

# ORIGINAL

## RESOLUTION NO. 323

### A RESOLUTION OF THE CITY COUNCIL, CITY OF SHORELINE, WASHINGTON, AMENDING THE EMPLOYEE HANDBOOK POLICIES REGARDING USE OF COMMUNICATION SYSTEMS AND USE OF FAMILY LEAVE AND WORK BREAKS

WHEREAS, the City's personnel policies should be updated to reflect developments in public records and family leave law; now therefore

#### THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

1. The Shoreline Employee Handbook communications systems use policy is amended as follows:

#### **8.12 Telephone, E-Mail, Voice Mail and Other Communication Systems on and City Equipment and Personal Equipment**

##### A. City Equipment

Computers, electronic mail, telephones, voice mail, facsimile machines, copy machines and other information-related City equipment are provided to employees to be used for City business purposes and maybe accessed by other City staff. ~~No message or file monitoring by the City will occur without prior permission of the City Manager, however employees should keep in mind that s~~Supervisors are responsible for regular monitoring of phone call identification logs to enforce this policy and message or file monitoring by the City may occur with prior permission of the Citv Manager or for purposes of public records production.

~~As a public agency, most City records are public and can be protected from disclosure only as provided by law. As a result, employees must be aware that email, along with most other written documents, may be subject to public disclosure.~~

Employees are not to attempt to gain access to another employee's computer files, e-mail messages or voice mail messages without that employee's permission.

~~The City's email, voice mail and other information systems may not be used in a way that would be disruptive or offensive to others.~~ Employees shall not negligently or willfully damage City equipment nor engage in unauthorized use including use that is disruptive or offensive to others, supports any profit-making business or outside employment, solicits contributions for any cause or advocates for or against any ballot measure or candidate.

~~The personal use of equipment should be minimized. For the convenience of the employee,~~ it is permissible to place or receive occasional personal calls or e-mail ~~for the~~

# ORIGINAL

convenience of the employee not excluded above, but such use should be minimized. The City also recognizes that it is unrealistic to expect employees assigned cellular phones for certain positions to maintain separate equipment for personal use. Long distance calls and cellular calls must be accounted for on a regular basis, with reimbursement provided to the City for personal use outside the following exceptions:

- ◆ De minimus ~~incidental~~ activity not to exceed \$2.00 per billing cycle
- ◆ Placing calls to notify family of emergencies or unexpected changes in a work schedule.

Employees shall not place or receive text messages on City cellular phones. This includes both City business-related text messages and personal text messages.

~~Employees shall not use information equipment or systems in any way that supports any profit making business or outside employment, solicits contributions for any cause, or advocates for or against any ballot measure.~~

## B. Public Disclosure of Records Located on City Equipment/Accounts and Personal Equipment/Accounts

As a public agency, all City business records, even if located on personal equipment, are public records and can be protected from disclosure only if a specific exemption in the Public Records Act exempts the record from disclosure. As a result, e-mails and text messages, phone and text messaging logs, and all other documents related to City business located either on City equipment or on personal equipment or personal accounts are subject to public disclosure, if requested. Employees should not expect any right to privacy in the public records located on their City equipment or on their personal equipment.

Entirely personal records located on City equipment or on personal equipment are not considered public records and are not subject to disclosure.

No text messaging for City business is allowed. No emailing on personal accounts for City business is allowed. Personal phones and personal computers may only be used for City business under the following circumstances:

- (1) The phone call is made to a City phone; or
- (2) The document is saved to the City's server.

An employee may be approved by their Department Director to use a personal cell phone for City business under circumstances other than those designated above that will assure record retention and production in compliance with the Public Records Act including:

# ORIGINAL

- The employee shall be responsible for retaining phone records associated with personal phones that reflect City business communications for a minimum of one year from the date the call is made or received.
- In the event of a public records request for City-related records located on an employee's personal equipment or personal account, employees must cooperate with the City and produce those records for disclosure

Records that mix both City business and personal business are considered public records and are subject to disclosure in their entirety. The Public Records Act does not allow redaction of personal information within a public record.

No City business may be conducted on private social media (tweets, blogs, web posts). City business may be conducted on a City-sponsored social media.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

2. The Shoreline Employee Handbook employee break policy is amended as follows:

## **5.02 Breaks**

- A. **Lunch and Rest Breaks:** All employees working an 8 hour day shall be entitled to at least a one half hour unpaid meal period within five hours of the beginning of his/her shift, and scheduled as close to the midpoint of the day as possible. In addition, employees are entitled to a paid ten minute rest break for each four hours of working time. Employees who are able to take a break as needed do not have to take a formally scheduled break and it is the employees' responsibility to take these breaks. Breaks shall be arranged so as not to interfere with normal business operations. All breaks should be taken away from the employee's immediate work area. Breaks cannot be combined or saved until the end of the day in order to arrive at work late or to leave work early.
- B. **Lactation Breaks:** For one year after her child's birth, nursing employees are allowed to take reasonable breaks to express breast milk whenever the nursing employee feels it is necessary to do so. Lactation breaks will be treated as outlined under Section 5.02A. A private space for this purpose has been established at all City worksites. If you need information on the space at your worksite contact a supervisor or Human Resources.

3. The Shoreline Employee Handbook family leave policy is amended to read as follows:

## **6.05 Family Leave**

The City complies with the Federal Family and Medical Leave Act of 1993 (the FMLA - 29 U.S.C.A., 2611) and all applicable state laws (RCW 49.78, RCW 49.12.265, WAC 296-130) related to family and medical

ORIGINAL

leave. This policy provides detailed information concerning the terms of FMLA. State laws may have additional requirements and provide additional protections; please check with Human Resources for details.

**ADOPTED BY THE CITY COUNCIL ON FEBRUARY 13, 2012.**

  
Keith A. McGlashan, Mayor

**ATTEST:**

  
Scott Passey, City Clerk