

# **CITY OF BELEN STATE OF NEW MEXICO MISSION STATEMENT**

***THE CITY OF BELEN IS COMMITTED TO PROVIDING PROMPT, COURTEOUS, AND QUALITY PUBLIC SERVICE TO ITS COMMUNITY AND CITIZENS. THE CITY OF BELEN EMPLOYEES SHALL STRIVE TO:***

- BE COURTEOUS, RESPECTFUL AND SERVE THE PUBLIC WITH DIGNITY;
- SERVE THE PUBLIC WITHOUT DISCRIMINATION RECOGNIZING CULTURAL DIVERSITY AND INTEGRITY;
- MAINTAIN A PROFESSIONAL IMAGE;
- OBTAIN EDUCATIONAL OPPORTUNITIES TO IMPROVE COMMUNITY SERVICE;
- ADHERE TO POLICIES AND MAINTAIN PRUDENT FINANCIAL MANAGEMENT THROUGH PERSONAL ACCOUNTABILITY;
- INSURE DEVELOPMENT AND CONTINUITY THROUGH EFFECTIVE PLANNING, IMPLEMENTATION AND MONITORING.

## **VISION STATEMENT**

***THE CITY OF BELEN MAINTAINS A VISION OF:***

- IMPROVING THE POLICY-MAKING PROCESS THROUGH EFFECTIVE COMMUNICATION WITH THE COMMUNITY AND EMPLOYEES;
- CONTINUAL WORKFORCE TRAINING RESULTING IN A QUALITY WORK ENVIRONMENT AND TEAM DEVELOPMENT LEADING TO EXCEPTIONAL CUSTOMER SERVICE;
- PARTICIPATORY MANAGEMENT AND QUALITY CONTROL RESULTING IN A COLLABORATING EFFORT SITUATION.

# **CITY OF BELEN CODE OF CONDUCT**

## ***We believe:***

It is important that the City of Belen adopt a common set of principles and values which will guide our everyday conduct and provide the foundation that will hold up every decision that we make. As individuals, we are citizens, employees and providers of services for the City of Belen; but as essential members of this administration we are a team... a team with a true sense of purpose.

Our purpose is to fully utilize the talents and unique individual contribution of each member of our team to develop an environment of systematic improvement that will in turn transform the relationship between the citizens we serve and their government.

## ***We consider our fundamental values to be:***

**HONESTY**. Above all else we will tell the truth every minute, every hour, and every day. To this fundamental principle there simply can be no exception or compromise. To instill truth in government, we must first be trustworthy.

**RESPECT** for the individual, their rights and their dignity. We simply cannot tolerate those who would pass judgment on another for his/her race, creed, gender or religious belief. Our diversity is our strength, and in it lays the true value for our "Land of Enchantment".

**STRIVE FOR EXCELLENCE IN ALL THAT WE DO**. We are all committed to doing the best job we can at all times. As individuals, we bring excellence to the job; "excellence" will be our signature. When we make mistakes or fall short, we will join together as a team to solve problems and improve.

## **Based on the above values, the following ten points are our code of conduct:**

1. All employees shall treat their position as public trust. They shall use the powers and resources of their positions only to advance the public interest and not to obtain personal benefits or pursue private interest incompatible with the public interest.
2. All employees shall familiarize themselves with applicable rules and laws governing their conduct. Managers and Supervisors shall assist employees with this responsibility and shall not knowingly withhold knowledge about employee rights and responsibilities as set forth in applicable rules and laws.
3. Employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all time maintaining the integrity and discharging ethically the high responsibilities of public service.
4. Employees shall fully disclose all activity which constitutes a real or potential conflict of interest.
5. Employees shall avoid undue influence and abuse of their positions.
6. Employees shall treat each other and members of the public with appropriate respect and courtesy.

7. Employees shall protect and maintain City property within their possession and shall promptly report all lost or stolen City property.
8. An employee shall put in a full day's work for a full day's pay. An employee shall treat the public as valued customers pledging cooperation and assistance to address issues.
9. An employee shall engage in safe working practices and maintain safe working conditions to protect him, other employees, citizens and property.
10. An employee shall dress in a manner appropriate to his/her position and job duties.

**I have had the above code of conduct read and explained to me.**

**I understand the content and will abide by these rules.**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Today's Date**

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## SECTION 1. GENERAL PROVISIONS

1. **PURPOSE.** The purpose of the City's Personnel Policies and Procedures Manual is to establish consistent, basic policies and practices concerning relationships between the City of Belen and its employees. This manual is available to established employees to file grievances with respect to demotions, dismissals, suspensions, and provides the method by which the personnel hearing officer hears formal grievances. The provisions of this personnel policy manual shall apply to all City employees, except that the provisions governing merit and the grievance of disciplinary actions do not apply to the appointed exempt positions which include the City Manager, Police Chief, and Fire Chief.
2. **SCOPE.** Definite rules and regulations cannot be readily formulated for every possible problem and situation. This ordinance serves as a general basis and guide for the proper, efficient, and effective administration for personnel matters of the employees of the City of Belen. The personnel rules contained herein replace and supersede all previously issued personnel rules and regulations including but not limited to the City of Belen Personnel handbook adopted in 1981, and all amendments and regulations related thereto.
3. **AMENDMENT OF POLICY.** There shall be no resolution or other action of the City council or other City officials, which is inconsistent with this policy, except by amendment of Personnel Ordinance No. 2003-09 as required by law.
4. **EMPLOYEE KNOWLEDGE AND INFORMATION OF POLICY.** The Human Resource Director shall provide a copy of this policy to present employees and to all new employees with instructions to familiarize themselves with the provisions of these rules. Employees shall sign an Acknowledgement Form that they have received, and will, review the manual. A copy of the Personnel Policy is also available on line at [www.belen-nm.gov](http://www.belen-nm.gov).
5. **EQUAL EMPLOYMENT OPPORTUNITY.** The City of Belen is an equal opportunity employer, and will not discriminate against anyone for any reason on the basis of political, religion, affiliation, marital status, pregnancy, color, disability, medical conditions, military background, gender, sexual orientation, sexual identity, age, national origin, ancestry, race, or ethnic background.
6. **ADMINISTRATION BY CITY MANAGER/DESIGNEE.** The City Manager serves as the appointed Chief Administrative Officer of the City Government and is subject to direction by the Mayor and Council in a duly described Mayor-City Manager form of Government. The City Manager shall administer the personnel system and the terms of this personnel policy to include all future approved amendments. Department Heads work under the City Manager's supervision, and employees work under the supervision of their Department Head/Supervisor. Department Heads shall also assist in administering the terms of this personnel policy.
7. **EMPLOYEES.** All employees who are not considered contract employees, working for the City of Belen, are at-will employees as defined in Department of Labor regulations. Contract employees may be considered and approved only by the City Manager. The City of Belen has a formal grievance process in place for demotions, dismissals and suspensions.
8. **CONSEQUENCES.** Repeated violations of the enclosed policies shall result in disciplinary action up to and including termination.

## SECTION 2. DEFINITIONS

1. **ADMINISTRATIVE LEAVE.** Leave with or without pay granted, at the recommendation of the Department Head, and approval of the City Manager.
2. **ANNIVERSARY DATE.** A date, every twelve (12) months from an employee's date of last hire.
3. **ANNUAL LEAVE.** Leave with pay granted to a regular or qualified appointed employee, after accrual at a specific rate, to be used by an employee at the employee's discretion, with prior approval of the appropriate Supervisor.
4. **APPEAL.** Written request that a decision of a formal grievance be reconsidered at a further stage in the grievance procedure.
5. **APPLICANT.** A person who has submitted a formal application, on an official City personnel application form, for a posted vacant position within the City.
6. **APPOINTED EXEMPT EMPLOYEE.** An individual who is appointed to an exempt position by the governing body. Appointed employees for the City of Belen include the Police Chief, Fire Chief and the City Manager.
7. **CITY BUSINESS.** The performance of an employee's job duties as assigned.
8. **COMP TIME.** Time off with pay in lieu of overtime pay.
9. **DAYS.** Wherever the term "days" is used in this manual it shall mean working days, unless otherwise specifically stated.
10. **DEMOTION.** A personnel action which reduces the employee's responsibilities and/or pay. Demotions may be voluntary, involuntary or may be the result of disciplinary action.
11. **DEPARTMENT HEAD.** The employee who has responsibility for supervision and/or administering a department.
12. **DESIGNATED WORK AREA.** A designated part or section of a building or site, set aside for specific work functions.
13. **DISMISSAL.** The involuntary termination of an employee's employment with the City of Belen.
14. **DUE PROCESS.** The right granted to a full-time or part-time regular employee who has completed the probationary period.
15. **ELECTED OFFICIAL.** A person who is elected, by the citizens, to serve the City of Belen.
16. **ELECTRONIC MAIL (E-mail).** An office communications tool whereby electronic messages are prepared, sent, and retrieved on electronic devices.
17. **EMPLOYEE AT WILL.** A common-law rule that employment duration can be terminated by either the employer or the employee at any time for any reason; also known as terminable at will.

- 18. ESTABLISHED EMPLOYEE.** An employee who has successfully completed their (12) month introductory period.
- 19. ESTABLISHED RECLASSIFIED EMPLOYEE.** An established employee who has been placed on probation through a voluntary or involuntary transfer and has rights to the grievance procedure as set forth herein.
- 20. EVALUATION PERIOD.** A period of time in which an employee's performance is evaluated.
- 21. EXECUTIVE LEVEL POSITION.** A higher level of administration and managerial job positions within the City of Belen. Executive level positions include the IT Director, Airport Manager, Economic Development Director, Public Works Director, Human Resource Director and the Finance Director.
- 22. EXEMPT EMPLOYEES.** All executive, administrative, and professional employees as defined in department of Labor regulations relating to the Fair Labor Standards Act, and whose compensation/wage is based on FLSA criteria.
- 23. FAMILY.** Any legal dependant, household member, parent, spouse, sibling, child, grandparent, grandchild; including step relatives or in-laws that parallel this list.
- 24. FRATERNIZATION.** An association or relationship on intimate terms between two employees, otherwise known as workplace romance.
- 25. FULL-TIME.** All employees who work a minimum of forty (40) hours per week are considered full-time employees.
- 26. GRIEVANCE.** A formal complaint by an employee concerning disciplinary action taken by management which may result in loss of pay or change in job status.
- 27. HIRING COMMITTEE.** A committee of no less than three (3) members appointed by the City Manager.
- 28. IMMEDIATE FAMILY.** Only the first and second degrees of both blood and marital relationship are recognized. Spouse, parent, child, grandchild, grandparent or sibling of either employee, or their spouse or any individual to whom the employee or their spouse is a court appointed legal guardian. Uncles, aunts, nephews, nieces, great grandparents and great grandchildren are not covered under bereavement leave.
- 29. INCENTIVE PAY PLAN.** An adopted plan of certain certifications established to enhance an employee's professional development skills.
- 30. INCLEMENT WEATHER.** Severe, rough, harsh; stormy weather which interrupts certain operations.
- 31. INTRODUCTORY EMPLOYEE.** A full-time or part-time employee who has not yet completed the 12 month introductory period; is terminable at will and does not have rights to the grievance procedures set forth herein.
- 32. INFORMATION SECURITY POLICY AND STANDARDS (ISPS).** A policy adopted by the City Council for the security and safety of the City.
- 33. JOB ABANDONMENT.** Three (3) days of no show and no call.

