approved document can be obtained through the Human Resources Department.**

ORIGINAL EFFECTIVE DATE: 2/16/2016

REVISION DATE(S): 9/26/2017