

Recommendation

from

Lancaster County Personnel Policy Board

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AUG 02 2018


LANCASTER COUNTY
CLERK

TO: Todd Wiltgen, Chair

RE: Personnel Policy Board Recommendations

The Lancaster County Personnel Policy Board, at their August 2, 2018 meeting voted to recommend to the Board of Commissioners for approval:

Creation of Electronic Devices Human Resources Policy Bulletin

Date of Commissioners Meeting	Request Made By	Department	Date
August 7, 2018	 Doug McDaniel	Human Resources	August 2, 2018

Human Resources Policy Bulletin

Lancaster County

Number: 2018-1

Date: August, 2018

Reference:	Title:
	<u>ELECTRONIC DEVICES POLICY</u> <u>(Cellular phones, tablets, laptop computers,</u> <u>recording devices, cameras)</u>

PURPOSE

The purpose of this policy is to establish guidelines for the issuance and usage of County Electronic Devices. This policy was created to enhance Users' safety and privacy, limit County liability, ensure that the County has access to Records, and provide overall management of County Electronic Devices.

DEFINITIONS

For purposes of this policy, the following definitions apply:

County Electronic Device means any smartphone/cellular phone, tablet/iPad, hand-held or laptop computer, camera, or recording device that belongs to the County and is issued to a User.

User means any of the following individuals who are conducting County business utilizing a County Electronic Device: employees (including department heads and directors), elected or appointed officials, or volunteers.

Volunteer means a person who is not a County elected or appointed official or a County employee and who, at the express request or with the express permission of the County, engages in activities related to the purposes or functions of the County for the County's general benefit.

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Agency Head means any department head, director or elected official. The County Board assumes oversight of any appointed or hired Agency Heads. For purposes of this policy, the Agency Head for department heads, directors, or elected officials shall mean the County's Chief Administrative Officer or designee.

Agency means any County Department or Office.

County means the County of Lancaster, Nebraska.

Record means all data and documents, regardless of physical form, of, or related to, the conduct of the business of, or belonging to, the County or any Agency, branch, department, office, board, bureau, commission, council, subunit, or committee thereof.

POLICY

1. It is the policy of the County to issue a smartphone or cellular phone solely as a productivity tool to Users as requested by Agency Heads. In addition, Agency Heads may issue other types of Electronic Devices to Users solely as productivity tools.

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2. In addition to being subject to Agency policy, County Electronic Devices also are subject to the following provisions:

2.1 Any Users' personal use of County Electronic Devices must be de minimus and shall not:

2.1.1 Result in the loss of work productivity.

2.1.2 Interfere with official duties.

2.1.3 Be for the purposes of personal profit or gain.

2.2 Users' use of County Electronic Devices shall comply with all provisions of this policy. If any liability accrues to the County arising out of User's use of County Electronic Devices in violation of this policy, the County, to the extent permitted by law, may seek contribution, indemnification, restitution, and/or reimbursement from the User with respect to such liability. ~~will be held personally and financially responsible for all damages and litigation in the event~~

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of an accident involving County owned equipment resulting from
Users' utilization of County Electronic Devices.

2.3 If an Agency Head receives a complaint or suspects that a User is
violating this policy, that Agency Head may require the User to
furnish the County Electronic Device, and any records associated with
the County Electronic Device, for the time frame in question for the
Agency to verify or negate the complaint or suspected abuse.

3. Users shall not use County Electronic Devices:

3.1 To transmit, receive or distribute pornographic, obscene, abusive or
sexually explicit materials or materials containing unclothed or
partially unclothed people.

3.1.1 PROVIDED; It is understood that Users in the County
Attorney's Office, Public Defender's Office, Sheriff's
Office, and Department of Corrections may be exposed
to sexually explicit materials and other materials of a

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sensitive nature within the usual course and scope of their employment. Materials that are part of an ongoing investigation or prosecution shall not form the basis for a violation of prohibited activities under this policy unless the materials are used with the intent to sexually harass another person.

3.2 To violate any local, state, or federal law.

3.3 To engage in any form of gambling.

3.4 To engage in any type of harassment or discrimination, including, but not limited to, sexual harassment and harassment or discrimination based upon race, color, age, gender, religion, national origin, disability, genetic information, citizenship status, veteran status or any other type of harassment or discrimination prohibited by law and County policy.

3.5 To engage in, or to promote, any political or private causes.

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~~or other activities without express prior written consent from the Agency~~

Head.

4. Users do not have a right of privacy while using a County Electronic Device at any time, including, but not limited to, accessing the internet, taking photos/videos, using email, text messaging and voice communications. County Electronic Devices, and any data, programs, documents, Records, or any other information thereon, remain property of the County. If Users desire their own personal activities to remain private, Users should not use County Electronic Devices for personal use. By acceptance of the County Electronic Device, Users indicate their consent to disclosing and/or monitoring of the County Electronic Device's usage, including the contents of any files or information maintained on the County Electronic Device. Users are required to provide passwords and passcodes for access to their County Electronic Devices to either the County's Chief Administrative Officer or their Agency Head.

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5. County Electronic Devices may be subject to Nebraska statutes related to public records and records retention, and applicable agency policies regarding the security of electronic protected information, including protected health information.
 - 5.1 Any Records maintained on a County Electronic Device may be considered a public record pursuant to applicable Nebraska statutes and also may be subject to disclosure during an investigation or litigation.
 - 5.2 All Records arising out of conducting County business on a County Electronic Device, including, but not limited to, email, text messages, social media postings and social media messaging, must be retained for at least two years, or longer, depending upon the type of Record, pursuant to the State of Nebraska Records Retention Schedule, Chapter 12-8-4.
6. Users in possession of a County Electronic Device shall ensure that the County Electronic Device is password protected.

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7. Users in possession of a County Electronic Device shall protect the County Electronic Device from loss, damage or theft. If the County Electronic Device is damaged, destroyed or lost, the User immediately shall report such damage, destruction, or loss to the User's Agency Head, who shall then report such damage, destruction, or loss to the service provider for the County Electronic Device, if any.

8. No User shall be allowed to transfer a cell phone number issued to a County Electronic Device to a personal electronic device, either during or after employment with the County. Additionally, no cell phone number associated with, or assigned to, a User's County Electronic Device shall be transferred or reassigned to another County Electronic Device without approval of the User's Agency Head.

9. When a User leaves the County through end of term, retirement, resignation, or termination, his/her County Electronic Device must be returned to the User's Agency Head. After a County Electronic Device has been returned, the receiving Agency shall follow the procedures provided in the County's "Portable Device Redistribution/Recycling/Resale" policy. No User may reset, or wipe data from, a County Electronic Device, except as expressly authorized pursuant to the County's "Portable Device Redistribution/Recycling/Resale" policy.

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10. The County prohibits use of County Electronic Devices when driving within the scope of the User's employment, except for the County Sheriff's personnel. This prohibition includes receiving or placing calls, retrieving voicemail messages, reading or composing text messages, browsing the internet, receiving or responding to email, engaging in social media, or any other usage, whether utilizing a handheld County Electronic Device or a hands-free County Electronic Device. Users must parkstop their vehicles in safe locations before usingto use County Electronic Devices.

SANCTIONS

1. Violations of this policy may result in the loss of use of a County Electronic Device.
2. Employees who violate any provision of this policy may be subject to disciplinary action up to, and including, dismissal from employment.

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Doug McDaniel
Human Resources Director

Date

Todd Wiltgen, Chair
Board of County Commissioners

Date