

# Communications Systems Usage Policy

## Purpose

This documents the City of Edmonds Communications Systems Usage Policy, and provides guidance for managing the use of electronic communications by all departments, employees and users of City systems.

## Background

The City of Edmonds provides employees with a variety of communication systems such as telephones, voice mail, computers, facsimile machines, instant messaging, electronic bulletin boards, electronic mail (email) systems, cellular phones, wireless devices, and Internet access.

The City recognizes the importance of electronic tools in accomplishing work in an efficient manner. Access to these systems provides rapid exchange of information that improves productivity. It is important, however, that these systems be used in a manner which benefits the government and which is responsible to City taxpayers.

The goal of this policy is to ensure economical, effective, and efficient management of communication systems and to ensure that employees use these systems in a professional manner that reflects positively upon the City.

This policy establishes privileges and responsibilities for employees, and employees must agree to, and abide by this policy to utilize these systems.

## Scope

This policy applies to all employees, contractors, consultants, temporary employees, vendors and any others that are provided access to City of Edmonds communication systems, including those workers associated with any third parties who access these systems. Throughout this document, the word "employee" will be used to collectively refer to all such individuals. This policy also applies to all communications and data systems owned by and/or administered by the City of Edmonds both on and off City property.

## Authority

City of Edmonds Personnel Policies

RCW 42.17 Public Disclosure

RCW 40.14 Public Records

## **Communications Systems Usage Policy**

The City of Edmonds provides access to the vast information resources available through communication systems including, computer systems, email, voice mail, bulletin boards, instant messaging, cell phones, telephones, wireless devices and other telecommunications and information systems. These information resources are for use to help employees work better, faster and smarter, and be well-informed about effective business practices.

The facilities to provide that access represent a considerable commitment of City resources. This usage policy is designed to help employees understand the City's expectations for the use of those resources.

First and foremost, the City's communication systems business tools, are provided at significant cost. That means that the City expects these systems to be used for City business-related purposes: to communicate with customers, suppliers, and associates, to research relevant topics and obtain useful business information. With rare exceptions, these systems are not to be used for private purposes. Employees should have no expectation of personal privacy in using them.

The City requires employees to conduct themselves honestly and appropriately on the communication systems, and respect copyrights, software licensing rules, proprietary rights and prerogatives of others, just as in any other business dealings. To be absolutely clear on this point, all existing City policies apply to employees' conduct on the communication systems. This includes especially, but not exclusively, those that deal with intellectual property protection, misuse of City resources, sexual harassment, information and data security, and confidentiality.

Unnecessary or unauthorized communication systems usage costs money, and causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Unlawful communication systems usage may also garner negative publicity for the City and expose Edmonds to significant legal liabilities.

Internet chat groups, newsgroups, and email portions of the communication systems give each user an immense and unprecedented reach to propagate City messages and tell the City story. Because of that power the City must take special care to maintain the clarity, consistency and integrity of the City of Edmonds image and posture. Anything any one employee writes in the course of acting for the City on the communication systems can be interpreted as a formal representation of the City's position.

While the City's connections to the communication systems offer many potential benefits, it can also open the door to significant risks to our data and systems if employees do not follow appropriate security discipline. As presented in greater detail, that may mean preventing machines with sensitive data or applications from connecting to the communication systems entirely, or it may mean that certain users must be prevented from using certain communication systems features like file transfers. The overriding principle is that security is to be a primary concern of every user. Employees can be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts.

*Document* Covers any kind of file that can be read on a computer screen as if it were a printed page, including the so-called HTML files read in a communication systems browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools.

*Graphics* Includes photographs, pictures, video, images, animations, movies, or drawings.

*Display* Includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions, handheld screens and virtual-reality tools.

*Audio* Includes any sounds, recordings and files containing sounds or voice.

All employees granted communication systems access with City facilities will be provided a copy of this policy or a link to the policy where it may be viewed and/or printed. Any questions concerning the policy should be directed to the employee's supervisor.

If there is any portion of this policy that is not clearly understood by the employee, it is the employee's responsibility to bring the question to the attention of their supervisor for clarification.