- 34. LATERAL TRANSFER.** The transfer of an employee from one department to another department within the City with the same grade and salary.
- 35. LAYOFF.** The involuntary separation of an employee's employment with the City, without fault on the part of the employee, due to lack of work or lack of funds.
- 36. LEGAL DEPENDENT.** A person relying on another for financial support; a relative for whom a taxpayer may claim an exemption on their income tax return.
- 37. MEDICAL DISABILITY TERMINATION.** The termination of an employee from City employment when the employee is unable to perform the essential functions of the position due to a medical condition be it mental or physical.
- 38. NEPOTISM.** First, second and third degrees of both blood and marital relationships are recognized for City nepotism policy. A City employee, related by blood or marriage, to another employee who directly supervises, controls or influences the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed. The term "relative" includes spouse, child, stepchild, mother, father, grandparent, grand children, mother-in-law, father-in-law, aunt, uncle, nephews, nieces, brother, sister, brother-in-law and sister-in-law.
- 39. NON-DISCRIMINATION.** The City will maintain that it will not discriminate against anyone for any reason on the basis of political or religious opinions or affiliation, marital status, pregnancy, color, disability or medical condition, gender, sexual orientation, age or because of national origin, ancestry, race or ethnic background.
- 40. NON-EXEMPT EMPLOYEES.** All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labors Standards Act. Non-exempt employees shall receive overtime pay or comp time as directed for actual hours worked in a normal work week in excess of 40 hours.
- 41. PART-TIME REGULAR EMPLOYEES.** A position in which the employee works less than forty (40) hours per week. For benefits purposes, an employee must work 20 or more hours to qualify for pro-rated benefits.
- 42. PERA.** Public Employee Retirement Association. Budgeted wages are all subject to PERA deductions. Regular, sick, vacation, personal, holidays, and longevity will all be deducted for PERA. On-call pay, overtime, shift differential, one-time merit increases, vacation pay-out at term, and retiree sick and vacation payouts are not subject to PERA deduction.
- 43. PERFORMANCE EVALUATION.** A written objective review made by the employee's Supervisor of an employee's work performance.
- 44. POST-DISCIPLINARY HEARING.** A formal hearing conducted by the hearing officer at the request of an employee who is grieving a suspension, demotion or dismissal.
- 45. PRE-DISCIPLINARY HEARING.** A hearing conducted by the City Manager or designee before the imposition of disciplinary actions of suspension, demotion, or dismissal.

- 46. PROGRAM PAID EMPLOYEE.** Employee assigned to work with the City of Belen and is being paid by another program for a determined amount of time.
- 47. PROMOTION.** Transfer to a position requiring additional responsibilities and duties, which may include a salary adjustment. Employees shall serve a (6) six month probationary period following the promotion.
- 48. RECLASSIFICATION.** Where an established position is reviewed, by process of analysis, to determine whether the duties and responsibilities of that position merit a change in class designation.
- 49. RECLASSIFICATION INTRODUCTORY PERIOD.** Any transfer of an employee from one department or position to another, voluntarily or involuntarily, shall serve a six month introductory period.
- 50. RELATIVE.** Spouse, child, stepchild, mother, father, grandparent, grand children, mother-in-law, father-in-law, aunt, uncle, nephew, niece, brother, sister, brother-in-law and sister-in-law to an employee.
- 51. RETALIATE.** Action taken in return for an injury or offense, and is used for revenge.
- 52. SAFETY SENSITIVE POSITION.** A job or position where the employee has the responsibility for his or other people's safety. (I.e. fire, police, water, wastewater, solid waste, street, parks, and operators of equipment).
- 53. SICK LEAVE.** Sick leave may be granted for absence from duty because of personal illness, illness in the immediate family, injuries or legal quarantine, provided that the employee has accumulated sick leave.
- 54. SICK LEAVE ABUSE.** The use of sick leave for other than its intended purpose shall be considered abuse. Unauthorized and excessive use of sick leave will also be considered abuse.
- 55. STANDARD OPERATING PROCEDURES (SOP)** A standard operating procedures handbook developed for and used by the Fire and Police Departments. The S.O.P shall not supersede the City of Belen's Policy and Procedures Manual.
- 56. STUDENT INTERN.** An employee attending school acquiring credit by working for the City. Student interns are not entitled to benefits.
- 57. SUSPENSION.** An enforced leave of absence without pay for disciplinary reasons which becomes effective after a pre-disciplinary hearing has been conducted. An employee may waive his/her right to a pre-disciplinary hearing, at which time the suspension will take effect as determined by the City Manager.
- 58. TEMPORARY/SEASONAL POSITION.** A position that is vacant due to the temporary absence of an employee or a position that is seasonal in nature. A temporary position may be one that is created for a special project purpose and for a short term basis which may not exceed (1) one year.
- 59. TERMINABLE-AT-WILL.** A terminable-at-will employee is one who fills an appointed, temporary, or seasonal position, or an employee who has not completed his probationary period. A terminable-at-will employee cannot grieve suspension, demotion, dismissal, or other disciplinary actions.
- 60. TRANSFER.** The transfer of an employee from one department to another department within the City. A transfer can either be on a voluntarily basis or in the best interest of the City.

- 61. VOLUNTEER FIREFIGHTER.** A volunteer non-salaried firefighter who is listed as an active member on the rolls of a fire department. A volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter.
- 62. ZERO TOLERANCE.** Unruly actions which will absolutely not be tolerated under any circumstance.

### SECTION 3. RECRUITMENT AND SELECTION

1. **HIRING, APPOINTMENTS, AND PROMOTIONS.** All shall be made on the basis of the best qualified individual that meets the job requirements. The City Manager, along with the Department Head and Human Resources Manager will be based on: skills, education, background, experience, personal interview, references, and a result of pre-employment examinations when required. All employees are subject to reference and background checks per authorization provided by the applicant.
2. **PHYSICAL EXAMINATIONS.** Applicants to whom positions have been offered maybe required to undergo medical examinations to determine qualifications. Employment medical examinations will be paid for by the City and will generally be completed and reviewed before actual employment begins. Offers of employment are contingent upon the physician's statement that the individual can perform the assigned duties and tasks of the position.
3. **DRUG TESTING.** Drug testing will be done for all new employees regardless of position. Offers of employment are contingent upon the physician's statement that the individual is drug free.
4. **BACKGROUND CHECKS.** The City of Belen reserves the right to conduct criminal history checks, driving records, education verifications, employment verifications, and any other such background checks determined to be appropriate by the City.
  - 4.1 The following factors will be considered for those applicants with a criminal history:
    - 4.1.1 the nature of the crime and its relationship to the position,
    - 4.1.2 the time since the conviction,
    - 4.1.3 the number of convictions,
    - 4.1.4 if the applicant would pose an unreasonable risk to the City,
    - 4.1.5 whether or not a City liability insurance company will insure the employee,
    - 4.1.6 a DWI or DUI must be more than (5) five years old to be considered.
  - 4.2 Police and Fire Departments have additional restrictive hiring policies and background checks. The department will follow their Standard Operating Procedures (SOP) guidelines.
5. **VACANCIES.** All Supervisors shall report all vacancies or anticipated vacancies to the Human Resources Department. The Human Resources Manager will post the vacancy in City Hall for (5) days.
6. **INTERNAL POSTING PROCEDURE.** Whenever filling a regular position, the Department Head will notify the Human Resource Director of the position to be filled. The Human Resource Director will post the vacancy in City Hall for five (5) days.
7. **DUAL POSTING.** Internal and external postings may be done simultaneously at the discretion of the Human Resource Director.
8. **EXCEPTION TO POSTING.** Posting is not required for filling temporary or seasonal positions or in case of lateral transfers or promotions.
9. **EXTERNAL POSTING.** If there are no qualified City employees, the vacancy will be advertised in a newspaper of general circulation at least once.
10. **APPLICATIONS.** Applications will only be accepted for vacancies that have been published with the exception of Police Officer and Firefighter. Applications for employment shall be provided in the Human

Resource Director's office during normal business hours when a vacancy is posted. Applicants shall be considered for positions for which they have applied and are qualified. Applications must be submitted on the employment application form provided by the City.

- 11. PROOF OF QUALIFICATION.** The applicant is responsible for furnishing proof of qualifications (high school diploma or GED, a valid New Mexico driver's license and certificate or degree) when these requirements are necessary and set forth in the job description.
- 12. IMMIGRATION ACT COMPLIANCE.** The applicant is responsible for furnishing proof of identification and right to work in accordance with the Immigration Reform and Control Act of 1986 within the first three (3) working days after hire.
- 13. VERIFICATION.** The applicant is responsible for completing and signing the employment application and certifying as to the truth of all statements made in the application.
- 14. RESPONSIBILITY.** The Department Head, Human Resources Department, and the City Manager share the responsibility for recruiting and hiring staff for a job vacancy. The City of Belen is committed to promotion from within whenever possible, evaluating all candidates for a job vacancy against the same requirements that are posted in the job description, and rating Police Officer positions by background investigation performed by the Belen Police Department.
- 15. RECRUITMENT OF EXECUTIVE LEVEL POSITIONS.** Executive level positions are not subject to the above recruiting process. The City Manager may hire directly when it is based on the best interest of the City. The City Manager may negotiate benefit packages, salaries outside the established range, and employment agreements at levels needed to attract the best candidate for the position.
- 16. SELECTION OF CANDIDATES.** Upon completion of the personal interviews, the Human Resources Director will deliver a recommendation for hire to the City Manager. No candidate shall be notified by the department unless approved by the City Manager. The Human Resources Department will notify the selected candidate and offer the position contingent upon passing a drug and alcohol screening, and all appropriate background checks, such as criminal history and motor vehicle records. The Human Resources Director will notify the department when they can schedule the first day of employment. In the event that no candidate is deemed suitable for the position, the Human Resources Department may continue the recruitment.
- 17. EMPLOYMENT DATE.** The first day that the employee reports to work is the employee's employment date. Termination date is the employee's last paid day of work.
- 18. INTRODUCTORY PERIOD.** Every full-time or part-time employee shall serve an introductory period of 12 complete calendar months, with the exception for police officers. The introductory period begins on the first day the employee reports to work. Non-certified patrol officers must complete 18 calendar months for their introductory period. This will allow a full 12 month local evaluation after the officer returns from the Police Academy. Should the employee leave before completing the introductory period, for any reason including dismissal or lay off, they will be paid for accumulated vacation time.
  - 18.1** The introductory period shall be an integral part of the evaluation process and shall be utilized for closely observing the employee's work.
  - 18.2** If the introductory employee is absent from his work longer than two weeks, the introductory period shall be extended for the length of time the employee was absent.

