

## SECTION 6 EMPLOYMENT POLICIES

*The policies explained in this section include general information regarding specific employment issues. The Town's position on these issues is meant to be in keeping with the Town's Mission and Values. Of special importance is the emphasis on open and positive communication and how it relates in such vital ways to the Town's philosophies and work procedures.*

### 6.1 OPEN COMMUNICATIONS

The Town maintains a spirit of open communication through all aspects of its organization. Any employee who has a concern or would like assistance in solving job-related problems, providing information, or clearing up misunderstandings may meet with the Human Resources Manager. Of course, employees are encouraged to first discuss concerns with their immediate supervisor and/or Department Head if appropriate. This opportunity shall in no way be a substitute for the Employee Grievance Procedure or for the normal chain of command.

Any discussions held pursuant to this philosophy shall be of a confidential nature unless permission is granted by the employee to discuss the problem with other individuals. In situations where harassment issues are discussed, the applicable policies governing those situations and described elsewhere in these Rules would apply. There shall be no reprisals, harassment, or inequitable treatment of any employee availing himself/herself of this opportunity.

### 6.2 PROMOTIONS

1. Definition of promotions – Employee moving to a position with a greater starting salary.
2. If an employee is promoted into a position with a greater starting salary, the employee's pay will be increased to the minimum of the new position or 2.5% for a movement within the same band. If moving one pay band, the pay will be an additional 5%, an additional 10% if moving two bands and an additional 15% if moving three or more bands. Employees going from a non-supervisory to a supervisory or from non-exempt classification to an exempt classification shall receive an additional increase of 2%. The Town Manager has the authority to review extenuating circumstances when requested by the department head for employees who are promoted. Additional compensation may be awarded at the Town Manager's discretion, taking into consideration the employee's experience, education, and skills related to the new position. The movement from Police Officer I to Police Officer II shall be a 10% increase; movement from a Police Officer II to Police Sergeant shall be a 7% increase; movement from a Police Sergeant to a Police Lieutenant shall be a 10% increase.
3. Any employee selected for promotion shall be required to successfully complete a background check through a third part vendor and/or the Virginia State Police prior

to being promoted into the new position if a background check has not been previously completed for the employee.

4. Any employee promoted shall be placed on six months' probation unless the promotion is temporary in nature. The probationary period shall be 12 months for sworn police employees who are promoted. There will be a bonus of \$250 for full-time Pay Plan newly hired or promoted employees upon successful completion of the probationary period. (Section 3.10) Part-time Pay Plan newly hired or promoted employees shall receive a one-time \$250 bonus prorated based on the budgeted number of workweek hours upon successful completion of the probationary period.

### **6.3 TRANSFERS**

1. Lateral Transfer – An employee wishing to transfer to a job with the same pay rating must receive approval of the Department Heads involved, as well as that of the Town Manager and will receive no pay adjustments.
2. Lower Rated Position – An employee wishing to transfer to a lower rated position must receive approval of the Department Heads involved, as well as that of the Town Manager. The employee's salary will decrease by the promotional increase applicable from the lower rated position to the position currently held by the employee wishing to transfer.
3. An employee selected for a lateral transfer or a transfer to a lower rated position shall be required to successfully complete a background check through a third party vendor and/or the Virginia State Police prior to moving into the new position if a background check has not been previously completed for the employee.

### **6.4 REDUCTION IN FORCE**

The Town Manager or a Department Head, with the approval of the Town Manager, may call for a reduction in force. The established provisions for reduction in force do not apply to wage employees.

In determining which employees shall be laid off, the Town Manager shall consider length of service, performance evaluations, and specific benefit to the Town of each employee. This review shall include all employees assigned to the position class affected by the reduction in force. Upon completing the review, the employees shall be ranked in the order in which they will be laid off.

Each employee laid off shall be given a written notice at least two weeks prior to the effective date of the termination. The notice shall include the reasons for the lay-off, the effective date, and any other information deemed necessary by the Town Manager.

The laid off employee shall receive severance pay that is equivalent to one week's pay for each year of employment with the Town, up to a maximum of twelve weeks of pay. The

employee's health insurance contributions shall continue during the severance pay duration, providing the employee's contributions continue. The employee shall be eligible for payout of eligible accrued untaken leave as outlined by policy.

Employees who are laid off shall be placed on an eligibility list, in priority order, for a period of up to one year after the lay-off. These employees shall be given first opportunity to return to work should an opening become available that is commensurate with his/her skills. The employee must complete the necessary application form and submit the form to Human Resources by the posting deadline date to be considered for the opening. The department director shall determine whether the vacant position is commensurate with the laid off employee's skills. The factors considered in the above review shall determine the order of names on the eligibility list. If a person on the eligibility list appears qualified for a future opening but says he/she is not interested, and if the position is not a lower class than the one previously held with the Town, the person's name shall be removed from the eligibility list.

## **6.5 NOTICE OF RESIGNATION**

Any employee voluntarily leaving the service of the Town is encouraged to give two weeks' notice in writing to his/her supervisor. If this notice is not given, the employee's eligibility for re-employment may be adversely affected.

## **6.6 EXIT SESSION**

Upon submitting his/her resignation or being separated in any other way from the employ of the Town, a full-time employee, except in cases of dismissal, shall be required to schedule an exit session with the Human Resources Manager to discuss closure details, including benefits information, workplace feedback, and other related information. The exit session must be scheduled before the employee's final paycheck will be issued

## **6.7 PERFORMANCE EVALUATION**

1. A performance evaluation form, approved by the Town Manager, must be completed for all employees who have Pay Plan probationary or full-time and part-time status in the service of the Town. As a minimum, a performance report must be made at the end of the probationary period and prior to the employee's anniversary date. Performance evaluations for wage employees are required by some Departments. The type of form and frequency may vary by Department.