## **Detailed Policy Provisions**

### **1. Management and Administration**

- 1.1. The City of Edmonds has software and systems in place that can monitor and record all communication systems usage. Most communication systems such as electronic mail, facsimile transmissions, Internet traffic, and voice mail are technologies that create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record, like a paper record, is reproducible and therefore special care must be taken to avoid improper dissemination of protected or confidential information. Electronic records are subject to public disclosure laws to the same extent as are paper records. Electronic records may be inspected for audit or legitimate operational or management purposes. The City reserves the right to inspect any and all files stored in any areas of City systems in order to assure compliance with policy.

Electronic records are to be kept, maintained, released, withheld, and destroyed only in accordance with the Public Disclosure Act (RCW 42.17) and the law governing preservation and destruction of public records (RCW 40.14).

- 1.2. The City's security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat newsgroup or email message, and each file

transfer into and out of City systems, and other communications related information. The City reserves the right to monitor and record such uses at any time. No employee should have any expectation of personal privacy as to their communication systems usage or use of any software or hardware provided by the City. The City will review communication systems activity and analyze usage patterns, and may use this data to assure that City communication systems resources are devoted to maintaining the highest levels of productivity.

- 1.3. The creation or transmission of any kind of sexually explicit image or document on any City system is a violation of the City's policy on sexual harassment (see Personnel Policies Section 2.5, Sexual Harassment Prohibited). Some images or documents do not apply to this policy, such as the legitimate needs of public safety agencies. In addition sexually explicit material may not be accessed, viewed, downloaded, archived, stored, distributed, edited or recorded using our network or communication systems. The City of Edmonds uses independently supplied software and data to identify inappropriate or sexually-explicit material. The City may block access to all such sites of which the City becomes aware. If an employee is inadvertently connected to a site that contains sexually explicit or offensive material, the employee must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.
- 1.4. The creation or transmission of derogatory, inflammatory or harassing messages or content (including, without limitation, derogatory, inflammatory or harassing remarks about an individual's race, age, gender, disability, religion, national origin, marital status, veteran status, sexual preference or physical attributes) is a violation both of this policy and of the City's Anti-Harassment Policy.
- 1.5. Use of City communication systems for solicitation of non-City business or for personal gain is prohibited.
- 1.6. The City of Edmonds communication systems and computing resources must not be used to violate the laws and regulations of the United States or any other nation or the laws and regulations of any county, city, province or other local jurisdiction in any material way. Use of any City resources for illegal activity is grounds for discipline, up to and including immediate dismissal and consistent with applicable law. The City will cooperate with legitimate law enforcement and regulatory agencies for logs, diaries and archives on employee activities.
- 1.7. Any software or files downloaded via the communication systems into the City network may be used only in ways that are consistent with their licenses or copyrights.
- 1.8. No employee may use City communication systems knowingly to download or distribute pirated software or data. Any file that is downloaded must be scanned for viruses before it is run or accessed.
- 1.9. No employee may use City communication systems to deliberately propagate any viruses or other code harmful to City data or systems.

- 1.10. No employee may use City communication systems knowingly to disable or overload any computer system or network or to circumvent any security feature of the systems.
- 1.11. Each employee shall identify themselves honestly, accurately and completely (including City department and function where requested) when participating in authorized chats or newsgroups, or when setting up accounts on outside computer systems.
- 1.12. Only those employees or officials who are duly authorized to speak on behalf of the City to the media, to analysts or in public gatherings may speak/write in the name of the City to any newsgroup or chat room. Other employees may participate in newsgroups or chats in the course of business when authorized and relevant to their duties, but should be cautious to make it clear when they are expressing an individual opinion as opposed to establishing or representing the City's position or policy on a matter. Where an individual participant is identified as an employee or agent of the City of Edmonds, the employee must refrain from political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the City of any commercial product or service.
- 1.13. The City of Edmonds retains proprietary rights and the copyright to any material posted to any portion of the communication systems (including, without limitation, any forum newsgroup, chat room or World Wide Web page) by any employee in the course of his or her duties with the City, unless otherwise provided by law.
- 1.14. Electronic transmission of protected or confidential City information is governed by the same rules and principles that govern paper transmittals. Protected or confidential City information may include, but is not limited to, certain financial data, personal data, certain proprietary information, security information, trade secrets, and any other material exempted from disclosure, or required to be held confidential by law and City policies and/or procedures. The unauthorized release of protected information - whether or not the release is inadvertent - may subject an employee to penalties under existing policies and procedures.
- 1.15. A wide variety of materials may be deemed offensive by colleagues, customers or business suppliers. Employees must be aware of this and not store, view, print or redistribute any document or graphic file that is not directly related to the user's job or City activities, or that is likely to be deemed offensive by a reasonable person. (Exception: Viewing of unsolicited material sent to the employee.)
- 1.16. Employees must take particular care to understand the copyright, trademarks, libel, slander and public speech control laws of all jurisdictions in which the City conducts business so that the use of the communication systems does not inadvertently violate any laws which might be enforceable against the City.

