MEMORANDUM

Date: September 12, 2017

To: The Honorable Steve Christy, Member
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **Rules Prohibiting Employees from Improper Use of the County Email System and/or Making Threatening or Offensive Statements to Elected Officials, Supervisors, Managers or Other Public Employees**

During the discussion of this subject at a recent Board of Supervisors Meeting, you asked for County Rules, Policies or Procedures that prohibit the conduct referenced above. I have attached County Personnel Policy 8-119, Rules of Conduct for your review.

I have also asked the Human Resources Director to include a prohibitive rule regarding posting of any statement, message, photograph or other information on personal Facebook pages during normal work hours. If an employee does so, they would be subject to disciplinary action.

In addition, I have attached current Board Policy D27.1 regarding Pima County's Information Technology Program. The applicable areas have been highlighted. The companion document is Administrative Procedure 27-4 regarding the Information Technology Program. All employees are required to acknowledge this Procedure in writing.

The County takes very seriously any violations of these Policies and procedures. A number of County employees have had their employment terminated or been progressively disciplined for violations of these policies.

CHH/anc

Attachments

c: The Honorable Chair and Members, Pima County Board of Supervisors
Jan Lesher, Chief Deputy County Administrator
Tom Burke, Deputy County Administrator for Administration
Carmine DeBonis, Jr., Deputy County Administrator for Public Works

All County employees must observe the following basic work rule principles:

A. Observe Personnel Policies and Merit System Rules.

B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.

C. Do not abuse County leave policies, departmental break, rest, or lunch periods.

D. Be careful and considerate in the use of County property and equipment. Keep tools, machines, vehicles and other County property clean and in proper condition.

E. Notify your immediate supervisor as required in these Policies if absence from assigned duties is necessary.

F. Obtain County Administrator permission before soliciting, selling, passing petitions, or distributing or circulating written or printed matter of any description on County property. Employees may post written or printed material on employee bulletin boards without permission, provided such material is not detrimental to the County.

G. Follow established safety practices and report any accidents to the supervisor.

H. Cooperate in keeping the work site clean and sanitary.

I. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.

J. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.

K. Be responsive to the citizens of the County at all times while performing any duties which are related to County employment, or whenever representing the County in any capacity.

L. Prepare all records and reports truthfully and completely.

M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.

N. Report to the immediate supervisor all known mistakes, policy violations, or infractions of the Rules of Conduct.

O. Report to the immediate supervisor any known willful damage, thievery, or unauthorized removal of County property.

P. Do not engage in physical violence or threats of physical violence with fellow employees and the public.

Q. Do not use abusive, profane, or obscene language or gestures or display obscene or offensive materials. Materials related to the health field which are determined to be of business necessity are excluded from this Policy.

R. Do not make slurs and/or remarks concerning race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression or sexual orientation.

S. Treat all co-workers and general public in a courteous manner.

T. Report to immediate supervisor any criminal conviction of the employee that results from drug statute violations in the workplace. The report must be made no later than five (5) calendar days following such conviction.

U. Follow Pima County Procurement Policy regarding acceptance of gifts.

V. Do not engage in unethical or illegal behavior with minors who are employed with the County or who participate in any County program or activity.

W. Do not engage in practical jokes or other activities commonly referred to as 'horseplay'. Horseplay is defined as behavior, essentially without malice, and usually involves, for example, rough, boisterous or rowdy physical interaction such as tripping, grabbing, wrestling, or scuffling and may be inconsistent with ordinary and reasonable common sense safety rules.

X. Do not misuse County email systems for the purpose of producing, distributing, or forwarding content that:

1. Is discriminatory, harassing, or disruptive which includes, but is not limited to, content that is sexually explicit, derogatory or abusive; threatening images; cartoons, jokes, or inappropriate or profane language;

2. Is demonstrably offensive, regardless of whether or not one or more recipients felt threatened, offended, or otherwise disturbed;

3. Is not County-related business which includes, but is not limited to, chain letters, stories, petitions, warnings, pictures, and/or programs;

4. Is sensitive, private, confidential or privileged which may include, but is not limited, to personnel matters or decisions, grievances and disciplinary actions; or

5. May create the appearance of inappropriate use.

Y. Supervisory responsibilities include:

1. Ensuring that employees are informed regarding changes in County policy and working conditions.

2. Administering Pima County Merit System Rules, Personnel Policies and Administrative Procedures in a fair and equitable manner.