The evaluation form shall contain written comments about an employee's performance of job related competencies and numerical ratings for each task. The amount of performance pay increase awarded to an employee, as provided under Section 3.9, shall be directly related to the total score on the performance report.

A wage adjustment shall be given in place of a performance pay increase for any employee on military leave for more than six months of the twelve-month

evaluation period. This wage adjustment will be based on the average of the score for the past two annual evaluations. No performance evaluation will be completed.

2. The immediate supervisor shall evaluate his/her employees since he/she is the person most familiar with and responsible for the work of the unit. When the supervisor completes and signs the evaluation form, he/she must forward it to his/her division head, if one, and to the Department Head for their reviews and signatures. The supervisor then must give a copy of the form to the employee and schedule a meeting with the employee to discuss the evaluation, job performance, and goals for the coming year. At the end of that meeting the employee must sign the form.
3. If an employee wishes to appeal his/her evaluation before signing the form, the employee may meet with his/her Department Head to discuss the reasons he/she believes the evaluation is inappropriate. The appeal must be made within five working days following the evaluation interview between the employee and the supervisor. If that meeting does not satisfy the employee, he/she then may appeal the evaluation to the Town Manager. This appeal must be made within five working days following the meeting with the Department Head.
4. All evaluations must be sent to the Human Resources Manager who will review them for consistency, completeness, and accuracy. The forms are then placed in the employees' Human Resources files.

## **6.8 WORK HOURS**

1. Regular work hours for Town employees are 8:00 a.m.-5:00 p.m. Each Department Head is responsible for designating actual work hours for his/her employees, subject to the approval of the Town Manager. Meal breaks vary from one-half hour to one hour depending on the nature of the job. Unpaid meal breaks must provide an uninterrupted break for a minimum of twenty minutes. Schedules may be changed at the discretion of the Town Manager for any or all employees.
2. A Department Head may adjust the scheduling of hours to be worked by non-exempt employees within a 7-day workweek, provided the established workweek is not changed and the total number of hours does not exceed 40 during the 7-day workweek, or 80 during the 14-day work period for law enforcement officers. The "established workweek" refers to the time of day and day of week on which each employee's workweek begins and ends, as provided in Section 3.12(1)(B). In order to meet the needs of the department, a Department Head may also adjust the scheduling of hours to be worked by exempt employees and may assign specific shifts as required.
3. Because of special circumstances, an employee may be called back to work at times other than his or her normal hours. If this occurs, the employee is expected to

report at the designated time. Failure to do so may result in disciplinary action. Refer to Section 3.14.

4. A wage employee may work for a limited term up to 40 hours per week, not to exceed 1,500 hours during the initial year of employment or during any Affordable Care Act (ACA) measurement period of April 1 through March 31. The limited term may be for a one-time need, or it may recur each year. Some wage employees will never work 1,500 hours in a 12-month period. This is the maximum number of hours.

## **6.9 USE OF PERSONAL CAR FOR TOWN BUSINESS**

When it is necessary to use a personal car for Town business, prior approval must be granted by the Department Head concerned. The Town shall reimburse an individual for use of his/her car for Town business at the current rate established by Town policy. A travel expense form must be completed by the individual and submitted to the Department Head for his/her signature. Final approval shall be made by the Town Manager or his designee.

## **6.10 OPERATION OF TOWN-OWNED MOTOR VEHICLES AND MOTORIZED EQUIPMENT**

1. All individuals assigned the use of a Town-owned vehicle are responsible for complying with the following requirements:
  - A. Town owned vehicles assigned to an employee shall only be used by that employee in the performance of the duties of his/her department.
  - B. All employees are required to take every precaution in the prevention of accidents to himself/herself, his/her fellow employees, and the public.
  - C. Employees may not allow non-employees to ride in Town-owned vehicles without receiving advance approval from their Department Head.
  - D. All drivers of motor vehicles owned or used by the Town of Blacksburg shall be legally licensed to operate the motor vehicles, shall maintain physical fitness standards required to operate the vehicle, shall obey all traffic rules and regulations prescribed by law, and shall use every safety measure possible to prevent accidents.
  - D. An employee must notify his/her supervisor on the next workday concerning any change in the status of his/her driver's license.
  - E. If an employee's drivers license is restricted, i.e., must wear glasses when driving or is only allowed to drive to and from work, the employee must comply with the restrictions when he/she is at work. The employee also must notify his/her supervisor of the restriction on the next workday.

- F. At the end of each workday, all Town-owned vehicles that are permitted to be taken home will be driven to the individual's place of residence and parked until the individual returns to work or is called out on departmental business. Occasional stops to and from work for private business will be allowed; however, discretion should be used in all cases. At no time will the employee be allowed to transport alcoholic beverages in a Town-owned vehicle unless approved in advance by the Town Manager. Employees who are authorized to take a vehicle home must leave the vehicle at the place of work when they are on annual leave or otherwise absent from work for a non-job related purpose, unless otherwise approved by the Department Head.
  - G. All individuals assigned Town-owned vehicles are responsible for coordinating routine maintenance and repair of the vehicle with the Department of Public Works.
  - H. Whenever possible, all vehicles will be shared with other Town employees in need of a vehicle for official Town business. In all cases, however, the individual assigned the vehicle will have preference.
2. In January of each year, or whenever changes occur during the year, each Department Head must supply the Director of Financial Services with the names of all employees who commute to and from work in Town-owned vehicles.
  3. It shall be the duty and responsibility of any operator of light or heavy motorized equipment to immediately report to his/her supervisor any defect in the mechanical equipment and to use every precaution to prevent additional property loss, expense, or recurrence of the condition.
  4. Operators of all vehicles and other motorized equipment used in the service of the Town government who violate these requirements or who become involved in any accident will be the subject of an investigation. If it is determined that the employee is responsible for the violation or accident, or through carelessness or recklessness contributed to the cause of the accident, appropriate action will be taken by the employee's Department Head.
  5. In order to protect the Town from potential liability, the following actions will occur if an employee's drivers license is revoked or suspended:
    - A. The employee shall not be allowed to operate any Town-owned vehicle until proof is presented to the Department Head that a valid Virginia license has been reissued to the employee. An employee charged with DUI/DWI or other serious traffic offenses will not be allowed to drive on Town business while the charge is pending, unless the facts and circumstances are such

that the employee's driving would not create a potential liability for the Town.