- 1.16.1. Employees with communication systems access may only download software for direct business use, and they must arrange to have such software properly licensed and/or registered with Information Services. Downloaded software if subject to a license must be used only under the terms of its license.
  - 1.16.2. Employees may not download entertainment software or games or play games with others over the communication systems.
  - 1.16.3. Employees may not download audio, images or videos unless there is an explicit business-related use for the material and such downloading does not violate any copyright or licensing requirements.
- 1.17. Employees may not upload any software licensed to the City or data owned or licensed by the City without explicit authorization from the manager responsible for the system, software or data.

## **2. Technical**

- 2.1. User identification (IDs) and passwords help maintain individual accountability for communication systems resource usage. However, the issuance of ID's and passwords is not intended to create any personal privacy rights. Any employee who obtains a password of or for a communication systems resource must keep that password confidential, except for communication with authorized personnel. City policy prohibits the sharing of user IDs or passwords obtained for access to communication systems. Employees shall not use the password or ID of another user, except in cases of job related necessity as approved by the Department Head. Employees shall not reveal the password or ID to an unauthorized person or entity.
- 2.2. Video and audio streaming and downloading technologies represent significant data traffic which cause local network congestion. Employees should schedule communications-intensive operations such as large file transfers, video or audio downloads, mass emailings and the like for off-peak times. Off peak hours apply to the time between 6:00 PM and 7:00 AM Pacific time.

## **3. Security**

- 3.1. The City has installed a variety of firewall proxies, communication systems address screening programs and other security systems to assure the safety and security of systems. Any employee who attempts to disable, defeat or circumvent any security facility is subject to discipline up to and including dismissal and possible criminal prosecution.
- 3.2. Files containing confidential and/or protected data that are transferred in any way across the communication systems must be protected.

- 3.3. Communication systems that use their own modems to create independent data connections sidestep network security mechanisms. These individual connections to outside computers can be used by an attacker to compromise City networks. Any communication systems used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the City's internal networks and approved in advance by Information Services.
- 3.4. Only those communication systems services and functions with documented City business purpose will be enabled at the communication systems firewall.

#### **4. Incidental use**

- 4.1. *De minimis* use is an infrequent or occasional use that results in little or no actual cost to the City. An occasional brief local phone call, Internet access or email to make a medical or dental appointment is an allowable *de minimis* use of communications systems. The cost of a brief local phone call is negligible and need not interfere with job performance.
- 4.2. The proper stewardship of City resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all employees share. Accordingly, employees may not use communication systems for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include a use solely for personal convenience, or a use to avoid personal expense.
- 4.3. Responsibility and accountability for the appropriate use of communication systems ultimately rests with the individual City official and City employee, or with the City official or City employee who authorizes such use. Employees and officials are cautioned that their own personal use of communication systems should never interfere with another City official or employee, or obligate another employee to make personal use of City resources. In addition, City employees have an affirmative duty to ensure that any personal use of communication systems is the most efficient in terms of time and resources.
- 4.4. Extensive or repeated personal misuse of City resources, including time, significantly undermines public trust in government. Nevertheless, a very limited personal use of City communication systems that supports organizational effectiveness would not undermine public trust and confidence.
- 4.5. Subject to restrictions elsewhere in this policy, a City official or employee may make an occasional, but limited, personal use of communication system resources only if each of the following conditions are met:
- 4.6. There is little or no cost to the City;
  - 4.6.1. Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;

