

RESOLUTION 439

A RESOLUTION OF THE TOWN OF STEVENSVILLE, MONTANA, ADOPTING A TOWN POLICY FOR ELECTRONIC COMMUNICATION FOR EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS

WHEREAS, the Mayor and Town Council recognize the importance of having clear policies in place detailing the guidelines for the use and retention of electronic communications; and

WHEREAS, the Mayor and Town Council have created an Electronic Communication Policy that provides guidance to employees, elected and appointed officials and business associates who are provided access to the Towns E-Communication system; and

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Stevensville, Montana do hereby adopt the attached Electronic Communication Policy as the official policy regulating the usage of the e-communication tools such as e-mail, internet, smartphones, pages, telephone and faxing systems and other forms of communication with electronic devices owned by the Town of Stevensville; and

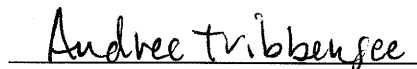
Passed and Adopted by the Town Council of the Town of Stevensville, Montana, this 26th day of November, 2018.

Approved:

Attest:



Brandon E. Dewey, Mayor



Audree Tribbensee, Town Clerk

Town of Stevensville E-Communication Policy

Adopted by Council: MM/DD/YYYY

I. Purpose

The Town of Stevensville is pleased to provide access to e-communication system tools like e-mail, the Internet, smartphones, pagers, telephone systems, faxing and other messaging platforms (the “System”) to authorized employees, elected and appointed officials and business associates to facilitate town business.

The System is intended primarily for business purposes. Personal use of the System is restricted to the terms outlines in this policy in Section III.

All e-communications, attachments and information transmitted, received or archived in the System belongs to the Town of Stevensville. Employees, elected and appointed officials, and business associates who are provided access to the System are required to adhere to policies and procedures governing it. Violation of this policy may result in disciplinary action, up to and including termination.

The term “employee” in this policy is meant to include any user of the System regardless of employment type or position held.

II. Security Precautions in the E-Communication Environment

Privacy is difficult, if not impossible, to achieve in the electronic age. Confidential or personal information should never be sent via e-mail without the understanding that it can be intercepted. This includes the transmission of sensitive customer information, social security numbers, health records, proprietary data, trade secrets and/or other confidential material. When sending confidential material, employees should use extreme caution to ensure that the intended recipient’s e-mail address is correct.

Like all information, e-communications are capable of being forwarded, printed, published or shared with others without the express permission of the original author. Therefore, system users must use caution when transmitting and disseminating information, and they must comply with all town policies and state and federal laws.

III. Use of the E-Communication System

The Town’s E-Communication system is an extension of the Town’s current business activities and practices. All rules and guidelines governing employee work practices apply. This section provides additional prohibitions and guidelines for using the E-Communication system.

A) Prohibited Uses

1. The system is not to be used for employee personal gain or to support or advocate for non-Town related business or purposes. Incidental and occasional personal use of the system is allowed when such use does not generate a direct cost for the Town.
2. Communication with children, spouses, domestic partners, household members and immediate family must be reasonable and must not interfere with the conduct of official duties.
3. Solicitation of funds, political messages, and any harassing messages are specifically prohibited. All messages are subject to the Personnel Policies and all state and federal rules, such as the Human Rights Act (MCA 49), as amended.

IV. Personal Responsibility

Employees may not intentionally intercept, eavesdrop, record, read, alter, impersonate or receive another individual's messages without proper authorization from the individual. Employees misusing the E-Communication System may be subject to disciplinary actions, up to and including termination in accordance with the Personnel Policy Manual, and/or other applicable rules or laws (See: VI Appropriate Review of Communications).

A) Employee Termination, Leave of Absence, Vacation, and Other Absences

Supervisors or management may access an employee's messages for Town business purposes if an employee is on leave of absence, vacation, sick leave, other absence, terminates employment or is transferred from one department to another department.

B) Password Management

Although each user has a confidential password, users should be aware that this does not suggest that information being sent or received is confidential. Information stored on the System is archived and may be made available and to other parties in connection with the Town's official business. Passwords should be periodically changed to ensure security of the System. Users should not share their password with anyone else. The Administration may access accounts if the Department Head determines it necessary.

