

Chapter 37. Technology Department.

Article I. Technology Department Established.

Section 100. – Establishment. Pursuant to the Constitution of the State of Maine, Title 30-A M.R.S.A. §3001, and the Brewer City Charter, a Technology Department Ordinance is established.

Section 101. – Technology Department. There is hereby established a Technology Department for the City of Brewer. Its purpose shall be to assist the other City Departments with their computer technology needs.

Article II. Technology Director.

Section 200. – Establishment of the position of Technology Director. There is hereby established the position of Technology Director. This person will oversee the use of computer technology in the City of Brewer resulting in standards and policies, efficient use of resources, productive and competent users, and sharing of resources between City Departments, the School Department and the Community.

Section 201. – Appointment. The Technology Director shall be appointed by the City Manager, and subject to the confirmation of the City Council.

Section 202. – Duties. The Technology Director shall:

202.1. Hire all technology personnel subject to approval of the City Manager.

202.2. Supervise technology personnel subject to approval of the City Manager.

202.3. Contract with vendors for resources necessary to keep the City- wide network of computers and software functioning properly and updated subject to approval of the City Manager.

202.4. Establish standards for the City's computer hardware and software purchases. The Technology Director subject to approval of the City Manager shall oversee all purchases and upgrades.

202.5. Establish policies for the City's Employees regarding the use of City computer equipment and software subject to the approval of the City Manager, subject to adoption by the City Council.

202.6. Establish any policies and procedures needed with the Brewer School Department or other governmental entities as directed by and subject to the approval of the City Manager, subject to adoption by the City Council.

202.7. Establish means and methods to ensure that the City- wide network of computer hardware and software operates efficiently and effectively on a daily basis subject to approval of the City Manager.

202.8. Establish means and methods to ensure that City Employees are independent and responsible users of computer technology subject to approval of the City Manager.

202.9. Coordinating the City's Geographic Information System (GIS) with the other City Departments subject to approval of the City Manager.

202.10. Establish means and methods of maintaining the official City web site and the official Penobscot Landing web site subject to the approval of the City Manager.

202.11. Present means and methods to update the City's computers technology whether with equipment, software or projects subject to approval of the City Manager and appropriate funding through the Technology Department or the effected City Department.

202.12 Perform any other duties assigned to him or her by the City Manager.

Section 203. - Evaluation. The Technology Director shall receive a written evaluation of job performance accompanied with goals for the next year from the City Manager or the City Manager's designee on an annual basis.

Article III. City Department Responsibilities.

Section 300. Departmental Equipment and Software.

Section 300.1. Purchase, Maintenance, Training, and Upgrades.

Departmental special computer related equipment and software purchases, maintenance, training, and upgrades that are operated to meet the responsibilities of a Department, other than a standard PC workstation with regular office applications such as word processing and electronic spreadsheets, will be funded by the appropriate Department with approval of the City Manager.

Each Department will have at least one employee who is trained and knowledgeable of the departmental special computer related equipment and software; preferably two or more or all employees in a Department will be trained and knowledgeable.

Section 300.2. New Computer Locations.

New computer locations created by additional staff or change in structure of position to include a computer need to be funded by the appropriate Department with the approval of the City Manager.

Section 301. Department Technology Representative.

Each department will name an employee to serve as the Department Technology Representative. This person will assist co-workers and the Technology Department in meeting computer technology departmental needs and achieving computer technology departmental goals.

**Article IV. City Employees. Policies & Procedures for City of Brewer
Computers and Internet & Electronic Mail Policy.**

Electronic mail, Internet and telecommunications access are resources made available to City employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the City.

Section 400. Computer and Internet & E-mail Policy. The City of Brewer Electronic Mail System (e-mail) is designed to facilitate City business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, which is confidential by state statute, such as personnel decisions and other similar information, which may be more appropriately communicated by written memorandum or personal conversation unless authorized in writing by the City Manager.

The e-mail system is City property and intended ***only*** for City business. The system is not to be used for employee personal gain or to support or advocate for non-City related business or purposes. All data and other electronic messages within this system are the property of the City of Brewer. E-mail messages have been found to be public records and may be subject to the Right-to-Know laws, depending on their content.

Anything not intended for public viewing should not be sent over e-mail.

In addition, the City, through its managers and supervisors, reserves the right to review the contents of Employees' e-mail communications when necessary for City business purpose. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

The City of Brewer, purchases, owns and administers the necessary software and licenses to provide access to computer, e-mail and Internet services. City Employees may not rent, copy or loan the software, or its documentation. The City has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees shall be held responsible for any damages caused by using unauthorized software or viruses they introduce into the City system. Department Heads are responsible for the implementation and adherence of this policy within their Departments.

Section 401. Computers and Internet & E-Mail Procedures.