- 18.3** When an introductory employee is promoted, or demoted during the introductory period, the employee shall continue to serve the introductory 12 month period and/or the job change introductory period, whichever is longer.

**19. ELIGIBILITY FOR LEAVE.** Full-time employees are eligible for sick and holiday the first day of employment. Part-time employees are eligible for sick and holiday leave the first day of employment at a pro-rated rate. Employees using sick leave within the introductory period should submit a doctor's release note to their Supervisor upon their return to work. Supervisors shall give a copy of the doctor's release note to payroll. All employees shall complete 6 months of their introductory period before annual leave can be used.

**20. INSURANCE BENEFITS.** Eligible Employees will begin insurance benefits the first of the month after the employee's start date.

**21. TEMPORARY EMPLOYMENT.** Temporary appointment may be made to any staff position that the City Manager indicated to be temporary. Temporary employees are not eligible for benefit programs.

**22. INELIGIBILITY FOR HIRE AND REHIRE.** The City of Belen will provide many options for hiring and placement of qualified and capable employees as possible, while avoiding nepotism. An applicant may be considered ineligible for hire or rehire by the City of Belen if the applicant:

- 22.1** Serves as a voting member of the City Council and for a two year period after leaving office.
- 22.2** Family of the Mayor, Councilors, or City manager for the City of Belen.
- 22.3** Made any false statement or omission on the employment application.
- 22.4** Not met the requirements of the position.
- 22.5** Failed to complete and/or successfully pass post offer employment physical examinations, drug and alcohol testing or other requirements as directed by the City.
- 22.6** Not met the criteria for insurance or bonding as required by law.
- 22.7** Been dismissed from the City as a disciplinary measure.
- 22.8** Not been certified by a physician that the applicant can perform the physical requirements of the position.
- 22.9** Been convicted of a heinous crime within the last five years.
- 22.10** The preceding list is not necessarily exhaustive, and may not include all of the reasons, which would make an applicant ineligible for hire or rehire.

**23. RELATIVES OF EMPLOYEES.** Relatives or a person of significance, of employees that work for the City of Belen may be considered for employment, but would be restricted in any instance where one relative would have responsibilities relating to the selection, hiring, supervision, or have a perceived position of authority over that employee. If, after thorough recruitment and search, the only qualified applicant found is

exception to this definition, the City Manager may review the situation and grant an exception with the approval of the City Council.

## **SECTION 4. PERSONNEL FILES**

- 1. PRIVACY ACT.** The City adheres to the Public Health Information set forth by the Health Insurance Portability & Accountability Act (HIPAA): For further information on the Act go to [www.hhs.gov/UnderstandingHIPAAPrivacy](http://www.hhs.gov/UnderstandingHIPAAPrivacy).
- 2. INSPECTION OF PUBLIC RECORDS.** Personnel Files are not available for public inspection. Physical access to an employee's records shall be in the control of the Human Resource Director. An employee's records may be reviewed by the employee and individuals with a "need to know" as determined by the Human Resource Director. See "Public Records Act" ([governor.state.nm.us/New\\_Mexico\\_Inspection\\_of\\_Public\\_Records](http://governor.state.nm.us/New_Mexico_Inspection_of_Public_Records)) for obtaining copies of employee records. All employee records and files are the property of the City of Belen and are not to be removed from the human resources office.
- 3. EMPLOYEE'S PERSONNEL FILES.** Subsequent to hire, two separate files will be prepared and maintained for each employee: a personnel file, and a medical file. A third file may be kept for confidential matters. All employee records and files are the property of the City of Belen and are not to be removed from the Human Resources Office. These records shall all be kept in the custody of the Human Resource Director. Employee's files are not available for public inspection. An employee's records may be reviewed by the employee with a "need to know" basis as determined by the Human Resource Director. It is the responsibility of each Department Head to insure that the records of the employees are complete and up-to-date and submitted to the Human Resource Office for filing. It is up to the employee to notify Human Resources of any changes to their address, email, phone number, beneficiary, or relevant dependent information as they occur. All records will be kept in accordance with NMSA 14-2-1 thru 14-2-3 referencing the Inspection of Public Records Act.
- 4. CONTENTS.** The personnel file shall contain the following records:
  - 4.1** The original application form.
  - 4.2** The originating personnel action showing occupation, date of beginning employment and salary.
  - 4.3** Records or certificates of educational training or orientation achievement completion.
  - 4.4** Application for retirement program, insurance enrollments, beneficiary information.
  - 4.5** Other related actions/forms concerning payroll deductions, insurance payment records, IRS levies, bankruptcies, garnishments, etc.
  - 4.6** Performance evaluations.
  - 4.7** Final records of disciplinary actions, such as final reprimands, suspensions, demotions, terminations or grievances.
- 5. MEDICAL FILE.** This confidential medical file shall contain the following records:
  - 5.1** Any medically related documents (health provider notes) and/or information.
  - 5.2** Medical test results.

**6. CONFIDENTIAL FILE** – This file will only be kept if initiated for the following purposes:

- 6.1** Internal investigations conducted by or on behalf of the City.
- 6.2** Psychological testing and interpretations for Police Department employees.
- 6.3** Background, credit, and or other reports used for confidential hiring purposes.
- 6.4** Pending or investigations or hearing in progress.

## SECTION 5. EMPLOYEE CLASSIFICATIONS

1. **CLASSIFICATION.** Classification is the type of employment an employee is hired into. Benefits and service time are dependent on the status. At initial hiring, employees should be made aware of status and benefits of their positions.
2. **ACTING EMPLOYEE.** When a department needs a replacement for an incumbent who will return within 6 months, the department may make an acting appointment of an existing employee.
3. **ALTERNATE JUDGE.** A person appointed and authorized to hear and decide cases in a court of law.
4. **APPOINTED EMPLOYEE.** An employee who is hired at the discretion of the Mayor and Council. The exempt, appointed positions are the City Manager, Police Chief, and Fire Chief. Appointed employees shall receive a salary wage set by the City council. Appointed employees are terminable-at-will and cannot avail themselves of the grievance procedure set forth herein, but are entitled to all other rights and benefits under the City Personnel Policies and Procedures.
5. **EXEMPT EMPLOYEE.** An employee is exempt because of their positional duties, responsibilities and decision making authority. Exempt employees shall work whatever hours are necessary to accomplish the goals and deliverables of their exempt position. Exempt employees shall receive a salary wage set by the City Manager. An exempt employee is not subject to overtime or comp time.
6. **COMMUNITY SERVICES WORKER.** A court appointed worker who is working for his/her community to offset payment for a violation he/she committed. No pay and/or benefits are paid. Hours worked are approved and signed for by City of Belen Department Heads. Work time would not be considered as service time with the City of Belen and services may be terminated at any time.
7. **CONTRACT EMPLOYEE.** A binding agreement with someone to perform a specific task, paid specific amount of money, paid at a specific time and has a specific term date. The City cannot prescribe how to do the task, supervise, and provide supplies or equipment or facility to do the task. The contractee is responsible for paying his/her own taxes, benefits, etc. for that job and will receive a 1099 at the end of the year. Work time would not be considered as service time with the City of Belen.
8. **ESTABLISHED FULL-TIME REGULAR EMPLOYEE.** An employee who gets hired to fill a budgeted vacancy, works 40 or more hours per week, has completed the probationary period and is entitled to all rights and benefits under the Personnel Policies and Procedures.
9. **ESTABLISHED PART-TIME EMPLOYEE.** An employee hired to fill a budgeted position for less than 40 hours per week and completes the probationary period. Pro-rated benefits are paid to any employee who works 20 or more hours per week and is eligible to all rights and benefits under the Personnel Policies and Procedures. Work time is considered service time with the City of Belen.
10. **INTERIM EMPLOYEE.** When a position is vacant, and the department needs to fill the position for a limited period of time (up to one year) preparatory to a full recruitment, the department may make an interim appointment of an existing employee.
11. **INTRODUCTORY EMPLOYEE.** A full-time or part-time introductory employee, who has not yet completed the introductory period, is terminable-at-will and who may not avail himself/herself of the grievance procedure set forth herein, but is entitled to all other City benefits provided herein.

- 11.1 An introductory employee accrues leave, but may not use annual leave-time accrued until 6 months of the introductory period is completed. In the event of an emergency, the City Manager may approve the use of accrued leave
- 11.2 To determine whether an employee has satisfactorily completed the introductory period, the employee's Department Head will evaluate the employee's work performance. A performance review will be conducted at the end of the third (3rd) and eleventh (11th) month of the introductory period. A Supervisor reserves the right to conduct performance reviews at any time.
- 11.3 During the introductory period, an employee hired to fill a law enforcement position shall obtain the statutorily required certification for the position. Failure to obtain such certification within the one (1) year period bars the employee from becoming a regular employee and shall result in the employee's dismissal.
- 11.4 If an employee does not satisfactorily complete the probationary period, the employee will be dismissed. Proposed dismissal of an introductory employee must be approved by the City Manager.
- 11.5 A former City employee rehired into the same position more than six (6) months after termination, or rehired at any time to fill a different position, shall serve the required introductory period of twelve (12) months.
- 11.6 An introductory employee may apply for other positions within the City, but must remain in original position for (6) six months before applying for another.

**12. PROGRAM PAID.** Employees assigned to work with the City of Belen and are being paid by another program for a determined amount of time. Paid hours and any benefits are paid by the program and not the City of Belen. Work time would not be considered as service time with the City of Belen.

**13. SEASONAL.** An employee hired at specific times of the year (seasons) for specific temporary job assignments. Seasonal employees are terminable-at-will, are not entitled to rights and benefits, and/or grieve personnel actions. Work time would not be considered as service time with the City of Belen.

**14. STUDENT INTERN.** An employee who is attending school and is acquiring credit by working for the City with or without pay. The student employee is for a temporary time frame and is terminable at will.