- B. An employee whose essential job functions require regular operation of Town-owned vehicles may be assigned to a position for which driving is not required, with a possible cut in pay, if such a position is available and if, in the judgment of the department head and Town Manager, the transfer will not interfere with Town operations.
- C. If the employee cannot perform his/her essential job functions and no transfer is available, the employee shall be (1) terminated if his license is revoked, or (2) if his license is suspended, placed on leave-without-pay status for the suspension period or terminated if the leave would interfere with Town operations. To determine if the employee can still perform his/her essential job functions with a restricted or suspended operator's license, the department head shall, in consultation with the Town Manager or the Manager's designee, review the employee's job description and the potential impact of the employee's being unable to operate Town-owned vehicles. However, no employee convicted of a second or subsequent offense DUI/DWI or who has been determined or adjudicated an habitual offender shall remain employed in a position that has any requirement for driving.
- D. If the employee can perform his/her essential job functions with a restricted or suspended license, the employee shall not drive on Town business for an appropriate period of time. The period of time will be determined by the department head, in consultation with the Town Manager and the Town Attorney, based on (i) the circumstances and nature of the license restriction or suspension and (ii) the best interests of the Town.
- E. The provisions of A and B above shall apply if an employee who, as part of his/her job duties, operates a Town-owned vehicle, the operation of which is regulated by the Commercial Vehicle Safety Act of 1986, as amended, has his/her eligibility to operate such vehicles revoked or suspended under Federal law. The requirement for an employee in his/her job description to have a commercial driver's license creates the presumption that he or she cannot perform his/her essential job functions without a valid commercial driver's license.

## **6.11 OUTSIDE EMPLOYMENT**

Any job held by a Town employee outside of working hours should not conflict with or compromise, in any way, the position that the employee holds with the Town. An employee requesting outside employment, including self-employment, must discuss the matter with his/her Department Head, who then must submit the request in writing to the Town Manager for approval.

## **6.12 PROFESSIONAL APPEARANCE**

Employees on duty shall present a clean and well-groomed appearance resulting in a positive image of the Town of Blacksburg. Employees shall dress in a manner that is appropriate for their position and which presents a professional image. Departmental rules and regulations may expand on specific requirements.

## **6.13 NEPOTISM**

Through a hiring, promotion or other set of circumstances, no employee shall be directly supervised by a member of the employee's immediate family. The term "immediate family" shall include the employee's spouse, mother, father, sister, brother, son, daughter, or any of these as a relationship in law (mother or father in-law, sister or brother-in-law, son or daughter-in-law). In addition, no supervisor of the Town shall engage in a romantic, dating, and/or physical relationship with a subordinate. The Town reserves the right to adjust work schedules and/or assignments to remedy supervisory relationships not covered by the definition of immediate family that impact the workplace.

## **6.14 E-MAIL, COMPUTER AND INFORMATION USAGE POLICY**

### **1. Computer Records**

All electronic computer data, located on any computer owned by the Town of Blacksburg, is the property of the Town of Blacksburg. These include documents, records, databases, files, e-mails, logs, and records of internal and external electronic mail and instant messaging. The electronic files are considered "official records" for the purposes of the Virginia Freedom of Information Act, and they may be subject to public inspection or to accessibility by Town officials as may be necessary.

Employees do not have a reasonable expectation of privacy in the information stored in these electronic files and on town computer systems.

The only exceptions to this policy are that of town data on personal devices. Please see the Town's Mobile Device Acceptable Use Policy for these exceptions.

For additional information on the Virginia Freedom of Information Act, refer to the following website: <http://dls.state.va.us/foiacouncil.htm>

### **2. General E-Mail Policy**

A. (1) Important official communications are often delivered via e-mail. As a result, employees of the Town of Blacksburg with e-mail accounts are expected to check their e-mail in a timely manner so that they



are aware of important Town announcements and updates, as well as for fulfilling business-and role-oriented tasks.

- (2) E-mail users are responsible for mailbox management, including organization and deletion of non-public record e-mails.
- (3) E-mail users are also expected to comply with normal standards of professional courtesy and conduct, applicable laws, contracts and all Town policies.
- (4) E-mail communication is subject to the style guide policies as set forth by the Community Relations Office.
- (5) Personal use will be acceptable as described in the following paragraph:

If you receive a personal e-mail you can briefly read the message just as you might receive a personal phone call while on the job. A very brief reply will also be acceptable. However, drafting lengthy replies, receiving numerous personal messages, or drafting numerous personal messages must be done on your own time. This means during your break time, lunchtime, or before or after normal working hours as is acceptable with your supervisor. Excessive forwarding of jokes, trivial messages, and chain messages is also prohibited.

- (6) E-mail is not a reliable form of communication. If the message is timely in nature and has critical information, e-mail may not be your best communication option. You should consider a phone call, a face-to-face conversation, fax, or other means of communication.
- (7) E-mail is not a private and confidential form of communication – the Internet is not a secure medium of communication. Messages can be intercepted by internal or external sources. If you desire to transmit confidential communications or sensitive information, do not use the Internet.

