

02-6-0905-193

STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT  
POLICY AND PROCEDURE

NUMBER: 2009  
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DATE: 09/30/02

**SUBJECT**

**Use of Agency Telecommunications Technology Systems**

**PURPOSE**

To set forth the Employment Security Department's (ESD) position regarding the proper business and personal use of agency telecommunications technology resources, including cell phones, by employees, contractors, or any other persons using these resources.

**RISK STATEMENT**

ESD employees are obligated to conserve and protect state resources for the benefit of the public interest rather than their private interests. Improper or illegal use of ESD telecommunications resources poses serious risk and liability to both the department and the individual employee. These risks include but are not limited to:

- Loss of public trust in ESD/State services;
- Service and performance interference;
- Financial loss;
- Illegal activity;
- Loss of operational integrity; and
- Charges or other legal consequences related to sexual harassment, racism, or improper access to or dissemination of information.

Most telecommunications use, especially long distance calling and cell phone usage is available through the billing process. Voice mail and FAX machine records are also accessible. These records are therefore available for review by both internal and external sources. These billings and other records provide an audit trail of employee use of SCAN, voice mail and FAX systems, and are available to detect improper or illegal use. All employees must be aware that these records are reproducible, are **not** private, and may be subject to disclosure under public disclosure laws.

**DEFINITIONS**

**Agency Telecommunications Technology resources** include, but are not limited to, telephone systems including voice mail, cell phones, SCAN, pagers and FAX machines.

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**Contractor** is a bidder performing work under a contract resulting from a procurement action (competitive or sole source). The successful bidder becomes a contractor upon execution of the contract. Refer to ESD Policy #0023.

**Electronic message** is a verbal or written message transmitted or stored electronically.

**Electronic message systems** allow the generation, transmission, storage, display or reproduction of an electronic message for internal or external communication purposes.

- Voice mail is a system allowing users to receive, reply, redirect, save or send messages anytime using a touchtone telephone.
- E-mail is a system allowing transmission of person-to-person messages.
- Other media includes facsimile and imaging equipment, which store and transmit images; and all similar systems.

**Emergency** is a sudden, generally unexpected occurrence or set of circumstances affecting the health and safety of an agency employee or member of the public demanding immediate action, for example, calling 911 to report an accident.

**Non-working hours** means those hours before and after scheduled work hours for the scheduled employee, those hours other than designated working hours for nonscheduled employees, and breaks, including lunch breaks, for both the scheduled and non-scheduled employees.

### POLICY

The Employment Security Department (ESD) is a strong proponent of the responsible, legal and ethical use of telecommunications technology systems. Our ability to use these tools greatly enhances our ability to perform our mission and makes us more efficient when dealing with information gathering and exchange. We encourage all of you to use these technologies, keeping in mind the principles explained below.

Regardless of the specific technology employed, the use of telecommunication technology systems must comply with this policy. ESD management is responsible for ensuring employees and other individuals with access to the department's telecommunications systems are informed of this policy and make appropriate use of state resources in accordance with this policy.

The department has the right to access telecommunications technology equipment and any information stored on it for any legitimate business purpose including, but not limited to, the promotion and assessment of compliance with this policy. Supervisors and managers are authorized to further restrict an employee's personal use of telecommunications technology systems.

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Violation of this policy may subject the employee to disciplinary action by the agency. In addition the Executive Ethics Board may impose sanctions against the employee that include reprimand, recommend removal of employee from the position, financial penalty, and payment of damages and investigative costs.

### Telecommunications Technology Equipment

Telecommunications technology equipment is provided by ESD to assist its employees, contractors or others in the performance of their official duties. This equipment shall be used only for purposes consistent with those enumerated in this policy.

Security of agency systems and the data they contain is the responsibility of all users. Access to agency systems is authorized only to the level necessary for performance of an employee's job functions. Attempting to circumvent data protection schemes, unauthorized monitoring, or tampering with another user's electronic communications is not allowed.

In using state-owned equipment, employees shall protect the confidentiality of Information by following password procedures and taking all the necessary steps to safeguard passwords. The employee's passwords are his or her identity when accessing and using agency systems. They are for that employee's use only and are not to be shared with anyone else. An employee is responsible for actions taken with his or her password. If the employee is storing particularly sensitive information, the employee should discuss additional security with the appropriate supervisor or manager.