**15. TEMPORARY FULL-TIME.** Employment that has no set termination date, but may not hold the position more than (9) nine months. Employment is based on a 40 hour week. No benefits are paid to a temporary employee. Work time would not be considered as service time with the City of Belen and is terminable at will.

**16. TEMPORARY PART-TIME.** Employment that has no set termination date, but may not hold the position more than (9) nine months. Employment is based on less than a 40 hour week. No benefits are paid to a temporary employee. Work time would not be considered as service time with the City of Belen and is terminable at will.

**17. TEMPORARY ASSIGNED EXEMPT POSITION.** An employee assigned to an exempt position on a temporary basis will be considered an exempt employee for the duration of the temporary assignment.

**18. VOLUNTEER.** A person who has been approved through employment processes to work for the City of Belen with no expectancy of pay or benefits in return. A volunteer may be dismissed at any time without notice. Work time would not be considered as service time with the City of Belen. Volunteers are terminable at will.

**19. VOLUNTEER FIREFIGHTER.** A person who has been hired through the *Belen Fire Department* with no expectancy of pay or benefits in return. A volunteer may be dismissed at any time without notice. Work time would not be considered as service time with the City of Belen. Volunteers are terminable at will.

## **SECTION 6. CHANGE IN JOB STATUS**

- 1. CHANGES.** Job status changes made throughout the employees employment with the City.
- 2. DEMOTION.** A change in employment status, which involves a reduction in job responsibilities and salary.
- 3. DISMISSAL.** Department heads may recommend to the City Manager, dismissal of regular employees for just cause, which shall include, but not be limited to, unsatisfactory performance or illegal activity or unacceptable conduct on the job.
- 4. PROMOTION.** A change in employment status, which involves an increase in job responsibilities and salary. Current employees applying for a job within the City must realize that absence of proof of qualification may have an impact on his/her hire for that vacancy.
- 5. REDUCTION IN FORCE.** If it is necessary for the City to reduce the number of employees because of lack of funds or lack of work, the City Manager, after consulting with the relevant Department Heads, shall make recommendations to the City council. The Council shall then make the determination of the necessary layoffs. The reduction will occur in the following manner:
  - 5.1** Seasonal/temporary, temporary, and introductory employees will be laid off before full or part-time regular employees unless they are filling positions which require specific skills and knowledge.
  - 5.2** Lay off of regular employees shall be recommended by the Department Head, to the City Manager, based on the employee's suitability for the jobs remaining, ability to perform, available work, past job performance, and length of service with the City.
  - 5.3** Employees to be laid off shall be given advanced notice within a reasonable time period. Accrued annual leave shall be paid on the pay period following the final day of employment.
  - 5.4** An employee on lay-off must reapply to be considered for future employment.
  - 5.5** A laid-off employee returning to City employment within six months of lay off will not serve a probationary period if hired to the same position.
  - 5.6** Reductions-in-force shall be approved by the City council, and cannot be grieved.
- 6. RESIGNATION.** The voluntary termination of an employee from municipal service. Resignation shall be submitted in writing two weeks prior to the effective date. This notice may be shortened because of extenuating circumstances with the approval of the City Manager. Any employee wishing to leave the City of Belen in good standing shall submit a copy of their resignation letter to their Supervisor. The resignation letter shall include the date the resignation will become effective and the reason for leaving. Supervisors shall submit a copy of the resignation letter to the Human Resources Department.
- 7. LATERAL TRANSFER.** Change in employment status in which an employee may be moved from one position to another at the same rate of pay either voluntarily or involuntarily. An employee may be transferred if it is in the best interest of the City. Involuntary transfers are grievable.

- 8. RECLASSIFICATION.** Employees shall become reclassified with the act of promotion, a transfer, or demotion. Established employees shall serve a reclassification introductory period of six (6) months; however, accrual leave may be taken after a three (3) month period.
- 8.1** During the reclassification introductory period an employee shall be evaluated at three months of employment, and then again after six months.
  - 8.2** If circumstances arise where the employee on a reclassification introductory period is absent from work longer than two weeks, the introductory period will be extended for the length of time the employee was absent.
  - 8.3** At the end of the six (6) month period the employee will be evaluated again. At that time, if the employee is not working up to an acceptable level, the employee may be transferred back to their former positions if the position is still open, or terminated.
  - 8.4** Promotions within the Fire and Police Departments, for certain positions, shall be handled according to their S.O.P.
  - 8.5** An employee who fills a temporary position and is subsequently hired to fill a regular position shall serve the required introductory period at the date beginning the regular position.

## SECTION 7. EMPLOYEE CONDUCT

1. **ADDITIONAL RULES.** Employees shall obey all additional rules and directives and requests stated verbally or in writing by their Supervisors. Employees are required to follow all standards, rules, procedures and policies that are similar or normally expected in the work place.
2. **CANDIDATE FOR PUBLIC OFFICE.** Any employee who is declared a candidate for public office shall take leave of absence at least 14 days prior to Election Day for all primary, general and other elections. All employees shall comply with statute regulations regarding their candidacy for public office, including the New Mexico Governmental Conduct Act (chapter 10.16 NMSA 1978) and the Hatch Act (5 U.S.C. Section 1501 to 1508). Any employee elected to a public office shall terminate their position with the City of Belen if the public office is full-time or if the part-time public office is incompatible with the proper discharge of the employee's responsibilities.
3. **CITY PROPERTY.** Employees shall not misuse City property, records, or other materials in their care, control, or custody; nor shall any City property, records, or other material be removed from the premises of the City offices unless written permission has been given. Employee shall not use City property, records or equipment for personal use. Employees may bring personal supplies, property and/or work tools to work and use for City purposes. Employees who bring personal property do so at their own risk and take full liability. The City will not assume responsibility for damaged, lost, or stolen personal property. Refer to the ISPS Handbook (appendix A) for further policies on City and personal property.
4. **CITY VEHICLES.** Refer to the Safety Policies and Procedures (appendix B) for regulations on City vehicles.
5. **CONFIDENTIALITY STATEMENT.** Only legitimate requests for public information under the "Inspection of Public Records Act", NMSA 1978, Chapter 14, Article 2, will be acknowledged and handled through the City Clerk's Office. Otherwise, the City will maintain employee confidentiality. A confidentiality statement shall be enforced, explained, acknowledged, and signed by each employee of the City of Belen. Employees, who violate confidentiality matters under the scope of the statement with "other than need to know" basis, will be subject to disciplinary action up to and possible termination.
6. **DISCARDING.** To protect the privacy of individuals, all discarded documents shall be shredded, and disposed of properly.
7. **NEWS MEDIA.** Statements and interviews with the media shall only be conducted thru the City's Public Information Officer (PIO).
8. **CONFLICT OF INTEREST.** The City of Belen prohibits employees from using their position for a purpose that is, or gives, the appearance of being motivated by a desire for private gain for themselves or others. Employees in a position to deliver services to eligible individuals will avoid the real or perception of any conflict of interest when the eligible individual is a relative, close friend, or other person of interest. The Human Resources Department must be made aware of the relationship of the person receiving services through the City and will give guidance to the employee on how to handle any actions to be taken.
9. **OUTSIDE EMPLOYMENT.** Because each employee represents the City of Belen in the performance of their duties, the City requires each employee to obtain the express written permission of their Department Head for outside employment. The approved, secondary employment, document will be placed in the employee's personnel file. The department Supervisor shall be held accountable for assuring that all employees working a second job, in his/her department have the documentation in the employee's personnel

file. Supervisors will be charged with disciplinary action up to and including termination for non-compliance. The Human Resources Department will sign off on approved Supervisor documents for file.

**10. APPROVAL OF OUTSIDE EMPLOYMENT.** The Department Head shall determine whether:

- 10.1** The duties or services of the proposed supplemental/outside employment will create a conflict of interest for the employee or the employee's subordinates while serving in an official capacity with the City.
- 10.2** The proposed supplementary/outside employment will defame, embarrass, or reflect discredit upon the City.
- 10.3** The employee is serving the City satisfactorily and will be able to continue to do so if the employee undertakes supplementary/outside employment.
- 10.4** The employee's sick leave usage does not in any way reflect or give the appearance of abuse.

**11. DISCRIMINATION.** Employees will not discriminate against anyone for any reason on the basis of political or religious opinions or affiliation, marital status, pregnancy, color, disability or medical condition, military background, gender, sexual orientation, age or because of national origin, ancestry, race or ethnic background.

**12. DRESS AND APPEARANCE.** Employees are constantly in the public eye; consequently it is important that the employees present the best possible image to the public. Standard uniforms with sewn in City logo may be worn. If budget permits, the City may provide uniforms to employees. Uniforms, caps, badges or any clothing with City name and/or logo will not be worn inappropriately or into liquor establishments. Good grooming, good hygiene, and appropriate dress reflect employee pride and inspire public confidence.

**12.1** Inappropriate attire shall not be allowed while on duty:

- 12.1.1** Evening Wear
- 12.1.2** Revealing clothing (showing an inappropriate amount of skin)
- 12.1.3** Tank Tops (less than 4" wide)
- 12.1.4** Spaghetti Straps
- 12.1.5** Muscle Shirts
- 12.1.6** Attire with inappropriate slogans or graphics
- 12.1.7** Crop Tops
- 12.1.8** Tube Tops
- 12.1.9** Cut off sleeve shirts
- 12.1.10** Sweat Pants
- 12.1.11** Leggings (unless worn with a dress)
- 12.1.12** Spandex Clothing
- 12.1.13** Shorts (more than 4" above the knee)
- 12.1.14** Frayed Pants
- 12.1.15** Rubber between toe sandals (flip flops)
- 12.1.16** Bare Feet
- 12.1.17** Open footwear with poor hygiene

**12.1.18** Body modifications piercings/jewelry (other than earlobes)

**12.1.19** Tattoos are allowed but should be covered up to be as discreet as possible to uphold the image of the City.

**12.2** Employees are responsible for wearing proper attire, being properly groomed, and practice personal hygiene suitable for the job they were hired to perform. Clothing shall be neat and clean, and hair grooming and styles should avoid extremes. All clothing, accessories, and shoes should be functional and safe for the type of work performed. Employees not following these dress and appearance policies will be sent home without pay until the proper dress and appearance is altered. An employee unsure of what is appropriate should check with their Supervisor. Administration may make exceptions for special occasions.

**12.3** Employees finding anything offensive on a person shall report it to Human Resources. Human Resources shall determine if the appearance is offensive and follow discipline procedures.

**12.4** Uniformed Personnel: Uniforms are expected to be neat, fresh, and clean when reporting for duty. Uniforms will not be worn during off duty hours (except to and from work). Uniforms that are paid for and supplied by the City must be returned to the City upon termination. If the employee refuses to turn in the uniform the cost of the items will be withheld from the employee's last check.