Section 401.1. General Information on Passwords

The Network Administrator (s) shall provide a system for passwords. While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, the Network Administrator(s) has full access to all files, nor does it suggest that e-mail is the property right of the employee. The use of the e-mail system is for City business. Passwords will be periodically changed to ensure security of the e-mail system and citywide network. Users should not share their passwords with anyone else, other than as his or her managers or the Network Administrator(s) may require.

Section 401.2 Internet

The Internet provides the City with significant access and dissemination of information to individuals outside of the City. The use of the Internet system for access and dissemination is intended to serve City business. Like, all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Internet messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission

and dissemination of messages outside of the City, and must comply with all state and federal laws.

Section 401.3 Prohibited Uses

When sending e-mail messages, appropriateness and good judgment should be used. Following are examples of Internet and e-mail use which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening.
- Communications of sexually explicit images or messages.
- Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs.
- Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- Access to Internet resource including, but not limited to, web sites and news groups, which are inappropriate in a business setting.
- Any other use that may compromise the integrity of the City and its business in any way.
- Communications that violate any state or federal law.

Section 401.4. Retention of E-Mail

Generally, e-mail messages are intended to be temporary communications, which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a Department's record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care. Employees must understand that they have the same responsibility in managing e-mail as they have in paper, film-based, and other recorded information systems: to distinguish between record and non-record messages where appropriate, properly preserve, maintain, protect, and dispose of information as specified in approved records retention and disposition schedules.

Employees should be aware that when they have deleted a message it resides in the deleted folders until it is deleted once again. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as "public" documents, i.e. available to the media, in at least one state. Employees should keep that in mind when they create or store e-mail.

Employees should delete e-mail messages as soon as possible after reading. An accumulation of files will degrade system performance and response times.

Section 401.5. Web Site Development

The Internet is developing into an effective channel for the City to share information with citizens, visitors and customers; Departments are strongly encouraged to work with the Network Administrator(s) to develop and keep up-to-date a departmental page as a link from the City's Home Page.

Section 401.6. Applicability to Employees, Part-Time Employees, Volunteers, Committee Members, Elected Officials, Contractors, and Other Users

This Ordinance applies to all Employees, Contractors, Part-Time Employees, Volunteers, Committee Members, Elected Officials, and other individuals who are provided access to the City's e-mail, computer, and internet system.

Section 401.6. Game Usage

Game usage is prohibited on City owned computers except for the computers used for the Recreation After School / Day Care Programs and public access in the Brewer Public Library, or with the written approval of the City Manager.

Section 401.7. Employee Termination, Leave of Absence, Vacation, and Other

Employees who leave employment with the City have no right to the contents of their e-mail messages or other files and are not allowed access to the e-mail or computer system. Supervisors or management may access an Employee's e-mail and all other computer files if Employees are on leave of absence, vacation, or are transferred from one Department to another Department and it is necessary for the City's business purposes. The Network Administrator(s) has the right of access at any time. In addition, Employees who are in the process of leaving employment with the City are required to return any computer files, copied onto floppy diskettes, tape drives, home PCs or any other forms of storing or copying data, which were copied from the City computer system.

Section 401.8 Record Keeping of Electronic Data and Records

Departments and Employees must establish policies, procedures, guidelines, and approved records retention and disposition schedules for electronic data and records as they would for paper data and records. As with other records, the decision process focuses on the information itself, not the medium.

The State of Maine has a GENERAL DISPOSITION SCHEDULE FOR LOCAL GOVERNMENT RECORDS to which electronic data and records are subject. Electronic data and records must be kept appropriately for legal, audit/fiscal, administrative, and historical/archival reasons. As with traditional records, when electronic data and records are no longer needed, they should be disposed of appropriately along with any backups or copies of these records.

System backups are intended to restore computer system operations and are not adequate for records retention or archival purposes.

Section 401.9. Penalties

The misuse of the Internet, e-mail or computer privileges may be considered sufficient cause for discipline in accordance with the City of Brewer's Personnel Ordinance and /or other applicable Ordinance, rules or laws. In addition, violations of this Ordinance or misuse of the e-mail system may be referred for criminal prosecution.

Section 402. Network Policies

Employees should be cognizant of the amount of information they store on the server. The City has a lot of space on the server but it is not unlimited. If the Common Folder starts to become clogged with files the Network Administrator(s) will send a general message City wide notifying all users that unless told otherwise, files will be deleted from the folder. This does not include the City Seal. Also if a user's personal folder on the server becomes too large the Network Administrator(s) will notify the user's supervisor that the user is taking up too much space on the file server.

Section 403. Network & Computer Problems

If an Employee encounters problems with the network or their computers they should notify the Network Administrator(s). If the Network Administrator(s) cannot solve the problem then the Network Administrator(s) will call the computer consultant the City contracts with for maintenance and support. Only if the Network Administrator(s) is not immediately available is the Department

Head or Department Technology Representative in the affected Department, or the City Manager, to call the computer consultant. This policy is to insure that the City does not pay for calls for service that can be handled internally. This also ensures a centralized location for service calls. At no time is a Non Department Head or Department Technology Representative to call for computer support or maintenance.