3. Ensuring that the work activity of subordinates is performed in an efficient manner and is of high quality.

4. Monitoring employee conduct for compliance with the Merit System Rules and Personnel Policies.

Z. Prohibited conduct - County employees shall not:

1. Hold financial or personal interests that could negatively impact the interest of the County.

2. Use or attempt to use their official positions or confidential information for financial gain or for personal advantage.

3. Permit themselves to be placed under any kind of personal obligation or allow themselves to be put in any kind of situation which could lead any person to expect official or personal favors.

4. Give preferential treatment to any private organization or individual.

5. Engage in any outside employment as defined in Personnel Policy 8-111 or outside activities, including seeking and negotiating for employment, that conflict with official and assigned County duties and responsibilities.

6. Perform any act in a private capacity which could be considered to be an official act.

7. Accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, service, entertainment, or loan, which may, or may not, appear to be designed to influence the employee's official conduct. Specific provisions of vendor-related gift policies are set out in Board policies and Administrative Procedures.

8. Directly or indirectly use or allow the use of County property of any kind, including property leased by the County, for other than official or assigned duties.

9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.

PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

Subject: Pima County Information Technology Program	**Policy Number**	**Page**
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Purpose

The goal of the Pima County Board of Supervisors is to provide a highly automated Information Technology (IT) environment for use by all departments and special districts which allows for efficient and effective delivery of County services to all constituents while complying with the terms of all applicable laws and agreements.

Background

The use of IT is essential to all aspects of Pima County governance, including the efficient and effective operation of its various departments, administrative staff and the functioning of its Elected Officials. It is the policy of Pima County to derive maximum benefit from the IT environment it implements and to ensure that the County and its employees use these resources in compliance with all applicable laws and all legally enforceable provisions of agreements. It is also the policy of Pima County that the IT environment implemented and used by County employees be used for County business purposes only. It is the responsibility of the County Administrator to ensure that the County establishes and maintains an IT program and associated operational environment for use by County employees and its constituents.

Policy

It is the policy of the Board of Supervisors that all Elected Officials, Appointing Authorities and Department Directors are responsible to ensure their departments/divisions:

- participate in the Pima County IT Program,
- utilize and leverage the IT operational environment provided by the County Administrator, and
- Adhere to the procedures and guidelines established and administered by the County Administrator.

Definitions

1. "County Administrator" means the County Administrator or designee

2. "Information Technology environment" means the County's IT devices and applications utilized by County personnel, whether owned or leased by County, to perform job responsibilities and duties to conduct County business. This IT environment includes, but is not limited to, enterprise applications, business applications, electronic mail and messaging capabilities, telephones, cell/smart phones, pagers, radios, computers, hand-held computing devices, peripheral devices which attach to computing devices such as facsimile, printer, scanner, copier and other interfacing equipment, connectivity technologies used to access these computing and peripheral devices whether accessed from within County facilities or outside, and Internet access.

3. "Information Technology resources" means the County's network and infrastructure components (connectivity), computing and peripherally-attached devices, and voice/data communications systems. Through these components, devices, and systems, all County personnel access enterprise and business applications within and through the IT environment, and access the ability to create, manipulate, store/archive, move/transport, copy, and print content. Additionally, control facilities such as security badge systems are considered part of IT resources, given their impact and reliance on other IT resources.

4. "Enterprise applications" means computer software and/or hardware that have been internally developed or purchased to monitor, configure, balance utilization of, maximize performance of, and/or secure from intrusion, operational interference, or destruction, one or more IT resources.

5. "Business applications" means computer software that has been internally developed or purchased/configured to automate and/or control (e.g. SCADA) specific County, departmental or division business processes.

6. "Information Technology Program" is comprised of all of the components of the IT Environment, IT Resources, Enterprise Applications, and Business Applications and the content therein.

Requirements

1. Pima County owns and/or operates the Pima County IT Program, and the content produced and contained within the environment.

2. The County Administrator shall be responsible for specifications of the IT Program, whether the components of which are purchased or leased, which are utilized in the IT Program of Pima County to facilitate consistency of operation of similar resource-types deployed in the IT Program.

3. All County IT Program components remain under the control, custody, and supervision of the County. All content accessed, created, manipulated, stored/archived, moved/transported, scanned, and printed remains the property of the County and is subject to monitoring, auditing, and review. The County reserves the right to monitor, audit, and review content at any time and without notice at the County's discretion. Employees have no expectation of privacy in their use of the County IT Program, either from internal monitoring, auditing, reviewing, or from public disclosure.

4. All County IT Program components are provided to support the performance of job duties. Therefore, the IT Program is to be used for business-related purposes. Incidental personal use is permitted provided that the incidental personal use conforms to applicable County policy, and such use does not interfere with the IT Program, or an employee's job duties and performance. Incidental personal use of the IT environment or any resources shall be reimbursed to the County as practical as possible.