New or additional equipment may not be installed on the department's telecommunications technology systems without permission from Information Technology Services Division (ITSD) Telecommunications Unit.

Employees may never use agency telecommunications technology systems to:

1. Advertise, sell or for any other commercial purpose;
2. Adversely reflect on ESD e.g., furthering of extremist organizations, inappropriate jokes, racial, ethnic, religious, or gender slurs;
3. Conduct an outside business;
4. Engage in any campaign or political activity;
5. Engage in any illegal activity;
6. Make unlawful or inappropriate disclosures of confidential information;
7. Promote a political, philosophical or religious belief;
8. Promote or encourage discrimination on the basis of race, creed, color, gender, religion, handicap, or sexual orientation;
9. Relate stories or use language that does not honor diversity; and
10. Use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by an agency head or designee.

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**Use of Electronic Message Systems**

Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is, therefore, not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

Electronic message systems including voice mail are provided to support official agency business activities. Communications using electronic message systems should be courteous and professional, keeping in mind that messages generally constitute public records that are subject to disclosure under RCW Chapter 42.17.

Occasional and limited (i.e. *de minimis*) personal use of technology resources by ESD employees is permissible if all the following are met and the use does not violate the state's **Ethics in Public Service Act** (RCW Chapter 42.52) or undermine public trust and confidence:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- (f) The use does not compromise the security or integrity of state property, information, or software.

**ADVISORY OPINION 02-02 Use of State Resources - Frequently Asked Questions and Examples** provides the following occasional and limited legitimate-use example:

In **Question 4** defining "*de mimimus*" use the following example is given as a permissible activity: 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.

The following example of inappropriate use is also taken from Advisory Opinion 02-02:

An employee operates an outside business. Everyday she makes or receives five to ten commercial business calls on her state telephone. All of the calls are local.

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calls. This is an ethical violation. The employee is conducting a private business on state time, which is a cost to the state. Even one phone call would be an ethical violation.

There may be some subjective interpretation in the use of agency telecommunication technology systems. Following are some guidelines from various resources, including the state Executive Ethics Board, to assist staff in making the correct determination on proper use of telecommunications technology systems resources here at ESD:

1. Never use telecommunications technology in a way that would be embarrassing to the Department/State.
2. Seek clarification or assistance from your supervisor before using the resources in a personal manner. If in doubt, limit your use of telecommunications technology resources to official **state business purposes only!**
3. Use telecommunications technology only in a manner you could discuss openly with your supervisor or other knowledgeable employees.

#### **Cellular Phones**

Cellular phones are to be used only for *official agency business*. Personal use of cellular phones is a violation of this policy and may subject the employee to disciplinary action by the agency. The supervisor is responsible for disciplinary action necessary as a result of the personal use of cellular phones.

Cellular phones are different from wired phones. Both local and long distance calls including incoming calls are billed individually to the department.

Cellular phone numbers should never be given out for personal use for contacting an employee. If the user uses a cellular phone for personal business including incoming calls, the employee must report that use to his/her supervisor and make arrangements to pay for the call. If a personal call is made within the allotment time under the monthly plan, which means there is no cost for the individual call, the users reimbursement will be at the highest rate under that particular plan plus taxes. This reimbursement cannot be in cash and must be by check or money order, payable to

Employment Security Department, and sent to the appropriate immediate supervisor. The supervisor will forward the reimbursement and copy of the bill to the Telecommunications Unit. The supervisor is responsible for disciplinary action necessary as a result of the personal use of cellular phones.

Cost Center managers must notify the Telecommunications Unit immediately when a cellular phone or pager is lost or stolen. A police report must be filed on all stolen cell phones and a copy sent to the Telecommunication unit.

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With the authorization of the cost center manager an agency cellular phone line may be installed as an additional line on a personal cellular phone, however, a personal cellular phone line can NOT be installed on an agency cellular phone.

All cellular phone use invoices will be sent to the user and their immediate supervisor for review and signature by both employee and supervisor to ensure accuracy. Cellular phone invoices will then be forwarded to the Telecommunications Unit for processing. Invoices are kept on file for one year. The Telecommunications Unit will keep invoices on file for one year. Original cellular phone records are available for six years.

