

(Published in the official county newspaper the 16 day of July, 2014)

RESOLUTION NO. 2014- 16

A RESOLUTION ADOPTING CHEROKEE COUNTY'S ELECTRONIC MEDIA AND COMMUNICATION SERVICES POLICY AND THE USE OF COUNTY PROPERTY GUIDELINES

WHEREAS, the Board of County Commissioners of the County of Cherokee, Kansas wishes to find better and more efficient ways to serve the public by increasing use of electronic forms of communication and information exchange; and

WHEREAS, Cherokee County takes justifiable pride in the electronic media and communication services provided to its employees; and

WHEREAS, employees have access to one or more forms of electronic media and communication services (computers, e-mail, telephones, voice-mail, fax machines, copy machines, external electronic bulletin boards, wire services, on-line services, the Internet, and the World Wide Web); and

WHEREAS, the Board of County Commissioners of the County of Cherokee, Kansas encourages the use of these electronic media and communication services to serve the public better and more efficiently, because they make communication more efficient and effective, and because they are valuable sources of information; and

WHEREAS, with the rapidly changing nature of electronic media, and the etiquette which is developing among users of external on-line services and the Internet, this policy cannot lay down rules to cover every possible situation. Instead, it expresses the County's philosophy and sets forth the general principles to be applied to the use of electronic media and services; and

WHEREAS, electronic media and services provided by the County are the County's property, and their purpose is to facilitate County business; and

WHEREAS, it is unlawful and against County policy to use any County property for unreasonable personal use;

NOW, THEREFORE, The Board of County Commissioners of the County of Cherokee, Kansas, sitting in regular session on this 7th day of July, 2014, does hereby resolve as follows;

1.0 ELECTRONIC MEDIA AND COMMUNICATION SERVICES

1.1 The following procedures apply to all electronic media and communication services, which are:

- Accessed on or from County premises,
- Accessed using County computer equipment, or via County-paid access methods, and
- Used in a manner which identifies the individual with the County
- Accessed or used during the employees' scheduled work hours.

2.0 ELECTRONIC MEDIA AND COMMUNICATION SERVICES PROCEDURES

2.1 Electronic media and communication services may not be used for knowingly transmitting, retrieving or storing any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene or X-rated communications, or are of a defamatory or threatening nature, or for "chain letters," or for any other purpose which is illegal or against County policy or contrary to the County's interest. Nor shall electronic media be used to download copyrighted materials that are not related to performing the employee's duties to the county.

2.2 Electronic media and communication services are primarily for County business use. Limited, occasional or incidental use of electronic media or communication services (sending or receiving) for personal, non-business purposes is understandable and acceptable - as is the case with personal phone calls. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege.

2.3 Electronic information created or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voice-mail, telephones, Internet access, etcetera, will not generally be monitored by the County, and we respect our employees' wish to work without "Big Brother" looking over their shoulder. However, the following conditions should be noted:

2.31 The County may routinely monitor usage patterns for both voice and data communications (e.g., number called or site accessed;

call length; times of day calls). Reasons include cost analysis/allocation and the management of County technological voice/data resources.

2.32 Requests to monitor pattern use for voice and data communications may be made by the head of department and must be authorized by the legal counsel to the Board of County Commissioners.

2.33 The County also reserves the right, in its discretion, to review any employee's electronic files and messages and usage to the extent necessary to ensure that electronic media and communication services are being used in compliance with the law and with this and other County policies.

2.34 Employees should therefore not assume electronic communications are totally private and confidential and each head of department shall have authority to determine that department's policy regarding transmission of highly sensitive information.

2.4 Employees must respect the confidentiality of other people's electronic communications. Examples of unauthorized acts include, but are not limited to:

- Attempting to read, "hack" into other systems or other people's logins;
- "cracking" passwords;
- breaching computer or network security measures;
- monitor electronic files or communications of other employees or third parties except by explicit direction of County management per Section 2.3.

2.5 Each employee who uses any security measures on County-supplied electronic media must provide the employee's head of department or the head of department's designee with a sealed hard copy record of all of the employee's passwords and encryption keys (if any) for County use if required, unless such disclosure is prohibited by law. This hard copy record shall be retained in a secure location and shall be used in cases when the employee is not available.

2.6 No e-mail or other electronic communications shall be knowingly

sent which attempt to hide the identity of the sender, or represent the sender as someone else or from someone not representing the County.

2.7 Electronic media and communication services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

2.8 Anyone obtaining electronic access to outside sources' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner or utilize a single copy for reference use only.