- B. (1) Town employees should refrain from sending email messages to all users
- (2) If you do not recognize the name of an e-mail sender use caution - be suspicious of unsolicited messages. Call or email the Computer Help Desk or your supervisor if you have questions. If you do not know the source of the email:
  - (a) Don't open unsolicited attachments or those received from strangers
  - (b) Don't launch (click on) URLs provided from unsolicited emails
  - (c) Don't download executable files or open e-mail attachments from unknown sources (\*.exe)
  - (d) Don't forward chain letters

### 3. Internet Usage

#### A. General Principles

- (1) Failure to adhere to these rules may result in suspending or revoking the offender's privilege of Internet access and subject the offender to disciplinary actions under the Town of Blacksburg Personnel Rules and Regulations.
- (2) Use of the town computers and the Internet is a privilege - exercise good judgment as you use it.
- (3) Town computer systems are tools necessary to do our jobs, and shall be used in a responsible, efficient, ethical, and legal manner in accordance with the mission of the Town.
- (4) It is the responsibility of each computer user to ensure they are in compliance with all Town computer policies, located in this policy manual.
- (5) Treat the Internet as a formal communications tool just as you would the telephone, e-mail and written communications - you are responsible and accountable for your communication.
- (6) The town Technology staff strives to protect the organizations assets through best practices use of firewalls, spam and content filtering, antivirus, and other systems. It is a violation of this policy to attempt to alter these systems without prior written permission from a member of the Technology Department.
- (7) Employees are encouraged to use all forms of electronic communication as necessary to perform their job and/or enhance effectiveness.
- (8) The Internet is intended to facilitate Town-related business communications and research and shall be used in a responsible, efficient, ethical, and legal manner in accordance with the mission of the Town.
- (9) Internet access on town computers will be logged. If any supervisor suspects excessive or inappropriate use, logs can be reviewed at any time.
- (10) Use of the Internet should not impact work performance in any way.
- (11) When in doubt, use common sense or ask a supervisor before proceeding.

#### B. Inappropriate Use

- (1) Understand that messages transferred via the Internet are public information. If you desire to transmit confidential communications or sensitive information, do not use the Internet. For additional information on the Virginia Freedom of Information Act, refer to the following website: <http://dls.state.va.us/foiacouncil.htm>

- (2) Do not use racially, sexually derogatory or offensive language in your communications. This concept extends to email messages, jokes, screen savers, websites visited, and any information accessed by the computer.
- (3) Using the Town computer network for non-Town of Blacksburg related business to yield personal financial gain or for any commercial or illegal activity is NOT allowed.
- (4) Personal use will be acceptable only on your own time; which includes break time, lunchtime, and before or after normal working hours as is acceptable with your supervisor.
- (5) Employees should discuss any questions about appropriate Internet use with their supervisors.

C. Prohibited Uses

- (1) Intentionally downloading, accessing, viewing, posting or transmitting information that is abusive, offensive, harassing, threatens violence, or that discriminates on the basis of race, color, religion, sex, national origin, age or disability.
- (2) Intentionally accessing, viewing, posting or transmitting sexually explicit material from the Internet. Sexually explicit material includes any description of or any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting nudity, sexual excitement, or sexual conduct of any kind.
- (3) Operating a business, soliciting money, product advertising, or conducting transaction for personal gain or profit, or gambling.
- (4) Arranging for the sale or purchase of illegal drugs, alcohol or firearms.
- (5) Communication with elected representatives or public or political organizations to express opinions on political issues outside of work-related communications. This can be misinterpreted as an official Town of Blacksburg opinion on such issues.
- (6) Solicitation for non-town sponsored organizations or functions.
- (7) Violation of copyright laws.
- (8) Confidential information such as criminal records, juvenile records, personnel records, etc.
- (9) Intentionally creating a computer virus.
- (10) Unauthorized hacking or fraudulent activities.
- (11) Intentional use of another employee's network account.

4. Security Policy

A. General Principles

- (1) Downloading of software products from an Internet site is not permitted without the prior approval of the Technology Department. Any software that is downloaded must comply with all licensing and copyright laws. The Technology Department will maintain and publish a list of approved software for installation / downloading. Furthermore, Town employees should not access, download, scan or install software unrelated to the employee's Town tasks.
- (2) Do not share your network passwords or otherwise breach the security of the Internet/network accounts. Only Technology personnel or any other person in your department designated in writing by your Department Director should have the passwords.
- (3) Computers or terminals shall not be left unattended in an insecure state. This allows for inappropriate access to records of the Town; allows unauthorized users access to the Internet, intranet, town network, and severely compromises security.
- (4) All computers, except those with a written exception by the Technology Director have a timed locking system installed. Any tampering with this is unacceptable and a violation of this policy.
- (5) All network accounts, except those with a written exception by the Technology Department will have a password expiration of 90 days. This list will be reviewed on an annual basis.
- (6) Town employees shall not tamper with anti-virus software installed on any Town computer. The Town Technology staff strives to protect the organizations assets through best practices use of firewalls, spam filtering, content filtering, antivirus, and other systems. It is a violation of this policy to attempt to alter these systems without prior written permission from a member of the Technology Department.
- (7) When a Town employee leaves the employ of the Town of Blacksburg, the department shall notify the Technology Department immediately, in writing or via e-mail, to ensure that proper user account action is taken. This ensures the list of network users is kept up to date.
- (8) Ex-employee network accounts will be deleted 90 days after the end of employment.
- (9) Contractor accounts are to be disabled until they are needed for access to the Town network. Upon completion of the task the accounts should be disabled. Exceptions should be acknowledged in writing by the Director of Technology.