5. Access into the IT Program will be protected by the use of authentication credentials. These credentials will be used in order to make a resource function in the IT environment by verifying authorized use of a resource by County personnel. These credentials must not be shared, converted, or transferred to anyone other than to whom the authentication credentials were issued.

6. The IT Program should not be subjected to, or even appear to be subjected to inappropriate usage. Unacceptable uses of the IT Program include, but are not limited to:

a. Use for personal gain, advancement of individual views, or solicitation of non-County business;

b. Any purpose and/or development of content which violates state or federal law including, but not limited to, violation of intellectual property and/or confidentiality laws;

c. Using any component of the Information Technology Program for the purpose of producing, distributing, or forwarding content that:

   i. Attempts to influence the outcome of an elected office, referendum, initiative, or recall (Arizona Revised Statute § 11-410);

   ii. Is discriminatory, harassing, or disruptive of fellow County employees, volunteers, interns, or contractors including but not limited to content that is sexually explicit, derogatory, abusive, or threatening images, cartoons, jokes, inappropriate or profane language, or other materials;

   iii. Is objectively offensive, regardless of whether one or more recipients were or were not offended, felt threatened, or otherwise disturbed;

   iv. Attempts to deceive recipients by providing content that misrepresents, obscures, or conceals the true identity of the sender for malicious purposes;

   v. Is not of the nature of County-related business which includes but is not limited to chain letters, stories, petitions, warnings, pictures, and/or programs and applets;

d. Any use of one or more components of the IT Program that could interfere with the proper use of other aspects of the IT Program;

e. Interference with the security of confidential content in the IT Program including but not restricted to secure data zones and folders, identity and authentication information regarding any person or item within the IT Program;

f. Any use of one or more components of the IT Program that could cause or lead to a cause of excessive strain on any IT Program component, such as for example mass emailings of non-authorized content which causes strain on connectivity, computing, and storage resources;

g. Unauthorized inclusion on non-County owned/leased IT device(s), application(s), or resource(s) into the IT Program regardless of whether any damage(s) were caused to elements of the IT Program;

h. Unauthorized configuring and/or tampering with one or more components of the IT Program regardless of the security criticality of the resource relative to the IT Program as a whole;

i. Physical abuse of anything within the IT Program;

j. Any use that violates County policies, guidelines, or procedures.

7. IT Program messaging resources are not intended for the creation and distribution of sensitive, private, confidential, or privileged materials such as personnel matters or decisions, grievances, or disciplinary actions. No such content should be distributed via any messaging resource, unless such resource is specifically encrypted to preserve confidentiality of content.

8. The County Administrator may block or terminate any component of the IT Program, regardless of ownership of the device/application/resource, which has been detected to violate any County policy, especially any device/application/resource that poses a serious threat to security or integrity of the IT Program.

Implementation

1. The County Administrator shall distribute Administrative Procedures outlining the guidelines and requirements of the Pima County IT Program.

2. Implementation of and adherence to this Policy is required at all levels of the County. Any employee, volunteer, contractor, or intern of the County found in violation of this Policy will be subject to appropriate disciplinary action, up to and including termination of employment or business relationship.

3. Any infraction against this Policy which is significant enough to warrant further investigation will be referred to the County Attorney by the County Administrator.

4. All County employees shall sign an Information Technology Program procedure upon hire and annually thereafter. Original signed forms will remain in an employee's department personnel file.

Applicability

This policy applies to all departmental and special districts of Pima County, whether under the supervision of an elected or appointed official.

Adoption Date: March 18, 2014
Effective Date: March 18, 2014

ADMINISTRATIVE PROCEDURES

Procedure Number: 27-4
Effective Date: 05/28/2014
Revision Date:

C. Bahlbaum
County Administrator

SUBJECT: **INFORMATION TECHNOLOGY PROGRAM**

DEPARTMENT RESPONSIBLE: **All County Departments**

I. PURPOSE

It is the policy of the Board of Supervisors (see BOS Policy D 27-1) that all Elected Officials and Appointing Authorities are responsible to ensure their departments:

- participate in the Pima County Information Technology (IT) Program,
- utilize and leverage the IT operational environment provided by the County Administrator, and
- adhere to the procedures and guidelines established and administered by the County Administrator.

To ensure that participants in the Pima County IT Program understand all program related policies and procedures each participant shall sign the Pima County Information Technology Program Acknowledgement (PCITPA) form prior to gaining access into the Pima County IT Program and annually thereafter.