- 4.6.2. The use does not interfere with the performance of the officer's or employee's official duties;
  - 4.6.3. The use does not disrupt or distract from the conduct of City business due to volume or frequency;
  - 4.6.4. The use does not disrupt other City employees and does not obligate them to make a personal use of City resources; and
  - 4.6.5. The use does not compromise the security or integrity of City property, information, or software.
- 4.7. The City Code, state and federal laws, strictly prohibit uses of taxpayer resources for private benefit or partisan political purposes. Any use of City resources to support such activity clearly undermines public confidence in government and reflects negatively on City employees generally. In compliance with these provisions, this policy explicitly prohibits, at all times and to any degree, the following private uses of communication systems and resources:
- 4.7.1. Any use for the purpose of conducting an outside business or private employment.
  - 4.7.2. Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: a private business, a nonprofit organization, political candidate, a political party, or a ballot issue (unless provided for by law, City code, or other policy). (Note: It is not intended to prohibit forwarding information related to United Way or other organizations related to city government such as the Association of Washington Cities (AWC)).
  - 4.7.3. Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.
  - 4.7.4. Any use related to conduct that is prohibited by a federal or state law or rule, or a City code or policy; and
  - 4.7.5. Any private use of any communication systems property that has been removed from City facilities or other official duty stations, even if there is no cost to the City.
- 4.8. The general ethics standard is that any use of communication systems resources other than for official business purposes needs to be brief in duration and frequency to ensure there is little or no cost and the use does not interfere with the performance of official duties.

**5. Policy Changes; Other City of Edmonds Policies**

- 5.1. The City of Edmonds Information Services may modify or revise its communication systems use policies (including these specific regulations) at any time, in its sole discretion. The City will notify the Union of any changes in policy that may effect wages, hours, or working conditions prior to implementation. Employees are required to comply with all such subsequent modifications or revisions. Modifications and/or revisions will be posted on a shared network resource, posted on the communication systems access screens, distributed through email, staff meetings or other communication method.
- 5.2. These communication systems use policies are in addition to, and do not replace or supersede, any and all other policies promulgated by the City from time to time which are applicable to its employees (including general policies relating to misuse of City assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property). Misuse or inappropriate use of Communication resources, in violation of these or any other City policy, may result in discipline, up to and including discharge.
- 5.3. Violation of these policies may result in discipline, up to and including discharge, regardless of whether the particular section or paragraph refers to disciplinary action.

**6. References:**

- 6.1. City of Edmonds Personnel Policies
- 6.2. Regulatory Codes of Washington (RCW) 42.52.160, 42.52.180, 42.17.190
- 6.3. Washington Administrative Code (WAC) 292-120-035

Reference attachment to City of Edmonds Information Systems Communications Systems policy, Washington State's Executive Ethics Board Advisory Opinion, dated April 19, 2002. <http://www.wa.gov/ethics/opinion0202.htm>

## ADVISORY OPINION 02-02

### Use of State Resources - Frequently Asked Questions and Examples

These frequently asked questions are intended to provide examples of how the Board would interpret and apply RCW 42.52.160, RCW 42.52.180 and WAC 292-110-010 to common occurrences in the state workplace.

**Question 1:** Are there general guidelines for the use of state resources?

**Answer:** Yes. All state officers and employees have a duty to ensure the proper stewardship of state resources, including funds, facilities, tools, property, employees and their time. Accordingly, the Ethics in Public Service Act states that resources under your official control may not be used for the private benefit or gain of a state officer, state employee, or another person. (See and RCW 42.52.160(1))

**Question 2:** What types of state resources are covered under the ethics law?

**Answer:** The guidelines on use of state resources apply to all resources **under an employee's control** including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also includes state information, e.g., databases, employee lists. (See RCW 42.52.160(1) and RCW 42.52.180(1))

**Question 3:** What exactly is a "private benefit or gain"?

**Answer:** A private benefit or gain can range from avoiding a cost or expense by the use to using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

**Question 4:** I've heard that de minimis use is allowed. What is *a de minimis* use anyway?

**Answer:** A de minimis use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical or dental appointment is an allowable de minimis use of state resources.

The cost of a brief phone call is negligible and is not likely to interfere with your job. The following examples address "de minimis" use: (See WAC 292-100-010(3))

**Example A:** An employee makes a telephone call or sends an e-mail message to his/her children to make sure that they have arrived home safely from school. This is not an ethical violation. So long as the call or e-mail is brief in duration, there is little or no cost to the state, i.e., your SCAN code is not used, and sending a brief message does not interfere with the performance of official duties.

**Example B:** An employee uses his/her agency computer to send electronic mail to another employee wishing them a happy birthday. This is not an ethical violation. The personal message is brief and does not interfere with the performance of official duties.

**Example C:** Every spring a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is little or no cost to the state, the meeting does not interfere with the performance of official duties, and off site recreational activities such as softball teams can improve organizational effectiveness.