**12.5** A reasonable standard of dress rules out extremes in dress, accessory, fragrances, or hair.

**13. CASUAL DRESS.** Casual dress will be permitted on Fridays except during the specified periods when casual days will be suspended. Employees shall still follow the inappropriate guide in 12.1 Casual is defined as follows:

**13.1** Casual shirts: This will include casual shirts, blouses or golf and polo shirts.

**13.2** Pants: Casual slacks, trousers and department defined jeans or uniforms. Non-faded jeans, without holes, frays, etc., may be worn on Fridays. Leggings are not considered appropriate casual pants.

**13.3** Footwear: Depending on the department (safety sensitive departments must wear safety shoes/boots) athletic shoes may be worn on Fridays only.

**13.4** Personal Protective Equipment. Employees are required to wear personal protective equipment for their respective jobs. Personal protective equipment will be provided, used and maintained. Reference Safety Policies and Procedures manual.

**14. HYGIENE.** Hygiene and cleanliness are important to good working relationships and improve the overall working environment. Managers and Supervisor have the discretion to determine appropriate hygiene and may send employees home without pay to meet hygiene standards.

**15. EMPLOYEE BADGES.** As public servants, the City of Belen wishes citizens and the public to be able to identify City employees at a glance. Employees are required to wear a City of Belen issued, picture identification badge, on their person and made visible while on duty when representing the City of Belen. The badge should be easily visible to the naked eye and the public. The badge must be worn on the lapel or on a lanyard. The bottom of a shirt hem or on the sleeve is not appropriate. A fifteen dollar (\$15.00) charge

will be assessed to replace any lost, stolen or damaged badge. Normal wear and tear of the badge will be assessed for replacement. The employee will be disciplined accordingly for non-compliance, up to and including termination. The badge is to be returned to Human Resources upon termination. Public safety positions are exempt from wearing the City Employee Badge issued ONLY if they are clearly identified in uniform with name, and/or personal badge. Upon request, Detectives must present their official commission card.

**16. FALSE STATEMENTS, FRAUD.** Fraud is defined as the intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to their injury. Management shall be familiar with the types of improprieties that might occur within their area of responsibility.

**16.1** No person shall willfully or corruptly make any false statement, certification, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrong doing or knowingly withhold information about wrongdoing in connection with employment with the City or in connection with the work-related conduct of any City employee. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with the City.

**16.2** Actions constituting Fraud include but are not limited to the following:

**16.2.1** Forgery or alteration of any document or account belonging to the City of Belen.

**16.2.2** Forgery or alteration of a check, bank draft, or any other financial document.

**16.2.3** Impropriety in the handling or reporting of money of financial transactions.

**16.2.4** Disclosing confidential and proprietary information to outside parties.

**16.2.5** Accepting or seeking anything of material value from customers, contractors, vendors, or persons providing goods or services to the City.

**16.2.6** Destruction, removal, or inappropriate use of records, or tangible property.

**16.2.7** Any dishonest or similar related irregularities.

**16.3** Reporting Fraud. Any employee detecting or suspecting fraud shall report it immediately to the Department Head and City Manager. The City is then liable to report the violation immediately to the State Auditor as per State Statute 12-6-6. The City Manager has the primary responsibility for the investigation at the local level. Decision to prosecute will be made in conjunction with the City Manager, State Auditor, and Legal Counsel. The City Manager, and other employees involved shall keep the investigation confidential to the extent possible.

**17. NEPOTISM.** Nepotism, for purposes of this personnel policy manual, is defined as the practice of giving preferential treatment in areas of employment including but not limited to selection, benefits, pay, promotion and discipline to an employee's near relatives. For purposes of this nepotism policy refer to the nepotism definition in Section 2 of this Manual. A City employee may not supervise anyone who is a blood relative, related by legal adoption or marriage. A Supervisor is anyone who directly supervises, controls or influences the overall status of employees. The term "relative" includes spouse, child, stepchild, mother, father, grandparent, grand children, mother-in-law, father-in-law, aunt, uncle, nephews, nieces, brother, sister, brother-in-law and sister-in-law.

**18. FRATERNIZATION.** Fraternization (workplace romance) among employees is prohibited during working hours regardless of status and gender. However, fraternization between Supervisor and employee is prohibited. The non-fraternization policy supports the City's commitment to provide all employees a workplace free of sexual misconduct or behaviors that hinders our objective to serve our citizens and to maintain a safe and productive workplace. It is also intended to ensure that employees are not improperly disadvantaged because of a romantic relationship between a Supervisor and an employee. Employees are bound to honor the City's discrimination and harassment policies and agree to act professionally and not engage in conduct that might prove offensive or discriminatory to other employees. Employees are expected to conduct themselves in a manner that promotes respect, trust, safety and efficiency in the workplace. Fraternization hinders the work performance of those employees involved as well as those who work around them.

**18.1** The Human Resources Manager will:

**18.1.1** Discreetly interview the parties involved to determine the facts.

**18.1.2** Interview others who have first hand information, only if necessary to resolve conflicting facts.

**18.1.3** If it is determined that a relationship is established, employees may opt for a job transfer, if a position is available, or one party shall self-terminate their employment with the City.

**18.1.4** If the facts support conclusion of policy violation both employees will be subject to disciplinary action and/or termination as per the City's Zero Tolerance Sexual Harassment Policy.

**19. SOCIAL MEDIA.** The City recognizes the use of social media to enhance communication amongst individuals. The City encourages employees to conduct themselves in a conservative and professional manner. Refer to the ISPS Handbook (appendix A) for further procedures.

**20. PERFORMANCE EVALUATION.** Staff performance evaluations provide a review and evaluation of an individual's performance. It is the responsibility of the employee's direct Supervisor to ensure performance evaluations are done in a timely manner. Supervisors who do not complete performance evaluations as prescribed shall be subject to disciplinary action up to and including termination. Completed performance evaluations are maintained in the employee's personnel file. The Department Head shall discuss performance with the employee during the probationary period. The employee must receive a performance evaluation of satisfactory or better at the end of the probationary period before the employee can become a regular employee.

**20.1** All introductory employees shall be evaluated upon the third and eleventh month of the introductory period.

**20.2** All established employees shall be evaluated annually, using the employee's anniversary date of employment.

**20.3** On an annual basis the Department Heads will be evaluated by the City Manager.

- 20.4** Employees may be evaluated when a change of classification has occurred due to demotion, suspension, promotion, or a recommendation for any type of salary increase. Department Heads or immediate Supervisors who wish to make a particularly good or poor performance of an employee a matter of record can do so with an evaluation.
- 20.5 Contents of Evaluation.** A performance evaluation shall contain an overall appraisal of the employee's performance such as satisfactory, outstanding or unsatisfactory and shall include recommendations for improvements.
- 20.6 Employee Rebuttal.** The employee may submit a rebuttal statement to the performance evaluation, which will be attached to and become a part of the performance evaluation. The rebuttal must be submitted within 10 days of the evaluation.
- 20.7 Unsatisfactory Evaluation.** In the event a regular employee receives an overall evaluation of unsatisfactory, the employee shall be provided with written information in the evaluation as to specific areas of deficient performance and steps for improvement, and also shall be warned that failure to meet reasonable performance standards of the position within a set time period (not to exceed ninety (90) days) shall result in dismissal. An employee who receives an overall evaluation of unsatisfactory shall be re-evaluated at anytime during the (90) ninety-day period following the unsatisfactory evaluation, and if performance remains unsatisfactory, shall be dismissed pursuant to the procedures in these rules.

**21. PERSONAL BUSINESS.** Personal business is to be conducted during break times and lunch hours.

- 21.1** The fax, copier, and mail systems, including e-mail, are intended for City business use. Personal business should not be conducted through these systems. Under conditions approved by management, telephone conversations may be monitored and voice mail messages may be retrieved in the process of monitoring customer service.

**22. PHYSICAL EXAMINATIONS.** It is the responsibility of each Safety Sensitive Employee, and all CDL Drivers to obtain required physical examinations.

**23. POLITICAL ACTIVITY DURING WORKING HOURS.** No employee shall engage in political activity while on duty. The use of official authority to influence or coerce another person for the purpose of interfering with or affecting the result of an election or a nomination for public office is prohibited. Nothing in this subsection shall deny employees the right to vote as they choose, or to express their opinion on political matters or candidates when off duty and not acting in an official capacity.

**24. DESIGNATED WORK AREAS.** All employees are to be at their designated work areas on time and ready to work. They shall work until the scheduled quitting time, unless permission of the Supervisor has been obtained for different work hours. Employees shall not litter work areas and will keep them neat and clean. No employee shall loiter outside their own designated work area which disrupts other employees. Consumption of food and drinks shall be kept out of public areas. All beverages shall be covered. Active solicitation is not allowed.

**25. SAFETY.** The City of Belen has a manual for safety and loss procedures. Please reference and review the manual attached to this policy in (appendix B)

**26. SMOKING.** Smoking is prohibited in City buildings as per State Statute. Smoking is also prohibited in City vehicles and/or equipment.

- 27. VISITORS.** Relatives and friends are discouraged in the workplace. Inappropriate behavior of visitors will not be tolerated. Abusive cases will be evaluated on an individual basis.
- 28. PERSONAL PETS.** Personal pets are strictly prohibited on City property. Service pets are the exception.
- 29. CELLULAR PHONES, CITY TELEPHONES, E-MAIL/INTERNET AND VOICE MAIL POLICY.**  
The City of Belen has adopted an Information Security Policy and Standards Handbook to develop a foundation of information, security outlook, approach and practice. Refer and review the ISPS attached hereto (appendix A).
- 30. PRIVATELY OWNED VEHICLES.** Refer to the City's Safety and Loss Policies and Procedures for (appendix B) for use of privately owned vehicles.
- 31. TRAVEL.** The City of Belen has adopted a Travel Policy for all City Employees. Please review and reference the policy in (appendix C) for further information on travel.

## **SECTION 8. EMPLOYEE DISCIPLINE**

**1. APPROVAL BY CITY MANAGER.** The City Manager, as the pre-disciplinary hearing officer, will approve or disapprove all disciplinary recommendations from Supervisors and Department Heads for suspensions, demotions and dismissals. Suspensions without pay, demotions, and dismissals become effective when the City Manager approves the action.