II. DEFINITION

PIMA COUNTY INFORMATION TECHNOLOGY PROGRAM – is comprised of all components of the IT Environment, IT Resources, Enterprise Applications, and Business Applications (as defined and the content therein as stated in BOS Policy D27.1).

PARTICIPANT(S) – Individuals afforded access to the Pima County Information Technology Program to include employees, contractors, volunteers and other preapproved individuals.

III. PROCEDURE

All participants shall sign the PCITPA form prior to gaining access to the IT Program, and annually thereafter. This form will remain in the employee's department personnel file (as applicable) or associated employment file, as well as follow any and all applicable record retention schedules.

A. A new employee shall acknowledge applicable IT Program policies and procedures by signing the PCITPA form along with other hiring paperwork at the time of hire. Non-employee participants must follow a similar procedure. The endorsed form shall be included in the employee's department personnel file or associated employment file.

B. The PCITPA form shall be signed at the beginning of each fiscal year during which the participant will have access to the IT Program. The PCITPA form is subject to change yearly as updated technology may dictate. Therefore, it is recommended that all participants of a department sign the same form at approximately the same time at the beginning of a fiscal year. The participant shall acknowledge applicable IT Program policies and procedures by signing the PCITPA form. The endorsed form shall be included into the employee's department personnel file or associated employment file, as well as follow any and all applicable record retention schedules.

C. An electronic means in a Business Application for participants to annually acknowledge may be substituted for the hard copy PCITPA, provided:

   a. There is a means to audit compliance with this annual requirement
   b. Supervisors of the participant or sponsors of the participant are made aware in a timely fashion when participant has not complied with either the new hire or annual acknowledgement requirement
   c. The PCITPA form is duplicated in content with what is presented electronically from the Business Application to the participant for them to acknowledge
   d. In the instance of electronic Acknowledgement, the requirement that an endorsed hard copy of the PCITPA be kept in a participant's department personnel file is waived, provided the electronic means has authenticated the participant's identity, and can store for later reference the participant's Acknowledgement.
   e. The electronic record will follow any and all applicable record retention schedules

IV. RESPONSIBILITY

A. All participants are responsible for complying with County rules, policies, and procedures whenever using any aspect of the Pima County Information Technology Program.

B. Each department is responsible for maintaining its employee's department personnel file with the original hire PCITPA form, and all subsequent PCITPA forms for each year that an employee is with Pima County, unless waived due to electronic Acknowledgement storage means. The records will follow any and all applicable record retention schedules.

C. All participants in the IT Program who are not employees of Pima County are required to sign the acknowledgement. The endorsed form shall be kept by the sponsoring department in an employment file specifically reserved for holding all PCITPA forms for non-employee participants. Additionally, these documents will follow appropriate record retention schedules.

D. Any Business Application which provides for the prompting of and storing of a participant's endorsed Acknowledgement of participation and agreement to abide by the Policies and Procedures governing the use of the Pima County IT Program, must have the ability to be independently audited to document when a participant last acknowledged, and what they acknowledged.

References: Board of Supervisors Policy D 27.1

PIMA COUNTY INFORMATION TECHNOLOGY PROGRAM ACKNOWLEDGMENT

As a participant in the Pima County Information Technology Program, I, _____ _____(print name) understand that:

- All aspects of the Pima County Information Technology (IT) Program are to be used for conducting County business only. Any personal usage may require reimbursement to the County.
- Illegal activities, threats, discrimination, harassment, bullying, slander, defamation, objectively offensive content, political activity, and commercial activities for personal or others to gain from are prohibited from being created and/or distributed using the IT Program.
- Unauthorized access or compromising security to any aspect of the IT Program is prohibited.
- The County reserves and will exercise the right to review, audit, intercept, access and disclose all matters within the IT Program, with or without participant notice, during or after working hours. Participants shall have no expectation of privacy in their use of the IT Program.
- Violations of this procedure may result in disciplinary action, up to and including termination of employment or business relationship.
- Any violation of this Procedure significant enough to warrant investigation will be referred to appropriate authorities by the County Administrator. Additionally, I understand and acknowledge that if I reveal confidential Information without proper authorization, I may also be subject to criminal and civil penalties or liabilities under state and federal laws.

I have read and understand the County's procedure AP 27-4 regarding the Pima County Information Technology Program, which is located in the County Administrator's Administrative Procedures.

_____ _____

Signature of Employee, Contractor, Volunteer Date

_____

Employee EIN (If Applicable)

Original – Department Personnel File or Associated File Copy - Participant