**Question 5:** What does "promoting organizational effectiveness" really mean?

**Answer:** The Board recognizes that state agencies may allow employees to participate in activities that are not official state duties but promote organizational effectiveness by supporting a collegial work environment. Often these activities involve an accumulated use of state time or resources that is more than de minimis. Nevertheless, the Board believes that so long as the employees who participate in the activity limit their use of state resources, then these activities would not undermine public confidence in state government. (See WAC 292-100-010(3))

**Example:** An agency determines that an agency wide retirement lunch will enhance organizational effectiveness. The retirement lunch will last a half hour longer than the normal one hour lunch break, which totals 15 hours of paid time for the agency. An employee uses his or her office computer to compose a flyer about the lunch, send a few reminder e-mails, and collect for a retirement present. This is not an ethical violation. While the accumulated time use may not meet the limited de minimis use standard, the use supports organizational effectiveness and was approved by the agency. Since most of the activity takes place outside of normal working hours, it will not interfere with the performance of each employee's official duties. In addition, the employees use of the office computer and printer will result in little or no cost to the state.

**Question 6:** Are there any uses of state resources that are prohibited?

**Answer:** Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities. The following examples address prohibited uses. (See WAC 292-100-010(6))

**Example A:** An employee operates an outside business. She makes an outside business call on her state telephone. The call is local. This is an ethical violation. The employee is conducting a private business on state time using state resources, which is prohibited under WAC 292-110-010(6).

**Example B:** An employee puts a state telephone number or work address on business cards or letterhead for his/her outside business. Several customers contact the employee at the office number to conduct the outside business. This is an ethical violation. Although the use of the telephone may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example C:** After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his/her own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example D:** One night an employee takes an agency owned video player home to watch videos of his/her family vacation. This is an ethical violation. Although there is little or no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

**Example E:** An employee is assigned to do temporary work in another city away from his/her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although use of the laptop may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

**Question 7:** Can I play games on my computer during lunch and break times?

**Answer:** Generally No. When employees download games or load interactive games onto state owned computers, the game play often involves several state employees or can undermine the security of state information and databases. In addition, the computer at your workstation remains a state resource regardless of whether you are working or on a break. Nevertheless, subject to your agency's prior approval a brief and occasional personal use, during lunch or break times, of a game that was preloaded by the manufacturer on your state computer would be

allowed under the de minimis rule. (See WAC 292-100-010(3))

**Question 8:** If I use a state resource, can't I just reimburse my agency for the use?

**Answer:** No. Reimbursing for a personal use may result in a personal benefit and may impose significant administrative burdens on the state. For example, the price of a SCAN call is less than you would pay using your local telephone company. Reimbursing also creates the misperception that personal use is ok as long as we pay for it. Personal use should be the exception not the rule. (See WAC 292-100-010(7))

### **E-Mail and Internet Use**

**Question 9:** Can I send a personal e-mail message without violating the ethics law?

**Answer:** Yes. The general ethics standard is that any use of a state resource other than for official state business purposes needs to be brief in duration and frequency to ensure there is little or no cost to the state and the use does not interfere with the performance of official duties. Extensive personal use of state provided e-mail is not permitted. (See WAC 292-100-010(4))

**Question 10:** Are my e-mail or voice messages private?

**Answer:** No, if you use state equipment do not expect a right to personal privacy for any of your e-mail or voicemail communications. E-mail and voicemail communications may be considered public records and could be subject to disclosure. Aside from disclosure, employees should consider that e-mail communications are subject to alteration and may be forwarded to unintended recipients. Avoid these potential problems by treating e-mail communications as another form of business correspondence. (See WAC 292-100-010(5))

**Question 11:** Are there any restrictions on e-mail communications?

**Answer:** Yes. E-mail messages cannot be for any of the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities, such as harassment. In addition, broadly distributing or chain-mailing an e-mail that is not related to official business is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources. (See WAC 292-100-010(6))

**Question 12:** What are the guidelines on Internet use?

**Answer:** Just like the guidelines for e-mail discussed above, any personal use of state provided Internet access must be both brief and infrequent. Extensive

personal use of state provided Internet access is not permitted. In addition, your agency must have adopted a policy that specifically permits personal use of the Internet. (See WAC 292-100-010(4)) The following examples address uses of the Internet:

**Example A:** Several times a month an employee quickly uses the Internet to check his or her children's school website to confirm if the school will end early that day. The transaction takes about five minutes. This is not an ethical violation. The use is brief and infrequent, there is little or no cost to the state, and the use does not interfere with the performance of official duties.

