

36 Electronic Media

36.1 Purpose

The purpose of this policy is to govern the use of Electronic Media (i.e., voice mail, email, the internet/World Wide Web) by all City of Pittsburg employees and elected officials. Because the use of voice mail, email and the internet/World Wide Web raises issues of privacy, liability and records retention, the City of Pittsburg has adopted this Electronic Media Policy.

36.2 Policy

Electronic Media are provided for the use of City employees for City business-related purposes. Electronic Media may not be used for any prohibited purpose, including illegal activities, messages that may constitute discrimination or harassment under state or federal law, or other inappropriate purposes as defined below.

The City reserves the right to enter, search, monitor, copy and/or retrieve computer files, voice mail, email, internet or any type of electronic file of any employee or elected official, without notice, for business purposes, including, but not limited to, investigating theft, disclosure of confidential business or proprietary information, use of the system for personal reasons or for any other purpose unrelated to City business, or monitoring work flow or productivity.

Although the City reserves the right to access such information, employees are strictly prohibited from accessing another employee's personal file or voice mail or email messages without the latter's express permission. In addition, the voice mail, email and internet/World Wide Web systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

The City prohibits the display, transmission or downloading of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, email, or internet/World Wide Web communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability. Voice mail, email, or internet/World Wide Web systems may not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

36.3 Radio Waves

Use of radio equipment, such as but not limited to two-way radios and Nextel lines, shall be used in a professional manner for business purposes only.

36.4 Voice Mail

Although employees and elected officials have passwords or codes that restrict access to voice mail messages left for them on the system, employees and elected officials should be aware that the City can access any messages stored in the voice mail system and may do so for any reason at any time. Therefore, employees and elected officials may not assume that such messages are confidential.

The City's telephone system, including its voice mail system, is the property of the City, and is designed and intended for City business-related purposes. When making long distance personal calls, the employee must use an alternative method of payment. Employees and elected officials are required to reimburse the City for any special charges for their personal telephone calls.

36.5 Email

Email is a business tool that shall be used in a professional manner for business purposes only. The email system will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City communications. When the City becomes the target of litigation, all records maintained by the City are subject to subpoena and review by the other party, including email. Therefore, email is neither personal nor private. Marking a message as "private" or "confidential" does not exempt information from being disclosed. As such email addressed to, generated by, or received on City computers or servers is the property of the City. As with voice mail, although employees and elected officials have passwords that restrict access to their computers, the City may access any files or email messages stored on or deleted from the computer system. The City reserves the right to access such information for any purpose at any time.

36.6 Internet/World Wide Web Access

Department heads may permit incidental personal use of the Internet/World Wide Web during the employee's own time.

36.7 Prohibited Uses of the City's Electronic Media

Prohibited uses of Electronic Media include, but are not limited to the following:

1. Illegal activities under local, state and/or federal law;
2. Anything that may be construed as harassment or disparagement of others based on race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability will not be tolerated. This includes, but is not limited to, slurs, obscene messages, sexually explicit images, cartoons or messages;

3. Threatening messages;
4. Soliciting or proselytizing others for commercial ventures, religious or political causes, outside organizations, or other non-job related matters;
5. Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotage, intentionally introducing a computer virus);
6. Unauthorized access to others' files with no substantial business purpose, or vandalizing the data of another user;
7. Forging electronic mail messages;
8. Wasteful use of system resources;
9. Personal messages such as chain letters; and
10. Inappropriate use, which is deemed by the City to be a violation of the intended use of any of the Electronic Media.

36.8 Violations of Policy

Violations of this policy will be reviewed on a case-by-case basis and may result in discipline up to and including dismissal.