### **SCAN for Long Distance Calls**

The SCAN system is to be used only for *official agency business*. Personal use of the SCAN system is a violation of this policy and may subject the employee to disciplinary action by the agency. The supervisor is responsible for disciplinary action necessary as a result of the personal use of SCAN.

The SCAN system is a less expensive way to make long distance calls and should be used whenever possible as an alternative to traditional long distance. The state is charged a fee for both SCAN and other long distance calls, therefore, those calls should be made for official business purposes only, as with the cellular phones discussed above. For information regarding use of SCAN during travel status, see Travel Policy and Regulations #3001.

In the event a user makes a personal call, and the cost of the call is billed to the agency, the user will notify their supervisor and will reimburse the agency for the full amount including taxes. This reimbursement cannot be in cash and must be by check or money order, which will be made payable to the Employment Security Department, and sent to the appropriate immediate supervisor. The supervisor will forward the reimbursement and a copy of the billing to the Telecommunications Unit. The supervisor is responsible for disciplinary action necessary as a result of the personal use of SCAN.

All long distance telephone call reports will be sent to the user and their immediate supervisor for review and signature to ensure accuracy and correctness. SCAN reports shall then be kept on file for one year at the user's cost center.

### **SCAN Authorization Process**

Cost center managers are responsible for obtaining/approving SCAN authorization access codes for their employees. Each cost center must have a knowledgeable trained individual responsible for adding, changing and deleting the SCAN authorization numbers and SCAN Plus card. The responsible individual should be trained on the different levels of SCAN access. The cost center manager should make certain that authorization numbers are transferred with the employee when changing cost centers, and canceled when the employee is leaving the department.

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New numbers are requested using the Yellow SCAN Authorization/SCAN Plus Card Request Form. Green forms are for changes, blue forms for deletes. The completed SCAN form should be sent to the Telecommunications Unit for processing. The Telecommunications Manager has the right to question all SCAN requests and restrict usage of certain levels of SCAN access (international numbers) within the agency.

SCAN authorization codes must be kept confidential; at no time should an employee share his/her code with another person. If there is suspected misuse of a SCAN authorization number the employee or his or her supervisor must notify the Telecommunications Unit. In addition, authorization numbers shall not be programmed into an automatic dialing device unless confidentiality can be assured.

#### **Agency Established Toll-Free Lines**

Agency established toll-free lines are to be used only for *official agency business*. Personal use of these toll-free lines is a violation of this policy and may subject the employee to disciplinary action by the agency. The supervisor is responsible for disciplinary action as a result of the personal use of the toll-free lines.

These toll-free lines are established to provide better services to our customers. Although these calls are not charged to the customers there is a cost to the agency for each of these calls. Under no circumstances should an employee receive a personal call (i.e., from relatives or friends) using the agency toll-free numbers. The supervisor is responsible for disciplinary action necessary as a result of the personal use of these toll free lines.

#### **FAX Machines**

FAX machines are to be used only for *official business* both in the transmission and receipt of office-related information. Personal use of FAX machines is a violation of this policy and may subject the employee to disciplinary action by the agency. The supervisor is responsible for disciplinary action necessary as a result of the personal use of FAX machine.

#### **Voice Mail**

Messages left on or created for voice mail must be courteous and professional per ESD Policy and Procedure #1016. Because the voice mail system is the property of the state, the agency reserves the right to access an individual's voice mail. User's voice messages on state equipment are public records and may be disclosed anytime during the archival period. For additional information and guidance: Public Records Disclosure Law (42.17). See Policy and Procedures #2015 and the Governor's Directive #00-01 Telephone Customer Services Goals, dated March 1, 2000.

#### **ADDITIONAL REFERENCES**

**WAC 292-110-010 Use of State Resources**

**Ethics in Public Service Act** (RCW Chapter 42.52)

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Employment Security Policy and Procedure #1016 dated 07/26/02 "**Employee Conduct.**"

Employment Security Policy and Procedure #2016 dated 05/06/01 "**Use of Agency Information Technology Systems.**"

**SUPERSEDES**

Employment Security Policy and Procedure #2009 dated 05/01/02 "Use of Agency Telecommunications Technology Systems."

**DIRECT INQUIRIES TO**

Telecommunications Unit, Information Technology Services Division, (360) 586-8041.

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