## 5. Mobile Device Acceptable Use Policy

### A. Purpose

A “mobile device” refers to any portable electronic device which allows for the processing, receiving, and sending of data without the need to maintain a wired connection with the internet.

Examples include smartphones, cellphones, personal digital assistants (PDAs), laptops, tablet personal computers (PCs), and mobile handheld devices.

This Acceptable Use Policy (AUP) sets out the rules covering use of mobile computing devices that can be used to transmit or receive public records. This AUP describes the minimum security policy for employees and or consultant/vendor used mobile devices.

Mobile devices must be appropriately secured to prevent sensitive or confidential data from being lost or compromised, to reduce the risk of spreading viruses, and to mitigate other forms of abuse of the Town’s computing and information infrastructure. This policy applies to all Town employees, including full-time staff, part-time staff, contractors, vendors, freelancers, and other agents who utilize Town or personally owned devices to access the Town’s data and networks.

### B. Policy

- (1) Smartphones and Tablet PCs - Approved user owned smartphones and personal tablet PCs (Apple, Motorola, Samsung, Amazon, etc.) are permitted to be connected to the Town’s E-Mail Server through ActiveSync. All other remote connections are prohibited. ActiveSync will only support an email push to the Blackberry. The Technology Department provides and maintains a BES server for Blackberry connectivity.
- (2) Help and Support - The Technology Department does not provide in-depth training on the use of most applications on mobile devices. It is generally the responsibility of the employee and the employee’s department to provide the training necessary for the applications the employee needs to perform his/her job duties. Technology will provide assistance, however, with issues related to connecting to the Town’s secure network, e-mail and calendar access, and accessing the Town’s technology infrastructure.
- (3) Employee Wireless Connectivity - Any connection other than “Guest” must have advanced approval by the Technology

Department. All devices are subject to the Town's Computer Usage Policy.

- (4) Consultants/Vendors – Consultants and Vendors are permitted to connect to the Town's "Guest" wireless network without prior approval or notification. Any connection other than "Guest" must be through an approved VPN connection only. Advanced, written approval must be granted by the Technology Department.
- (5) Users must be aware that activity that creates a transaction of information or activity by or with any public officer, agency or employee of an agency, regardless of the physical form or characteristic, is considered a public record to be managed by the Town of Blacksburg. Stated under the Virginia Public Records Management Manual, the Virginia Freedom of Information Act (FOIA) requires that all Virginia approved public records be retained for a specific period of time as outlined in the Library of Virginia Records Management Locality General Schedule. It is the responsibility of the employee and their respective Department/Agency to ensure records are managed according to the appropriate retention schedules. The Town's appointed Records Official is responsible for Records Retention & Disposition Schedules.
- (6) All mobile devices that have the potential to transmit a public record are subject to regular audit monitoring. These devices shall be approved by the Technology Department before the transmittal of public record can be approved. This is to ensure that appropriate security controls have been built into the implementation.
- (7) Employees are prohibited from changing security device settings on Town owned mobile devices without contacting the Technology Department at 540-961-1130 or having approval in writing.

#### C. Responsibility

All employees utilizing mobile devices for the purpose of processing, receiving or sending Town data are responsible for being aware of and following this Acceptable Use Policy (AUP). This AUP also applies to consultants/vendors working with the Town and having access to the Town's network through VPN. Technology may require written acknowledgement of an employee or consultant's responsibilities before enabling mobile service. Employees should notify their immediate supervisor or department director if they have questions about the AUP application, or are aware of potential violations of these guidelines. Any employee found to have violated this AUP may be subject to disciplinary action up to and including termination of employment with the Town. Consultants/vendors found to have violated this policy may be held liable for breach of security.

D. Procedure

(1) Requirements – All Mobile Devices

- (a) The physical security of these devices is the responsibility of the employee to who owns the device or to whom it has been assigned. Devices shall be kept in the employee's physical presence whenever possible. Whenever a device is being stored, it shall be stored in a secure place, preferably out of sight. Employees shall not leave the mobile device in a car or in a hotel room unsecured.
- (b) All smartphones and tablet PCs that fall under the guidelines of this AUP must be password protected. Devices must be locked while not in use. Devices must have an auto-lock policy enabled. The use of unprotected devices to access or store confidential or public record is prohibited.
- (c) If the device is lost or stolen, the incident should be reported immediately to the Technology Department via the submittal of an IT Service Desk Ticket or calling 540-961-1130.
- (d) The storage, backup, recovery, and removal of public records on the mobile device are the responsibility of the user / owner.
- (e) The sharing of Town data to Internet sites such as Dropbox, Box, Google Drive, iCloud, etc. is to be used for Town business only. Disclosing or sharing confidential data with outsiders without authorization is strictly prohibited.
- (f) Apple users are prohibited from installing iTunes on Town-owned computers.

(2) Requirements – Smartphones and Tablet PCs

- (a) Sensitive or confidential documents, if stored on the device, should be encrypted if possible. If confidential documents cannot be stored in an encrypted form, they should not be stored on the device.
- (b) All public records shall be removed from the mobile device before it is returned, exchanged or disposed. Please note that in certain situations a device may have its data wiped in order to ensure that the Town can protect its interests. If given enough notice via the IT Service Desk, Technology staff can work with the user to avoid such action. Users should be aware that wiping a device clean will bring the device back to manufacturer's standards.

(3) Requirements – Town Owned Mobile Devices and Laptops

- (a) All Town issued mobile devices shall be secured. All users shall follow the guidelines administered through the Town's

Computer Usage Policy. Town issued mobile devices that are to be used directly with an internet connection (Wi-Fi or cellular) must be secured at all times.