### **2. BASIS FOR EMPLOYEE DISCIPLINE.**

- 2.1** Just Cause Discipline. Disciplinary actions for regular employees are based on just cause in order to promote the efficiency of the services rendered by the City and the operation of its respective departments and offices. Disciplinary actions will be consistent with governing laws and regulations and will be taken without regard of political or religious opinions or affiliation, marital status, color, disability or medical condition, gender, sexual orientation, age or because of national origin, ancestry, race or ethnic background. No employee will be disciplined for refusing to perform an unlawful act.
- 2.2** Definition of Just Cause. Just cause is defined as any conduct, action or inaction arising from, or directly connected with the employee's work or which is inconsistent with the employee's obligation to the City and reflects the employee's disregard of the City's interest. Just cause includes, but is not limited to, inefficiency, incompetency, misconduct, negligence, insubordination, performance which continues to be inadequate after reasonable efforts have been made to correct the performance problems, or conviction of a felony or misdemeanor as described in Section No. 28-2-1 et seq. (NMSA 1978).
- 2.3** Disciplinary Action. A Department Head may take disciplinary action in the form of a verbal or written reprimand, or may recommend to the City Manager suspension, demotion, or dismissal of an employee under the Department Head's authority, consistent with departmental policies and this personnel policy manual. Copies of any documented disciplinary action must be furnished to the Human Resource Director's office for placement in the employee's file with the signature of the recipient acknowledging receipt of the action.
- 2.4** Consultation with City Manager. Dismissal, involuntary demotion, and suspension require consultation with the City Manager before the action is recommended. Whenever such consultation is not practical because of urgent circumstances, necessary action may be taken and the situations reviewed with the City Manager as soon as practical.

**3. CONDITIONS OR ACTIONS NOT GRIEVABLE.** The following matters are not grievable:

- 3.1** Disputes as to whether or not an established City practice or policy is proper.
- 3.2** Matters where law mandates a method of review.
- 3.3** Matters where the City is without authority to act or does not have the ability to provide a remedy.
- 3.4** Temporary/Seasonal, Program Paid Volunteers, and Volunteer Firefighter employees released prior to or at the end of their anticipated employment period.

- 3.5 Probationary employees dismissed prior to the expiration of their probationary period.
- 3.6 Appointed exempt employees dismissed at any point during their employment with the City.
- 3.7 Performance evaluations, preferences for employment promotions, voluntary transfers, temporary assignments, removal from temporary assignments, and layoffs.
- 3.8 Denial of sick leave donation requests.

**4. CORRECTIVE DISCIPLINE.** Employees shall be subject to the principals of progressive discipline whenever possible. Each case of inadequate performance or act of misconduct shall be judged individually. The steps of corrective action used depend on the severity of the infraction and the employee's previous work record. Because of the serious nature of some infractions, the first disciplinary action may be dismissal.

**4.1 Documented Verbal Warning.** A verbal reprimand is used for minor infractions such as informing the employee that his/her actions, behavior or conduct needs to change. Department Heads will keep written notations of verbal warnings, and these shall be placed in the employee's personnel file. A verbal warning is not grievable. Cause of verbal warnings include, but are not limited to:

- 4.1.1 Substandard work performance
- 4.1.2 Repeated unexcused absence or tardiness
- 4.1.3 "Loafing" or wasting time
- 4.1.4 Safety violation whereby employee accident is classified II.
- 4.1.5 Violation of City Policy

**4.2 Conduct.** Employees shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department. Conduct unbecoming an employee shall include that which brings the department into disrepute or impairs the operation or efficiency of the department.

**4.3 Documented Written Warning.** An employee shall receive a written warning if the deficiency or infraction is of a greater degree than that for which a verbal reprimand may be used or a verbal reminder was not effective. Causes for written warning include, but are not limited to:

- 4.3.1 Refusal to carry out orders.
- 4.3.2 Sleeping on the job.
- 4.3.3 Failure to follow safety regulations.
- 4.3.4 Safety violation whereby employee accident is classified II and III
- 4.3.5 Failure to follow other City regulations, procedures and policy.

- 4.4 Acknowledgement.** All written warnings shall be placed in the employee's personnel file by the employee's Department Head after providing the employee with a copy of the statement. The employee will be asked to acknowledge having read the comments by signing the statement. The employee may respond by noting on the warning that he/she does not agree by submitting a written rebuttal, which shall be placed in the employee's personnel file. The placement of a written warning in an employee's file is not grievable.
- 4.5 Suspension.** An employee may be suspended without pay for serious offenses or for minor infractions after previous attempts to correct the offenses or infractions have failed. Supervisors must consult with the City Manager before an employee is suspended. Suspensions shall not exceed (30) thirty working days. Suspension of a regular employee is subject to the formal grievance procedures. One to three day suspensions shall be grievable at the City Manager level only. Four or more days of suspension are subject to grieve through the entire process. Employees shall not charge suspension time to annual leave or other type of paid time off. Cause for suspension includes, but are not limited to:
- 4.5.1** All previously listed examples, if continued after attempt to correct have failed.
  - 4.5.2** Continued instances of poor performance.
  - 4.5.3** Negligent damage to property and/or person(s).
  - 4.5.4** Insubordination
  - 4.5.5** Consumption of non-prescribed illegal drugs, controlled substance, and/or alcohol on City premises or intoxication on the job.
  - 4.5.6** Gambling during working hours on City premises or job site.
  - 4.5.7** Verbal or physical confrontation with fellow employees.
  - 4.5.8** Safety violation whereby employee accident is classified IV
  - 4.5.9** Violation of City Policy.
- 4.6 Demotion.** An employee may be demoted for continued inadequate job performance after previous attempt(s) to correct the conduct have failed. The demotion of a regular employee is subject to the formal grievance procedures.
- 4.7 Dismissal.** Dismissal is the final consequence when progressive discipline has failed to change unacceptable behavior or performance. Dismissal is also the appropriate disciplinary measure, despite the absence of previous disciplinary actions, when the employee has engaged in behavior that is of a serious nature. The dismissal of a regular employee is subject to the formal grievance procedure.
- 4.8 Causes for Dismissal.** Causes for dismissal shall include, but are not limited to all causes listed for verbal warning, documented warning, suspension and/or demotion if continuing after attempts to correct has failed. Other causes are listed below.
- 4.8.1** Theft of City property or unapproved use of City property for personal reasons.

- 4.8.2** Conviction of a job related felony or misdemeanor as described in the CRIMINAL Offender Employment Act, Section 28-2-1 et seq., NMSA 1978.
  - 4.8.3** Serious acts of negligence causing damage to City property or to persons.
  - 4.8.4** Conduct unbecoming an employee of the City of Belen.
  - 4.8.5** Deliberate falsification of information on the employee's job application or other City records.
  - 4.8.6** Unlawful manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on the job or reporting to work under the influence of an unlawful controlled substance or alcohol.
  - 4.8.7** Intentional abuse or destruction of City equipment.
  - 4.8.8** Refusal to carry out reasonable orders.
  - 4.8.9** Failure to acquire and/or keep and/or acquire licensure/certification for specific related job.
  - 4.8.10** Findings of sexual harassment.
  - 4.8.12** Safety violation whereby employee accidents are classified V. Two unreported accidents also fall into this category.
- 4.9 Non-exclusive.** The preceding examples are typical of the types of infractions sometimes encountered but are not inclusive of all situations, which may arise. The City reserves the right to exercise judgment and render disciplinary action or dismissal as determined appropriate based on the circumstances of each case, but not to exceed (30) thirty days from the date of initial notice.

## SECTION 9. FORMAL GRIEVANCE PROCEDURES

1. **PURPOSE.** The purpose of the grievance resolution procedure is to secure, in an atmosphere of courtesy and cooperation, a prompt and equitable resolution of problems at the lowest possible administrative level which may arise within the course of employment with the City. Grievances are formal written complaints of an employee concerning disciplinary action, imposed by Supervisors, Department Heads or by the City Manager. Grievances shall be limited to those matters, which fall exclusively within the purview of the merit system ordinance or the implementation of personnel policies and procedures.
2. **EMPLOYEES COVERED.** All employees of the City of Belen except for the City Manager, Chief of Police, Fire Chief and Municipal Judge shall be subject to the personnel policies and procedures. An employee may request in writing, within ten (10) working days after adoption of the personnel ordinance, to be excluded from the provisions of this Ordinance. All positions except those specifically excluded shall be covered.
3. **PROVISIONS OF MERIT SYSTEM AS PART OF EMPLOYMENT.** The provisions of this Ordinance and all personnel policies and procedures, under the Personnel System herein established, shall become a part of employment for the City of Belen and its employees.
4. **PRE-DISCIPLINARY HEARING REQUEST.** This hearing is the employee's opportunity to express to the City Manager, why the action recommended against the employee should not be honored by the City Manager. Within three (3) working days of the receipt of the disciplinary notice, the employee is required to notify the City Manager, in writing and advise whether or not the employee wishes to participate in a pre-disciplinary hearing. The time, place, and date of the pre-disciplinary hearing shall be scheduled within a reasonable time upon the written agreement of the parties.
5. **PRE-DISCIPLINARY HEARING PROCEDURES.** The City Manager shall meet with the employee and the employee's Department Head at the appointed time. At this pre-disciplinary hearing the employee shall have the opportunity to respond to the proposed disciplinary action. The parties at the disciplinary hearing may be represented by counsel at their own expense.
6. **PRE-DISCIPLINARY HEARING DECISION.** The City Manager will issue a decision within five (5) working days of the hearing. The written decision shall include the time, date, and location of the meeting, persons present, and the determination. The written decision shall be either delivered directly to the employee (obtaining employee's signature of receipt of the decision) or be sent by certified mail, returned receipt requested. The employee has a right to appeal the decision of the City Manager.

In the case where the employee is directly under the supervision of the City Manager a third unbiased party with human resources background would hear the case.

- 6.1 **Effect of Decision.** Dismissals, demotions, and suspensions will become effective at the time that the pre-disciplinary hearing decision is issued by the City Manager.
- 6.2 **Notice of Appeal.** Within five (5) days of receipt of the written pre-disciplinary decision, the grievant must give written notice to the City Manager of the grievant's intent to pursue a post-disciplinary hearing.
- 6.3 **Request for Hearing Officer.** The City Manager will provide the aggrieved employee, employee's Supervisor, Department Head, hearing officer, Human Resources Director and the

City Attorney with the request for the hearing. The information shall be provided within five (5) working days of the City Manager receiving the employee's written request for a hearing.

- 6.4 Rescheduling.** Rescheduling may be permitted for emergency cases only. All parties must agree on the rescheduled date and shall be held with three (3) days of the original hearing date. Employees who do not appear for their hearing are subject to immediate termination.

**7. TYPES OF GRIEVANCES.** The grievance resolution procedure shall be divided into two classifications:

- 7.1 Class I Grievance.** Management actions questioned by the employee, which result in the dismissal, demotion or the suspension of the employee. Only regular status, non-probationary employees may file a Class I grievance.