If the City's computer consultant has to be called to fix a computer problem in a Department, and it is determined that the problem is due to unauthorized employee tinkering, that department will be charged for the time.

What constitutes tinkering?

- Opening the computer case to put things in or to take things out.
- Changing system files such as the autoexec.bat, .ini or initialization files.
- Allowing an outside computer vendor other than one contracted for by the City of Brewer to perform work on the computers or printers without prior approval.
- Performing any work on the computer, which does not directly relate to the individuals job and adversely affects the computer.

Violations of the above policies may be considered sufficient cause for discipline in accordance with the City of Brewer's Personnel Ordinance and or other applicable Ordinances, rules or laws.

Section 403. Dial-up or Internet Network Access

Dial-up access and / or Internet Network Access to the file server after hours will be limited to Department Heads, the City Manager, the Network Administrator(s) or Employees with the written approval of the City Manager.

Section 404. Backup Procedures.

The File Server contains an internal tape backup, which allows for the backing up of the file server(s). This is to protect City and Department records from any unforeseen circumstances such as corrupted files or damaged hard drives or any other loss of information. The procedure is to back up the file server(s) completely once a month and the users' data files on the file server(s), contained in a folder designated by the Network Administrator(s), every day.

Every computer user will be given a means to backup their data; backup of user data is the user's responsibility. All data that is to be backed up to the file server(s) must be maintained in a folder designated by the Network Administrator(s). This is to save the cost and time it would take to back up every computer completely.

Section 405. Acceptance

The City through the appropriate Department Head shall require Employees to read and accept the terms of this policy before making electronic systems available. Department Heads will review the Computer, E-mail, and Internet policy with their Employees annually.

Article V. City Policy Copyrighted Print, Video and Software Materials.

Section 500. Intent. It is the intent of the City of Brewer to adhere to the provisions of United States copyright laws in the areas of photocopies and other reproductions of copyrighted materials, including audio and videotapes, and computer software. The procedures outlined in this ordinance are those, which will be supported by the City Administration and meant to serve as guidelines to Employees and others representing the City.

Section 501. Photocopies.

Under certain conditions specified in the U.S. copyright law, libraries and educational institutions are authorized to make photocopies and other reproductions. One of those specified conditions is that the photocopy or reproduction is not "used for any purpose other than private study, scholarship, or research", if a photocopy or reproduction is later used for purposes in excess or "fair use", that use may be liable of copyright infringement. The City of Brewer will adhere to the "fair use" definition described below.

Definition of fair use: "fair use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright". Here are the factors the law says should be considered is determining whether unauthorized use of a given work qualifies for the fair use exemption: (1) the reasons the material is being copied and the way it will be used; (2) the nature of the material; (3) the amount of the material copied and how substantial a portion it is of the work as a whole; and (4) the effect of the use on the potential market for or value of the copyrighted work.

Section 502. Videotapes and other AV Materials

It shall be the policy of the City of Brewer to adhere to the Federal copyright law with regard to the use and reproduction of videotapes.

Section 503. Computer Software

(Background Information: Computer programs are considered nondramatic literary works and can be copyrighted as soon as they are in fixed form, whether on paper or disk. The law protects the copyright holder from loss of sales by forbidding “proliferation of simultaneous users” To achieve this, software is most often licensed for use at 1 computer by 1 person at a time. However, the purchaser may make a backup copy if the vendor does not provide one. One cannot load a program from a disk into the memory of a computer. There is software available that is specially licensed for this purpose and for use in networks.)

The City of Brewer recognizes that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and lessens the incentive for the development of good system and application software. These results are detrimental to the development of effective governmental uses of computers. In an effort to discourage violation of copyright laws and to prevent such illegal activities, the City of Brewer will:

Section 503.1. Make Employees and others representing the City of Brewer aware of the ethical and practical problems caused by software piracy. Each Department Head will receive a copy of this policy annually. Department Heads will be responsible for making Employees aware of this law where it is deemed appropriate to do so.

Section 503.2. Expect City of Brewer Employees to adhere to the provisions of Public Law to allow for the making of a backup copy of computer programs; this archival copy is one that is made for backup protection purposes only.

Section 503.3. Make efforts to secure software from copying when software is to be used on a disk sharing system.

Section 503.4. Prohibit use of illegal copies of copyrighted programs on City equipment.

Section 503.5. Not extend legal or insurance protection to City Employees who violate copyright laws.

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Section 503.6. Designate the City Manager of this City as the only individual who may sign license agreements for software for the City.

Section 503.7. Designate the Department Head as the person responsible for establishing practices that will enforce this Policy at the Department level.

END OF CHAPTER NOTATIONS

Enacted 03/02/04, effective 03/08/04

2004-C004