- (b) Public Safety Devices should be secured with Radio-IP enabled.
- (c) Upon installation, all Town issued laptops shall be loaded with anti-virus and firewall software. Each device shall be joined to the Town's Domain to enable the appropriate security policies.
- (d) All Town issued laptops shall receive program updates, security patches, and antivirus updates at designated intervals as defined by Technology. In order to receive updates, each device must be connected and logged-on to the Town's network. Technology reserves the right to disable computer accounts for any device not connected to the network or updated at the time of the designated interval.

(4) Requirements – Contractor/Vendor Devices

- (a) Contractors and Vendors must use secure remote access procedures. This will be enforced through the Town's Computer Usage Policy as it relates to passwords.
- (b) Mobile devices are required to have operational antivirus software. Only Technology staff can grant exceptions to this.
- (c) A personal firewall must be employed.
- (d) The sharing of Town data to Internet sites such as Dropbox, Box, Google Drive, iCloud, etc. is to be used for Town business only. Disclosing or sharing confidential data with outsiders without authorization is strictly prohibited.

E. Support of Mobile Devices

(1) Smartphones and Tablet PCs

- (a) Support for the usage, repairs, functionality, and technical specifications of the personal smartphone or tablet PC is the responsibility of the employee.
- (b) Technology will provide support for Exchange ActiveSync on smart phones and tablets.
- (c) It is the user's responsibility to understand the connection issues and timing sensitivities when changing network passwords.
- (d) Device models and support for Exchange email changes frequently: it is the responsibility of the user to verify with IT prior to purchase which devices are fully supported. Due to



changes in technology integrations, IT reserves the right to change the level of support for device models at any time.

- (e) Blackberries: Technology will only support a Blackberry Exchange Server (BES) connection to a Blackberry device. Users need to understand the wireless provider requirements in order to activate and use this service.

## 6. E-MAIL MANAGEMENT POLICY

The following policies shall govern the retention and management of email messages for all of staff.

### A. DEFINITIONS

Basic records management terms are defined by Virginia Code § 42.1-77. As used in these guidelines, the terms are defined as follows:

**“Electronic mail system”** is a computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or databases on either personal computers or mainframe computers, and word processing documents not transmitted on an e-mail system.

**“Electronic mail message”** is a document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

**“Electronic record”** means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

**“Electronic record-keeping system”** is an electronic system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.

**“Metadata”** means data describing the context, content, and structure of records and their management through time.

**“Migration”** means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records’ authenticity, integrity, reliability, and usability.

**“Public record”** or **“record”** means recorded information that documents a transaction or activity by or with any town official or employee. Regardless of physical form or characteristic, the recorded information is a public

record if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record.

**“Receipt data”** is information in electronic mail systems regarding date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

**“Transmission data”** is information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

**“Account”** is the credentials issued to a user for authentication and access control to an e-mail system or service. Generally consists of a User ID and password.

**“Address”** is a unique identifier (generally of the form user@domain) which identifies the sender or recipient of an E-mail message.

**“Chain E-mail or letter”** is an e-mail sent to successive people. Typically the body of the note has direction to send out multiple copies of the note and promises benefit or threatens harm if the direction is/is not followed.

**“Mailbox”** is a storage location on an e-mail system where messages are received and stored.

#### B. Responsibilities

The effort to develop and implement an e-mail management program is the responsibility of each staff member, working in conjunction with the Technology Department. The head of each department should ensure that the management of e-mail records incorporates the following elements:

Developing a department-wide program for the management of all e-mail records created, received, maintained, used, or stored

- (1) Integrating the management of electronic mail records with other public records and information resources management programs.
- (2) Ensuring that adequate training is provided for users of electronic mail systems on record-keeping requirements, the distinction between public records and non-record materials, and moving or copying records for inclusion in record-keeping system.
- (3) Determining the location, manner, and media in which electronic mail records will be maintained to meet operational and archival requirements.

#### C. Guidelines for the Creation, Use, Preservation, and Disposition of Electronic Mail Records

(1) Electronic Mail Systems

Town departments must manage public records created or received on electronic mail systems in accordance with the provisions of these guidelines and as described in the Library of Virginia (LVA) Public Records Management Manual and Records Retention & Disposition Schedules. Departments should consider the following criteria when developing procedures for the maintenance of electronic mail records in appropriate recordkeeping systems, regardless of format:

- (a) The Town's electronic mail system is not designed to be a record-keeping system. Because of mailbox size limitations, e-mails will only be stored within electronic mail systems temporarily. Currently, "temporarily" means three (3) years from the date the e-mail is sent or received. One year after an e-mail record is created or received; it will be deleted from the town's e-mail system and will be accessible in the town email archiving system. Therefore, every employee must take the responsibility of maintaining his or her e-mails pursuant to applicable LVA guidelines. Employees should set aside time to clean up mailboxes and archive appropriate folders manually.
- (b) Often e-mail is considered correspondence, which is covered under the LVA General Records Retention & Disposition Schedule 19. For public records that are not classified as correspondence, review the appropriate retention schedule to determine the applicable retention and disposition period.

D. Guidelines for Managing Electronic Mail Records

(1) There are several acceptable methods of archiving e-mail communications:

- (a) Creating folders that are stored outside of the mailbox but can be viewed using the e-mail client. If e-mail is stored on a shared drive, proper and regular backup procedures must be in place.
- (b) Storing, accessing, and managing e-mail messages and other electronic records using an Enterprise Content Management (ECM) system, such as Laserfiche.
- (c) Printing e-mails along with any transmission and receipt data and maintaining them in a manual filing system.