**Example B:** An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Using state resources to monitor private stock investments or make stock trades, are private activities that can result in a private financial benefit or gain. Allowing even an occasional or limited use of state facilities to facilitate a private financial gain undermines public confidence in state government.

**Example C:** An employee spends thirty to forty minutes looking at various web sites related to a personal interest. This is an ethical violation. The use is not brief and can interfere with the performance of state duties.

**Example D:** An employee visits several humor and joke sites. While at a site, he/she downloads a joke file and e-mails it to several co-workers. This is an ethical violation. By e-mailing a file to co-workers the employee disrupts other state employees and obligates them to make a personal use of state resources. In addition, downloading files and distributing them to co-workers can introduce a computer virus, which can compromise state databases.

**Question 13:** What do I do if I access the wrong Internet site?

**Answer:** Don't panic! The best thing to do is to back out of the site and remember what it was that got you there and don't go back. Everyone makes this kind of mistake. It is also advisable to contact your supervisor or information systems staff to notify them of your mistake.

### **Use of State or Resources to Support Charities**

**Question 14:** Can I use state resources to support charities?

**Answer:** The limited use of state resources to support charities may be allowed if an agency head or his/her designee, approves the activity as one that promotes organizational effectiveness. Approval may be in the form of a specific policy that establishes guidelines for limited use of state resources. (See WAC 292-100-010(3))

**Question 15:** Can you give me examples of limited uses that might be ok?

**Answer:** Yes. Sending an e-mail to notify employees of a blood drive would be a limited and acceptable use of state resources. Another example might be a bake sale to support an Adopt-A-Family Program. Here, the baking would be performed at home and after working hours. The baked goods are then displayed for purchase during break times and the lunch hour. When gifts are purchased for the family, the purchases are made after working hours.

**Question 16:** Is there anything employees shouldn't do while conducting charity work on state time?

**Answer:** Any use of state resources that results in an expenditure of funds should be avoided. Consider this scenario: a group of employees spend 6 working hours of staff time a week for over a four-week period to plan a charitable fund-raiser, and use the computer, fax, and copier to produce fund-raising materials. This is an expenditure of state funds that would not be considered a de minimis or limited use of state resources. In addition, state resources may not be used for the benefit of any other person, whether or not operated for profit, unless the use is within the course of official duties. The following example addresses another area of concern. (See WAC 292-100-010(3))

**Example:** An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental payment of expenses for the trip is expected, the more raised through individual contributions, the less the parent must pay. The employee uses agency e-mail to solicit contributions to the fund-raiser from a broad distribution list of co-workers.

The e-mail asks each recipient to pass along the e-mail to other state employees. This is an ethical violation. The employee is using state resources to promote an outside organization and a private interest. By sending the e-mail to other state employees and asking state employees to pass the solicitation along, the employee is asking other state employees to improperly use state resources in a manner that interferes with the performance of official duties.

**Question 17:** What about the Combined Fund Drive?

**Answer:** The Combined Fund Drive is somewhat different than other independent charitable organizations because it has been established by the state legislature. Therefore, it is part of the official duties of those employees who are assigned by the agency to conduct the Drive. Fund Drive coordinators should confine the time and effort spent conducting the drive to agency guidelines. (See WAC 292-100-010(2) and EEB Advisory Opinion 00-09)

**Question 18:** What about the employees who are not officially assigned to conduct the

Combined Fund Drive?

**Answer:** As noted above with charitable groups, the use of state resources to support the Combined Fund Drive charities should be reasonable, involve little or no cost to the agency, and should not disrupt the conduct of official business in state offices. (See WAC 292-100-010(3) and EEB Advisory Opinion 96-11)

**Question 19:** How about agency participation in commercial activity that benefits the Combined Fund Drive?

**Answer:** State agencies should avoid direct involvement in commercial activity even if the proceeds may benefit the Combined Fund Drive. Examples of improper direct involvement include distributing commercial product sales brochures and order forms to agency employees, collecting product order forms in the workplace or on state paid time, and distributing products in the workplace or on state paid time. Activities permitted under the de minimis rule, such as those described in the answer to Question 15, should not involve commercial activities. (See WAC 292-100-010(6))

Approved by the Executive Ethics Board, this 19th day of April 2002.  
Brian R. Malarky, Executive Director