

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2020-O-16

AN ORDINANCE ADOPTING GUIDELINES FOR ELECTRONIC MAIL,
TECHNOLOGY USE, AND PERSONAL COMMUNICATION DEVICES

Adopted by the
Board of Trustees of the Village of Tolono, Illinois
This 18th day of August, 2020

Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Tolono, Champaign County, Illinois this 18th day of August, 2020.

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CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2020-O-16

August 18, 2020

**AN ORDINANCE AMENDING GUIDELINES FOR ELECTRONIC MAIL,
TECHNOLOGY USE, AND PERSONAL COMMUNICATION DEVICES**

WHEREAS, the Village of Tolono, hereinafter "Village", has the authority to adopt ordinances and to promulgate rules and regulations (that pertain to its government and affairs and) that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village has hired employees who make use of electronic mail, computers, internet service, communication systems, and communication devices which store, modify, and/or transmit information important to the Village; and

WHEREAS, the Village has a duty to protect the integrity of its records, the confidentiality of certain records, the reputation and dignity of the Village, and comply with Federal and State laws; and

WHEREAS, the Village Board President and the Village Board of Trustees considered the nature of the said usage, the impact upon the function of the Village, input from employees, the public and all other sources, and determined it appropriate to amend the Tolono Revised Code of Ordinances on April 17, 2012 to add policies which protect the interests of the Village,

WHEREAS, the Village has determined that it appropriate to update and revise said policies to adhere with the ever-changing technology.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tolono as follows:

Section 1. Incorporation Clause

The President and Village Board of Trustees of the Village of Tolono hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose

This Ordinance is to amend Title 3, Chapter 37 of the Village of Tolono Municipal Code in entirety to coincide with changes in technology.

Section 3. Amendment

Title 3, Chapter 37, comprised of Electronic Mail, Technology Use, Personal Communication Devices, and Employee Speech, Expression, and Social Networking of the Code of Ordinances of the Village of Tolono is hereby amended to now read, in entirety, as follows:

CHAPTER 37 GUIDELINES FOR ELECTRONIC MAIL (EMAIL), TECHNOLOGY USE, AND PERSONAL COMMUNICATION DEVICES

EMAIL REGULATIONS

37.001 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of email by employees of the Village of Tolono ("Village"). For purposes of Chapter 37 the term "employees of the Village" and/or "employees" shall not be deemed to include police officers who are employed by the Village Police Department. They shall instead be regulated by Police Department Procedures adopted/implemented by the Village Police Chief. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current laws (e.g., Illinois Freedom of Information Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business related tasks and/or communication directly related to the business, administration, or practices of the Village.

37.002 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over Village networks are considered Village records and therefore are Village property. The Village reserves the right to access, audit and disclose, for whatever reason, all messages, including attachments, that have been transmitted, stored, accessed or received through any department system, storage area or device.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the Village

email system shall have no expectation of privacy concerning communications transmitted over the system. Employees should not use personal accounts to exchange email or other information that is related to the official business of the Village.

37.003 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, unlawful or any other inappropriate messages on the email system is prohibited and will not be tolerated, and may result in disciplinary action. Email messages addressed to the Village are only to be used for official business related uses. Personal advertisements or other commercial use is not acceptable. It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure should minimize the misuse of an individual's email, username and/or password by others.

37.004 MANAGEMENT OF EMAIL

Because the email system is not designed for long-term retention of messages, email messages that the employee desires to save, or that becomes part of an official record, should be stored in another database. Users of email are solely responsible for the management of their email preferences.

TECHNOLOGY USE

37.015 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

37.016 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Village expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Village also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

37.017 DEFINITIONS

The following definitions relate to terms within this policy:

Computer System or System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Village, which are provided for official use by Village employees. This shall include all access to and use of, Internet Service Providers (ISP) or other service providers provided by or through the Village or Village funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Temporary File/Permanent File/File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

37.018 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause. When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the Village's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system. Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Village involving the employee or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

37.019 VILLAGE PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any Village computer, or through the Village computer system on any other computer, whether downloaded or transferred from the original Village computer, shall remain the exclusive property of the Village and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

37.020 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software, except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malware infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a Village computer or network shall be done so only with the approval of the employee's supervisor and only after being properly scanned for malicious attachments. No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Village while on Village premises or on a Village computer system. Such unauthorized use of software exposes the Village and involved employees to severe civil and criminal penalties.

37.021 PROHIBITED AND INAPPROPRIATE USE

Access to Village technology resources including Internet access provided by or through the Village shall be strictly limited to Village related business activities. Data stored on, or available through, department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legal and legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Any internet site that contains content that is not appropriate or applicable to Village use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the prior approval of a supervisor as a function of an assignment. Downloaded information shall be limited to messages, mail, and data files which shall be subject to audit and review by the Village without notice. No copyrighted and/or unlicensed software program files may be downloaded. Employees shall report any unauthorized access to the system or suspected intrusion from outside sources to a supervisor.