V. Departmental Responsibility

Department heads are responsible for the implementation of and adherence to this policy within their departments. This includes all employees, contractors, and other third-party users. Department heads or their designees are encouraged to work with the administration and Human Resource Representative toward that end. In the event

that any department policy contradicts this policy, this policy shall govern. This policy may be changes only upon written approval of the Mayor.

A) Applicability to Employees, Part-time Employees, Contractors and Other Users

This policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Town of Stevensville's E-Communication System. Third-parties should only be provided access to the Town of Stevensville's E-Communication System only as necessary for their business purpose with the Town and only if they abide by all applicable rules. The Town may remove contractors and third-party users who violate this policy from the system. In addition, other legal remedies, including but not limited to, termination of contract, may be pursued.

VI. E-Communication Archive

The Town has implemented an archive solution to capture e-communications and attachments as they are received through the Town's mail server. This archive is the Town's official repository for e-communications.

A) Review of E-Communications

The Town, through its managers and administration, reserves the right to review the contents of employees' e-communications stored in the archives when necessary for Town business purposes.

B) Rules for Accessing Electronic Communications

Department Heads may request a search of the Town's e-communication archives for the following purposes:

- Public Record requests
- Legal proceedings/Formal investigations
- Audit investigations
- Town internal operation related searches

Following is the procedure for a department head to gain authorization to search e-communications other than their own stored on the Town's archive. The request shall be submitted to the Mayor and/or their designee for approval on an archive search request form. The Mayor and/or their designee may authorize or deny the request subject to the provisions of the Montana State Constitution, Montana Code Annotated and Stevensville Municipal Code relating to public records, the right to privacy, the right to know, and ethics:

1. The following information is required for approval:
 - a. Name and title of the person(s) whose communications will be accessed.
 - b. Name and title of the person(s) who will access the communications.
 - c. Why the access is needed, and keyword/dates and other information required to search and archive
 - d. What forms of communication will be accessed (e.g., voice mail, internet/email, FAX, text/instant messages, etc.)
 - e. Required duration of access.
 - f. What will be done with accessed messages? With whom will they be shared?

2. The Town Clerk will advise the Town Attorney of approved access requests. The Town Clerk is responsible for maintaining the original search request form and any related attachments.
 - a. Once the search has been completed the Town Clerk will provide the requested information to the requestor and the other individuals listed on the request form. The messages identified will be put on hold until the Town Attorney or their designee has reviewed all documents in question.
 - b. The Town Attorney's approval is required on any hold searches relating to legal proceedings and may not be authorized until final resolutions of the issue.
 - c. The Town Attorney, Town Clerk, and where appropriate Human Resource approval is required to lift the hold on town internal operations related searches and formal investigations and may not be authorized until final resolutions of the issue.
 - d. The Town Attorney and Town Clerk's approval is required to lift the hold on public records requests and may not be authorized until final resolution of the issue. These may be only released to the Town Attorney and Town Clerk for final approval.
 - e. The Finance Officer and Town Attorney's approval is required to lift the hold on audit investigation searches and may not be authorized until final resolution of the issue.

3. All employees should be reminded that fiscal misconduct or criminal activity should not be investigated by individuals or departments but should be referred to the police or the administration.

4. The employee(s) making the request should be reminded that contents of electronic communications obtained after appropriate authorization might be disclosed without the permission of the employee. At the same time, the Town will attempt to refrain from disclosure of particular messages if disclosure could create personal

embarrassment, unless such disclosure is required to serve a business purpose or to satisfy a legal obligation.

5. The employee whose e-mail is being accessed will be notified, if feasible. In some instances, the employee will not be notified.

C) E-Communication Retention and Disposal

All E-communication on the System shall be retained and disposed of in accordance with the Montana Secretary of State's Municipal Records Schedules (Schedule No. 8) published by the Montana Local Government Records Committee.

VII Penalties

The misuse of e-communication privileges shall be disciplined in accordance with the Town of Stevensville Personnel Policy Manual, and/or other applicable rules or laws. Violation(s) of this E-Communication Policy may be grounds from disciplinary action up to and including termination. In addition, violations of this policy or misuse of the e-communication system may be referred for criminal prosecution or civil action.

Let integrity and honesty guide your use of e-communications, and it will be an effective, useful tool for your work at the Town of Stevensville.