(2) Record-keeping systems that include electronic mail messages should:

- (a) Provide for the grouping of related records into classifications according to the nature of the business purposes the records serve;

- (b) Permit easy and timely retrieval of records;
  - (c) Retain the records in a usable format for their required retention period as specified by a LVA Records Retention & Disposition Schedule;
  - (d) Preserve relevant e-mails, regardless of their retention periods, if litigation has occurred or is reasonably expected to occur;
  - (e) Preserve the transmission and receipt data;
  - (f) Permit transfer of permanent records to the LVA; and
  - (g) Protect confidential information in e-mails from disclosure.
- (3) Complete e-mail records, whether maintained in electronic or paper format, must include the following transmission data elements and other metadata for the context of the message to be understood:
- (a) Names and e-mail addresses of recipients, including names and addresses of all members of distribution lists
  - (b) Name and e-mail address of sender
  - (c) Time and date that the e-mail was sent
    - (i) Departments that use an electronic mail system that allows users to request acknowledgments or receipts showing that a message reached the mailbox or inbox of each addressee, or that an addressee opened the message, should issue instructions to e-mail users specifying when to request such receipts or acknowledgments for record-keeping purposes and how to preserve them.
  - (d) Subject line that describes the content of the e-mail.
  - (e) Text in the body of the e-mail.
  - (f) Attachments, if applicable.
- (4) Some e-mail systems provide calendars and task lists for users. These may meet the definition of a public record and are to be managed in accordance with the provisions of LVA records retention schedules.

#### E. Judicial Use of Electronic Mail Records

E-mail records are also subject to the same legal requirements regarding access as other public records, and requests for e-mail records must be honored in the same manner as other records. E-mail records, like all other public records, must remain accessible during their entire retention period and should be maintained in a manner that permits efficient and timely retrieval. Electronic records may be used in federal or state court proceedings if trustworthiness is established by thoroughly documenting the record-keeping system's operation and the controls imposed on it. Departments, working with the Technology Department, should implement the following procedures to enhance the legal admissibility of electronic

records:

- (1) Develop a standardized system of document naming and filing, along with planning for indexing and retrieval points, which will assist a department in maintaining the accessibility of all e-mail messages throughout the required retention period.
- (2) Ensure that security procedures prevent unauthorized addition, modification, or deletion of an e-mail record.
- (3) Identify the electronic media on which e-mail records are stored throughout their life cycle, the maximum time span that records remain on each storage medium, and the LVA-approved disposition of all public records.

#### F. Retention of Electronic Mail Records

Departments should establish policies and procedures to ensure that electronic mail messages and any attachments are retained as long as necessary. These procedures should include provisions for:

- (1) Applying Records Retention & Disposition General or Specific Schedules approved by the LVA.
- (2) Transferring archival electronic records and any related documentation and indexes to the LVA.
- (3) Establishing procedures for regular migration (recopying, reformatting, and other necessary maintenance) to ensure the retention and usability of electronic mail records throughout their authorized life cycle.
- (4) The Town's Technology Department e-mail retention schedule is as follows:
  - (a) Mailbox: one (1) year
  - (b) Sent Items: one (1) year
  - (c) Deleted Items: thirty (30) days
  - (d) Archive folders: three (3) years – all email folders, including those listed above
  - (e) Permanent Email folder: permanent – no deletion

#### G. Disposition of Electronic Mail Messages

When destroying e-mails, employees should ensure that:

- (1) Electronic mail records scheduled for destruction are disposed of in a manner that ensures protection of any sensitive, proprietary, or critical infrastructure information and that all duplicate copies, which may reside on servers or backup tapes, are also destroyed.
- (2) Destruction of e-mails that are records is reported to LVA as necessary.
- (3) There is no litigation, audit, investigation, or request for records pursuant to the Virginia Freedom of Information Act pending.

## **6.15 INCLEMENT WEATHER**

Due to the operational needs of providing service to the Town's citizens, the Town does not close its operations for inclement weather. Employees are expected to arrive at the workplace; however, safety concerns should be addressed by each employee. If an employee cannot report to work due to inclement weather, leave time must be taken to reflect the absence. If the Town Manager closes administrative offices prior to 5:00 p.m., employees who are at work when the offices close will be eligible for paid administrative leave for the remaining hours of the employees' shift or 5:00 p.m., whichever occurs first.

## **6.16 EMPLOYEE PARKING**

The Town shall designate approved parking areas for employees at all Town facilities. Employees who park in restricted areas, or otherwise violate this Employee Parking Policy, are subject to disciplinary action as outlined in Section 7.1, Disciplinary Actions.

Limited parking spaces will be available in the Municipal Building Lot for employees assigned to work in the Municipal Building and the Community Relations Office. Additional spaces in the Clay Street Lot will be available for employees assigned to work in the Blacksburg Motor Company and Police Department. All other employees assigned to work in these facilities must park in the Harrell Street Lot or secure other legal parking arrangements. A parking space in the Municipal Building Lot is reserved for use by Town employees that carpool with one or more additional Town employees. Use of this space must be requested through the Human Resources Manager. Other Town employees and/or appointees, as designated by the Town Manager, shall have access to parking spaces in the Municipal Building Lots. The night shift Police Department employees may park in the Clay Street Lot spots reserved for the library. This lot will also be utilized for game day parking for any Police Department employees working the day of the game. (Any employee needing an accommodation in parking assignments must contact the Human Resources Manager in writing to request the accommodation.)

Parking in the Municipal Building Lower Lot is allowed for employees from departments located in other buildings that are conducting Town business or attending a meeting at the Municipal Building for a period of two hours or less.

For additional details, please see the Parking Administrative Guideline. All other departments not located at the Municipal Building shall be responsible for establishing and enforcing approved parking areas for employees assigned to work at those facilities.