37.022 PROTECTION OF VILLAGE SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system. It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

PERSONAL COMMUNICATION DEVICES

37.035 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Village issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel. Because of technical advances and varying manufacturer nomenclature, this policy will generally refer to all personal communication devices (PCDs) as such, but is intended to include all mobile phones, and other such wireless two way communication and/or portable internet access devices.

37.036 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Village expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Village also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service,

37.037 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the Village may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the Village and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

37.038 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD during Village working hours subject to the following conditions:

- (A) Carrying an individually owned personal communication device is optional.
- (B) The device shall be purchased, used and maintained at the employee's expense.

37.039 USE OF PCD

Whether provided by the Village or personally owned, PCDs shall only be used by on-duty employees for legitimate departmental business. PCDs may not be used to conduct personal business while on duty except when brief personal communications may be

warranted by the circumstances (e.g. inform family of extended hours). While employees may use personally owned PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the general public. Extended or frequent use of departmentally issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to disciplinary action. Employees may be responsible for reimbursing the Village for any charges incurred as a result of personal use of a Village owned PCD.

37.040 USE WHILE DRIVING

The use of a PCD while driving is illegal. Employees should restrict the use of these devices while driving to calls of an urgent nature and should stop the vehicle at an appropriate location to complete their communication. Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other PCDs while driving unless the PCD is specifically designed and configured to allow hands-free use. Employees should restrict such calls to business related calls or calls of an urgent nature.

EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

37.055 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the Village. Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech or expression that has been clearly established as protected or privileged.

37.056 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file sharing sites.

37.057 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the

Village. Due to the nature of the work and influence associated with the community wide visibility of public employees, it is necessary that employees of the Village be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Village will carefully balance the individual employee's rights against the Village's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

37.058 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Village employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties.

Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates.

37.059 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Village's safety, performance and public-trust needs, the following are prohibited;

(A) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Village or its employees. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to the Village and tends to compromise or damage the mission, function, reputation or professionalism of the Village or its employees. Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Village.

(B) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Village for financial or personal gain, or any disclosure of such materials without the expressed authorization of the employee's supervisor. Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Village logos, emblems, uniforms, patches, marked vehicles, equipment or other material that specifically identifies the Village on any personal or social networking or other website or web page, without the express written permission of the employee's supervisor is prohibited. Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or web site maintained by the employee (e.g., social or personal website) may result in disciplinary action. Accessing websites for non-authorized purposes, or use of any

personal communication device, game device or media device, whether personally or Village owned, for personal purposes except in the following circumstances: When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours), during authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

37.060 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Employees may not represent the Village of Tolono or identify themselves in any way as being affiliated with the Village in order to do any of the following:

- (A) Endorse, support, oppose or contradict any political campaign or initiative.
- (B) Endorse, support, oppose or contradict any social issue, cause or religion.
- (C) Endorse, support or oppose any product, service, company or other commercial entity.
- (D) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization (e.g., bargaining group), is affiliated with the Village, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Village of Tolono. Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

37.061 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regards to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook).

The Village also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Village, including the Village email system, computer network or any information placed into storage on any department system or device. All

messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Village. The Village reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through a Village computer or network.

TELECOMMUNICATIONS

37.075 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Village telephones and fax machines.

37.076 PRIVACY POLICY

Any employee utilizing any Village telephone and/or fax machine expressly acknowledges and agrees that the use of same, whether for business or personal use, shall remove any expectation of privacy of the employee, sender and recipient including, but not limited to, the content of any such communication. The Village expressly reserves the right to access and audit any and all such communications (including content) sent, received and/or stored through the use of such service.

37.077 USE LIMITATIONS

The primary use of Village telephones and fax machines shall be to conduct Village related business activities. Employees may make personal calls and/or utilize a fax machine on an extremely limited basis and only as approved by an employee's supervisor. In no instance shall employees utilize Village telephones and/or fax machines for any commercial purpose. Any additional charges for any personal usage shall be reimbursed by the employee to the Village.

Section 4. Superseder and Publication

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 5. Effective Date

This Ordinance shall be in full force and effect upon its passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Jared Robbins

With a second by Trustee Terrence Stuber, roll call vote:

Vicki Buffo abstain


Jared Robbins yes

Ryan Perry yes

Terrence Stuber yes

Jared Ping yes

**SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF TOLONO,
COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 18TH DAY OF AUGUST, 2020.**



Robert Murphy, President



Brandy Dalton, Village Clerk

(SEAL)

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