- 7.2 Class II Grievance.** One-three day suspension and other management actions not involving policy, which do not qualify as a Class I dispute. Class II disputes may be filed by regular full-time and part-time employees.

**8. NOTICE OF APPEAL –CLASS I GRIEVANCES.** The grievant must notify in writing to the City Manager's office of his/her request for a post-disciplinary hearing before a hearing officer. The request must be made within five (5) working days after receipt of the City Manager's decision.

- 8.1 Grievant Hearing Scheduled.** After notification that the employee desires a post-disciplinary hearing, the City Manager shall schedule a hearing with the Hearing Officer within a reasonable time. At this hearing, the grievant shall have an opportunity to request witnesses and physical evidence and cross-examine the City's witnesses before a hearing officer. The grievant and City Manager may be represented by legal counsel. Parties must agree in writing of any postponement of the hearing beyond the scheduled date.

**9. CLASS I – GRIEVANCE PROCEDURES.** A hearing officer will determine the date and time of the grievance hearing and any continuances. Requests for continuances of hearings shall be made at least three working days prior to the scheduled hearing, absent extenuating circumstances. Requests for continuances of hearings shall be made in writing directly to the hearing officer, with copies to all parties involved.

- 9.1** Grievance hearings shall be conducted as a closed meeting pursuant to the New Mexico Open Meetings Act unless the employee requests, in writing, for the hearing to be made public, in which case, notice will be given to the public regarding the date, time and place of the hearing pursuant to the New Mexico Open Meetings Act.

- 9.1** The hearing officer shall:

**9.1.1** Rule on procedural and substantive issues of the hearing.

**9.1.2** Determine the admissibility of evidence and testimony, all of which must have a direct bearing on the issue before the hearing officer.

**9.1.3** Follow the evidentiary standards for administrative agencies.

**9.1.4** Issue written rulings, including findings of fact which form the basis of the hearing officer's conclusions of law.

- 9.2** The following persons are required to be present at all grievances procedures unless otherwise excused by the hearing officer or by the grievant of the parties:

**9.2.1** The hearing officer.

- 9.2.2 The employee.
- 9.2.3 The employee's representative(s) (if any).
- 9.2.4 The City's designated representative(s).
- 9.2.5 If retained, the attorney (s) for the City and the attorney(s) for the employee.

- 9.3 In order to provide a speedier and less expensive hearing procedure, pre-hearing depositions or statement will not be allowed.
- 9.4 The parties shall stipulate to the facts and issues to the greatest extent possible, prior to the hearing.
- 9.5 Prior to the hearing, the parties or representative of the parties shall prepare copies of all exhibits and evidence, which are expected to be presented at the hearing. The parties shall stipulate to exhibits to the extent possible, and bring to the hearing adequate copies for the hearing officer, as well as the opposing party.
- 9.6 At least seven (7) working days prior to the hearing, all parties must submit to the hearing officer a statement identifying the issues to be heard, a witness list, and a complete list of documents to be admitted as evidence. Copies of all documents must be given to the opposing party at least seven (7) working days prior to the hearing.
- 9.7 Witnesses in grievance hearings are not admitted into the hearing room until called upon to testify. This prohibition does not apply to those individuals listed in section 9.2 of this section.
- 9.8 Notice of hearings will be sent by certified mail to the grievant and postmarked at least ten (10) working days prior to the scheduled hearing. Copies of the hearing notice shall be sent concurrently to all relevant parties.
- 9.9 Either a tape recorder or stenographic record of the disciplinary grievance hearing will be made.

**10 CONDUCT OF A HEARING.** The City, who carries the burden of proof by a preponderance of the evidence, shall present its statement of issues involved in the case. The grievant may present his/her statement of issues after the City's presentation. Opening statements are limited to pertinent issues of fact and law and shall not exceed ten (10) minutes without permission of the hearing officer.

- 10.1 The City will present its case to the hearing officer first. Witnesses for the City shall be called and questioned on their involvement in, or knowledge of the facts involved in the alleged disciplinary action before the hearing officer. Following each witness' testimony, the grievant or his representative will have the opportunity to cross-examine the witness. The hearing officer will then have the opportunity to question the witness on matters related to witness' testimony. The hearing officer shall restrict his questions to those necessary to qualify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the hearing officer.
- 10.2 The grievant may then call his/her witnesses to be questioned on their involvement in or knowledge of the case. Following each witness' testimony, the City will have the opportunity to cross-examine the witness. The hearing officer will have an opportunity to question the witnesses on matters related to witness' testimony. The hearing officer shall restrict his questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the hearing officer.

**10.3** Following the presentation of the grievant's position; the City may offer rebuttal testimony. Such testimony shall be brief and address only issues brought forth in the grievant's presentation, and in accordance with the rules of evidence.

**10.4** The City's closing statement shall be presented, followed by that of the grievant.

**11 COMMUNICATION OF HEARING OFFICER'S DECISION.** After the hearing of the appeal is presented by the City and the grievant and upon making a record of the hearing, the hearing officer shall transmit a decision in writing to the City administration within ten (10) working days. Upon receipt of the hearing officer's decision, the City administration shall notify the grievant within five (5) working days of said decision. The Human Resource Office will retain the records of the proceedings for a period of not less than one (1) year from the hearing date, along with all of the physical evidence admitted at the hearing. The records shall be transcribed only in the case of an appeal to the district court by one of the respective parties. The party requesting the transcription will pay the cost of the transcription.

**11.1 APPEALS.** Appeals of the decision of the hearing officer to District Court by an employee or the City shall be taken within twenty (20) working days after the hearing officer's decision.

**11.2 OUTCOME:** Should the Hearing Officer favor the employee, all time, privileges, pay, benefits, etc., will be reinstated. The employee will be retroactively paid any hours missed as the result of time off work.

**12 CLASS II - GRIEVANCE PROCEDURES.** When an employee believes he or she has been aggrieved by management action designated as Class II grievance, he or she shall first discuss the action with his or her immediate Supervisor with the objective of resolving the matter informally. If a satisfactory solution to the problem cannot be obtained at this level, the aggrieved employee shall make a formal written complaint of his or her grievance with his or her Department Head within ten (10) working days of the occurrence of the grievable action. Such complaint shall identify the action questioned and the reasons why the action should not have been taken.

**12.1** Upon receipt of the written grievance, the Department Head may take whatever action he or she deems necessary for the resolution of the grievance. While an employee has no right to a departmental hearing, the Department Head is not precluded from taking whatever steps he or she deems necessary on the resolution of the grievances.

**12.2** Within ten (10) working days of receipt of the employee's written grievance (s), the Department Head shall render his or her decision to the City Manager and shall also provide written notice of that decision to the aggrieved employee. If the employee is unsatisfied with the decision of the Department Head, he or she may, within ten (10) working days of receipt of such notice, request that the City Manager provide him or her a full hearing on the matter.

**12.3** After receiving the written request from the aggrieved employee, the City Manager, within ten (10) working days, will determine whether the issue is a Class I grievance as defined in the merit system ordinance. If the issue is determined to be a Class I grievance, it will be referred to the Human Resource Officer, who will, within ten (10) working days of receipt of the grievance, schedule a full hearing to be conducted within a reasonable time in accordance with the ordinance. If the City Manager determines that the management action is not a Class I grievance, the City Manager will, within ten (10) working days, provide written notice of that

decision to the aggrieved employee. Such decision by the City Manager shall be the final step in the administrative process provided for by the merit system ordinance. (Ord.2001-03).

- 12.4** The hearing with the City Manager will be recorded by the City for the record. Record will be kept in employee file.

**13 APPOINTMENT OF A HEARING OFFICER.** The City Council shall appoint an individual who is qualified to act as a hearing officer in order to conduct hearings pursuant to the City Personnel Ordinance.

**13.1 QUALIFICATIONS OF A HEARING OFFICER. Qualification of a Hearing Officer include:**

**13.1.1** Personnel professionals or persons familiar with public or private personnel systems.

**13.1.2** Pertinent expertise and experience in the fields of management, education or law.

**13.1.3** Not reside within the City of Belen.

**13.1.4** One-year experience in labor arbitration, required education. Required education may be substituted for experience.

**13.1.5** Shall not be a former or current City employee or elected official.

**13.1.6** Shall not be related within the third degree by marriage or kinship to the aggrieved employee, employee's Supervisor, employee's Department Head, City Manager or any currently serving elected official;

**13.2 COMMUNICATION WITH THE HEARING OFFICER.** The hearing officer will have no contact prior to the hearing with the City, the aggrieved employee or their representatives. The parties shall not construe this provision to limit or prohibit the City Manager, or legal representatives, from communicating with the hearing officer with respect to scheduling a hearing or with respect to advising a hearing officer about the nature and submissions of requests and motions.

## SECTION 10. COMPENSATION

1. **TIME CLOCK.** Employees are responsible for clocking in and clocking out at their regular scheduled time. Any employee caught falsifying will be cause for immediate termination. The City of Belen has a time clock policy which is attached hereto as (appendix D); refer to the Time Clock Policy for further detail and procedures.
2. **BREAKS.** Full-time and part-time employees take a one (1) hour lunch break. Full-time employees are entitled to two (2) fifteen minute breaks per day; employees working four (4) hours or less per day are entitled to one (1) fifteen minute break per day. Supervisors may limit or delay breaks if continuous work is required because of an emergency or unusual conditions. No breaks shall be taken until 1-½ hours after the shift has begun, or after 1-½ hours before the shift ends.
3. **COMP TIME:** Compensation time is time given to an employee for work done above the regular work schedule in lieu of overtime. Compensation time shall be allowed and accrued up to a maximum of forty (40) hours. Prior to working comp time, employee must acquire Supervisor authorization. Supervisors are responsible for approving and submitting documents for comp to payroll.
  - 3.1 Employees who have accrued compensatory time shall be scheduled to take such comp within sixty (60) days of accrual. Comp time accrued shall be used by the end of the fiscal year, being June 30th and will not be carried over. Comp time shall be scheduled in advance by mutual agreement of the employee and the Department Head. However, the employee must acquire written authorization from the Department Head prior to utilization. All comp time accrued should be used during regular employment.
4. **FINAL PAY CHECK.** An employee who resigns shall receive a final pay check on the first regularly schedule payday following the employee's effective date of resignation. Any employee who is dismissed shall receive a final paycheck by 5:00 p.m. on the fifth (5) working day following dismissal.
  - 4.1 The City Manager and Human Resources Director shall release an employee's final paycheck only to the employee after receiving the appropriate separation documents.
  - 4.2 In case of death, final salary and compensation for unused annual leave shall be paid to the employee's named beneficiary, or if unnamed, to the employee's estate.