## **6.17 TOBACCO & E-CIGARETTE USAGE**

All Town facilities and Town owned and/or maintained vehicles are designated as tobacco and e-cigarette free. Employees may not use any tobacco products or e-cigarettes in Town vehicles or within 25 feet of any entrance to a Town facility. As used in this section, an "electronic cigarette" or "e-cigarette" is a cigarette-shaped device containing a nicotine-based liquid that is vaporized and inhaled, and used to simulate the experience of smoking tobacco.

## **6.18 RESTRICTIONS ON CERTAIN POLITICAL ACTIVITIES BY TOWN EMPLOYEES**

The restrictions of this section are designed to protect every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor, official, or candidate. Every employee is encouraged to exercise his or her right to vote and cast his or her ballot in every appropriate election and shall be free to express his or her opinion as to candidates or issues at any time except during working hours or when officially representing the Town of Blacksburg.

1. No person to whom this section applies shall use the status or prestige of his or her position with the Town on behalf of or in opposition to any candidate for elective office.
2. No person to whom this section applies shall use any Town funds, supplies, or equipment for political purposes, nor shall any such person wear his or her Town uniform while participating in any manner in political activities.
3. The provisions of this section shall be enforced in concert with applicable Town and departmental policies and procedures.
4. Violation of this section shall constitute grounds for discipline.

## **6.19. SOCIAL MEDIA & PUBLIC SPEECH**

The Town respects and honors the First Amendment rights of its employees to speak out as citizens on matters of public concern and to post personal comments on the Internet (e.g., an employee's own website, blog, Facebook, MySpace, Twitter or similar social networking site). The following types of expression are protected:

1. Matters of public concern are those matters of interest to the community as a whole, whether for social, political or other reasons.
2. Examples of local issues of general or public concern include the budget, spending priorities, any question scheduled for a public hearing, illegal discrimination, official corruption, official impropriety, malfeasance on the part of government officials, misuse of public funds, waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operating government agencies, violation of law, local elections, or public safety.
3. Examples of state or national issues of general or public concern include election campaigns, elected officials, legislation, national security, budgets, foreign policy, or any topic of broad public interest or debate.
4. Employees have a statutory right to participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the locality. Virginia Code § 15.2-1512.2.

5. Employees have a statutory right to communicate opinions on matters of public concern directly to state or local elected officials regardless of the impact on the workplace. Virginia Code § 15.2-1512.4.

Not all speech or expressive activities are protected. A Town employee whose public statements or Internet postings interfere with the Town's ability to provide effective and efficient services to the public may be disciplined for such comments or postings. Examples of public speech or online postings for which an employee may be disciplined include, but are not limited to, expressions that:

- Impair discipline or harmony among co-workers.
- Interfere with the employee's job performance.
- Interfere with the operation of the Town's business.
- Disclose confidential or sensitive governmental information.
- Create a detrimental impact on working relationships that require personal loyalty and confidence.

Examples of topics that are not protected as matters of public concern include personal grievances such as disciplinary action, work schedule, morale, and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption, or waste. These comments may subject an employee to disciplinary action if they constitute insubordination or if they otherwise violate general rules of conduct.

If an employee's speech or online activity indicates that he or she works for the Town of Blacksburg, then his or her speech not only impacts his or her personal image, but also the Town's. In such case, the employee should make it clear that he or she is expressing views that are his or her own, and not those of the Town of Blacksburg. Personal views or online postings sites should never be attributed to the Town and should not appear to be endorsed by or originated from the Town of Blacksburg. The Town Council and Town Manager have an important interest in determining who may "speak" and what is "spoken" on behalf of the Town of Blacksburg on social media sites. Therefore, the Town Manager shall approve the use of all social media outlets by the Town and its departments.

## **6.20 ARREST, CHARGE & CONVICTION REPORTING POLICY**

Every employee is required to immediately notify his or her supervisor of any change to the status of the employee's driver's license. An employee must also notify his or her supervisor and the Human Resources Office in writing within 5 calendar days if the employee is arrested, charged or convicted of criminal misconduct involving theft, violence, sexual misconduct, embezzlement, perjury, alcohol or drug related offenses, serious traffic offenses (including, but not limited to DUI, suspended operator's license, reckless driving, hit and run) or any other offense that would affect or impair the employee's ability to perform his or her job. An employee's failure to notify his or her supervisor of an arrest, charge or conviction as described in this policy may result in disciplinary action up to and including termination of employment. It is also the employee's responsibility to contact the Human Resources Office to resolve any questions as to whether an arrest, charge or conviction must be reported.



Arrests, charges and convictions disclosed as required by this policy shall not affect employment if they are determined to be unrelated to the employee's job duties. In making the determination of job-relatedness, consideration shall be given to the severity of the crime(s), the honesty of the employee in disclosing information about the crime, the employee's work history, and the other factors described in Town Code §2-307 (e). However, convictions for the crimes set out in Virginia Code § 63.2-1719 and 63.2-1726 will generally preclude employment with the Town and charges for such crimes may require that the employee be suspended pending trial.

Once the employee has reported the charge (or it has otherwise come to the Human Resources Office's attention), the Human Resources Generalist or Human Resources Manager will review the charge or conviction record and prepare a draft recommendation. Any areas of concern with the charge or conviction record will be addressed with the Human Resources Manager, and if necessary, the *applicable* Deputy Town Manager. Legal advice will be requested from the Town Attorney when there is a question about the charge or conviction record. The final decision regarding the employee's continued employment with the Town will be made by the Town Manager. The supervisor will be notified about the charge or conviction and will be involved in the discussion concerning the charge or conviction record. (Please see Section 8.8 and Section 12.2 for additional reporting requirements.)