2.9 Any messages or information sent by an employee to one or more individuals via an electronic network (e.g., bulletin board, on-line service, or Internet) are statements identifiable and attributable to the County. While some users may include a personal "disclaimer" in electronic messages, it should be noted that there would still be a connection with the County, and the statement might still be legally imputed to the County. All communications sent by employees via a network must comply with this and other County policies, and may not disclose any confidential or proprietary County information.

2.10 Network services and World Wide Web sites can and do monitor access and usage and can identify at least which County department - and often which specific individual - is accessing their services. Thus, accessing a particular bulletin board or Website leaves County-identifiable electronic "tracks" even if the employee merely reviews or downloads the material and does not post any message.

2.11 Proper use of Internet access includes, but is not limited to the following:

- Downloading job-related information;
- Sending and receiving job-related email messages and file attachments;
- Making business arrangements;
- Searching job-related
- Using the Internet for occasional, brief personal communication, where those do not violate any other provisions of this section or, in the view of officials and department heads, do not interfere with County business.

2.12 Any employee found to be abusing the privilege of County-facilitated access to electronic media or communication services shall be subject to disciplinary action and risk having the employee's privilege(s) withdrawn.

2.13 Heads of department shall have authority to impose any additional rules applicable within their department only and not inconsistent with this Resolution.

3.0 USE OF COUNTY PROPERTY

3.1 County property is primarily for County business use. Limited, occasional or incidental use of County property for personal, non-business purposes is understandable and acceptable. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege. Abuse of the privilege shall be against County policy.

3.2 Heads of department are authorized to use their discretion in determining what is reasonable personal use of County property.

3.3 The prohibitions under this Resolution extend to all County property, except as expressly provided in any applicable collective bargaining agreement between Cherokee County and any of the unions representing County employees.

4.0 DISCIPLINE

4.1 Anyone found in violation of this Resolution may be subject to appropriate discipline as determined by the head of department and consistent with applicable collective bargaining agreements, up and including termination, depending upon the severity of the violation.

5.0 APPLICABILITY OF PROVISIONS

5.1 This policy statement and guidelines are not intended, nor shall they be construed as being inconsistent with any resolution adopting the County's Personnel Rules and Regulations and Procedure Manual for Cherokee County Employees. Moreover, for purposes of this Resolution, reasonable personal use of County property shall be defined as use that is limited in scope and insubstantial in nature and not in the furtherance of employees' private enterprise or business.

5.2 This policy statement and guidelines do not intend to unilaterally change the terms and conditions of employment negotiated with the several labor unions representing County employees. Therefore, if any of the terms of this policy and guidelines are in conflict with the terms and conditions of employment in any of the collective bargaining agreements between the Board of County Commissioners of Cherokee County and any of the unions representing its employees, the terms of the collective bargaining agreement

will prevail over the terms of this policy and guidelines statement as to the employees covered by any such agreement.

5.3 Nothing herein shall be construed to limit law enforcement officials from conducting investigations related to the functions of their office or position, including but not limited to, the investigation of online solicitation by pedophiles or persons seeking or offering prostitution services and the investigation of child pornographers.

6.0 MISCELLANEOUS PROVISIONS

6.1 All current County employees and employees hired after the date this Resolution becomes effective shall be required to read this Resolution and sign acknowledgment that they read and fully understand the contents and intent of this Resolution. Acknowledgment Form is attached as Exhibit "A".

6.2 Each employee's executed Acknowledgment Form shall be filed in the employee's permanent personnel file within the Human Resources department.

6.3 Signature of the Acknowledgement Form required by this Resolution shall constitute an enforceable agreement between the employee and the Board of County Commissioners of Cherokee County.

7.0 EFFECTIVE TIME

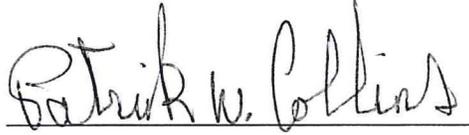
7.1 This Resolution shall become effective immediately and enforceable upon each employee's signature of the Acknowledgement Form.

8.0 INCONSISTENT PROVISIONS

8.1 The provisions in this Resolution shall take precedence over any inconsistent provision in any prior County Resolution, except as provided in Section 5, above.

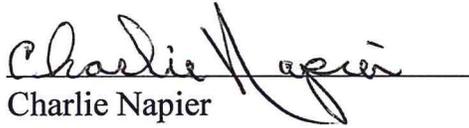
Resolution 2014-15 is hereby repealed.

Adopted this 7th day of July, 2014, by the BOARD OF COMMISSIONERS OF
CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner

Richard J. Hilderbrand
County Commissioner



Charlie Napier
County Commissioner

ATTEST:



Rodney Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 16 - 2014

Prepared by:
Kevin Cure, Attorney