When a department needs a replacement for an incumbent who will return within 6 months, the department may make an acting appointment of an existing employee

5. **GRATUITIES.** All employees are prohibited from accepting gifts or other considerations from vendors given with the intent of modifying the employees' performance of duties or encouraging the employees to make purchases from the vendor involved. Employees will maintain the highest moral standards, and any attempt to influence an employee's performance by a vendor or other person will be reported to the Department Head.
6. **HOURS OF WORK.** Employees will work their scheduled hours pursuant to work schedules established by the administration. The standard workday for City employees will be from 8:00 a.m. to 5:00 p.m., unless otherwise recommended by the Department Head and approved by the City Manager. Employees will not be paid for travel time from home to the worksite or from the worksite to their home. Actual work periods may fluctuate at the discretion of the Department Heads. Part-time employees are scheduled to work pursuant to scheduling set forth by their Department Heads. Part-time employees will generally work the same number of hours each week.

- 7. ON-CALL PAY.** Two (2) regular hours per day will be paid to a weekend “on-call” employee. If an employee works any hours while on call, he/she will be paid those hours at time and one-half (1 ½) plus the two (2) on-call hours. The actual hours worked will be compensated at time and one-half (1 ½), provided there is no break of forty (40) in actual hours worked for the week. The employee may be compensated thru actual pay or comp time. On call wages are not PERA calculated.
- 8. OVERTIME PAY.** Prior to overtime being paid, the Department Head or Supervisor must authorize overtime hours in advance of actual work. Employees working overtime without proper authority will be subject to disciplinary action. The rate shall be one and one-half (1½) times regular pay for each hour of overtime, and such payment shall be made only in cases when a non-exempt employee works over forty (40) “actual work hours” in a normal work week. Holiday, vacation, or sick leave hours shall not be considered actual working hours. Fair Labor Standards Act exempt employees shall not receive overtime pay. Overtime pay for special assignments that are reimbursable will be compensated at time and one-half (1 ½), regardless of sick, annual or holiday leave used during pay period. Overtime pay for employees subject to on-call will be compensated at time and one-half, regardless of holiday leave taken during pay period. If employee has not completed the 40 “actual/physical work hours” then the hours will be paid at regular rate. Failure to get authorization for overtime work will be subject to discipline up to and including termination. Hours in excess of forty (40) will not be subject to PERA contribution. Management will determine whether the overtime will be paid in dollars or granted in compensatory time. Fire and Police Departments shall refer to their SOP on overtime pay.
- 9. PAY PERIODS.** There shall be twenty six (26) pay periods per year. Employees shall be paid every two (2) weeks.
- 10. PER DIEM AND MILEAGE.** All payments of per diem and mileage allowance to City employees will be made pursuant to Resolution 2010-21 Travel Policy established by the City of Belen. In no event shall any per diem or mileage allowances be made for travel by a City employee in connection with the employee’s regular job duties within the boundaries of the City of Belen without the express prior written consent of the City Manager. Supervisors will not submit or approve mileage without attaching a copy of current and valid employee private auto insurance coverage for the vehicle to be used. Accounts payable will not honor a mileage request without insurance coverage. Refer to the City’s Travel Policy attached hereto as (appendix C).
- 11. PAY UPON RECLASSIFICATION.** When a position is reclassified, the incumbent shall be paid within the pay grade of the new classification and shall retain the same performance review date. If the position is downgraded and the individual’s pay is above the grade, the employee’s pay will be red circled, which means that the employee will not receive an increase until the pay grade catches up with the individual pay.
- 12. REQUIRED CERTIFICATIONS.** An employee may be entitled to a salary increase upon certification in a mandated field and re-classification to a new position. The City Manager may approve the salary increase only if the salary increase is authorized by the department’s approved budget. Compensation shall only apply to certification achieved by the employee. Refer to the Employee Incentive Plan (Appendix A) for rate schedule.
- 12.1** If a position requires certification, it shall be the responsibility of the employee hired for the position to attain such certification within a time frame designated by the Department Head. In no such case shall the time frame extend beyond eighteen (18) months. Probationary employees

are prohibited from attending courses until after they complete the twelve (12) month probationary period.

**12.2** Any fees associated with certification, renewals or licenses will be paid by the City. Re-examinations after the employee has failed the first City paid test will require employee's personal payment. Courses will be geographically attended as close to the City of Belen as possible. Employees unable to get required certification may result in change or classification and/or salary through demotion or dismissal. Other certifications, in a related field of the job description, may qualify the employee for a pay increase under the Employee Incentive Plan.

**12.3** Failure to maintain the required certification shall result in change of classification and/or salary through demotion or termination.

**13. TEMPORARY ASSIGNMENT PAY.** The City Manager must approve temporary assignment pay. A recommendation from the Department Head or Director must be submitted to the City Manager prior to the employee taking the assignment. Temporary pay will be earned for taking the responsibilities of a higher classification for a period of thirty (30) or more days.

**13.1** When an employee is assigned to fulfill the duties and responsibilities of a higher classification, on a temporary basis, he/she shall be paid based on the employee's experience and qualifications.

**13.2** The temporary exempt employee will be considered an exempt employee for the duration of the assignment.

**13.3** For the purpose of this section, temporary is defined as a period of time in excess of thirty (30) days but no more than (6) six months. Pay shall be retroactive to the first day of assignment.

**13.4** When the temporary assignment is complete, the employee's salary shall revert to the previous level he/she held before assignment.

**13.5** Any exceptions to the above shall be considered and approved by the City Manager.

**14. TIME SHEETS.** Any employee exempt from the Time Clock Policy shall, at the end of each pay period and upon approval by the Department Head, forward their times sheets to the Payroll Clerk's Office. Supervisors are responsible for assuring timesheets are submitted as requested; failure to comply with this procedure will result in disciplinary action. The payroll clerk will keep a cumulative record of all leave time accrued and used. Signed time sheets, by the employee and Department Head, must be submitted prior to issuance of the paychecks.

## **SECTION 11. FRINGE BENEFITS**

- 1. INSURANCE BENEFITS.** The City provides medical, life and supplemental insurance benefits to its full-time regular, part-time regular and qualified appointed employees.
- 2. RETIREMENT LONGEVITY PAY.** Upon retirement, the City shall pay service increment pay to recognize longevity of service without regard to performance.
  - 2.1** All regular and appointed employees who have completed their probationary year shall receive, upon their retirement, five dollars (\$5.00) per month for each full year of employment providing the budget permits. For the purpose of this section, longevity pay shall be based on the employee's last hired date.
  - 2.2** For part-time established employees longevity pay will be pro-rated.
  - 2.3** Military employees will not be paid longevity, but will receive service credit, for time on military duty.
  - 2.4** Retirees will be paid the longevity pay accumulated up to the retired month.
  - 2.5** Longevity pay will not be paid to employees whose employment service terminates. In case of death, longevity shall be paid to the employee's beneficiary designation, or if unnamed, it shall be paid to the employee's estate. Longevity pay is subject to retirement deduction (PERA), except for retirees returning to work.
- 3. BEREAVEMENT LEAVE.** In the event of the death of an employee's immediate family, the employee shall be entitled to bereavement leave with pay not to exceed three days (24 working hours). Bereavement leave for part-time regular personnel will be pro-rated.
- 4. EDUCATIONAL BENEFITS.** The City of Belen supports the further education of its employees. When the education is directly related to the performance of his/her job, the employee may request reimbursement of the tuition from the City. Tuition reimbursement is contingent on successful completion of all course work (minimum 2.5 GPA) and available budgeted funds. If the City has paid the tuition for a course and the employee resigns or is dismissed within a one (1) year period following the City's payment of the tuition, the employee shall reimburse the City for the amount of the tuition. This reimbursement provision shall not apply if the employee is laid off or terminated for medical reasons. Refer to the Incentive Pay Plan (Appendix E) for educational benefits.
- 5. EMPLOYEE ASSISTANCE PROGRAM.** The Employee Assistance Program (EAP) provides free and confidential professional assessment and referral services to employees and their eligible family members. This program gives employees and their eligible dependents the opportunity to discuss personal and professional difficulties with a trained counselor. The EAP is administered by Corporate Health Resources (CHR). Participation in the program is voluntary. Management reserves the right to mandate employee attendance when deemed necessary.
  - 5.1** Employees are eligible to use the EAP starting on the first of the month after date of hire. Dependents are also eligible to participate in the EAP if they live in employee's household.

- 5.2** To contact the EAP, call 1-800-348-3232. This number will give access to the referral line. An appointment will be made for employee to meet with a trained counselor, and the counselor will help develop a plan to meet employee needs. If necessary, the counselor will refer employee to additional resources in employee's area.
- 5.3** The EAP provides up to five (5) face-to-face sessions with a counselor, per problem, per dependent, at no cost to employee. If additional services are required, the EAP counselor will refer employee to additional resources in employee's area.
- 5.4** The EAP provides assistance with problems that affect employee's well-being or the well being of a covered dependent, including: Stress, anxiety, depression, grief, substance abuse, marital and family issues, financial and legal issues, dependent and elder care. In addition, employees may be referred to the EAP by the employee's Supervisor or the Human Resources Director.
- 5.5** No personal information about employee's use of the program will be released without employee's written authorization. If employee's Supervisor or Human Resources Director refers employee to EAP, they may be advised that employee sought services. However, no confidential information concerning the nature of employee's situation will be released without employee's consent unless disclosure is required by law (for example, in cases of abuse or possible homicide or suicide).
- 5.6** Coverage for employee and eligible family members will terminate when employment with the City of Belen ends. If employee chooses to continue medical coverage through COBRA, EAP coverage will not continue.
- 6. EMPLOYEE OF THE QUARTER.** Any City employee may submit in writing his or her recommendation for an employee of the quarter and the reasons therefore. The employee of the quarter shall accrue eight (8) hours of compensation time and recognition on a permanent plaque to be placed in City Hall. Other forms of awards and/or recognition allowable under State and local laws may be instituted. Employees that have received an Employee of the Quarter Recognition are eligible for nomination once again after a three (3) year period.
- 7. PERA BENEFITS.** All City employees, except seasonal, temporary, and student employees are required to join the Public Employees Retirement Association of New Mexico (PERA). Refer to [www.pera.state.nm.us/](http://www.pera.state.nm.us/) for more information on retirement benefits.
- 8. HOLIDAYS.** All full-time and part-time employees of the City are eligible for holiday leave as scheduled by the state personnel office and approved annually by the City council at a regular rate of pay. Holiday leave for part-time employees will be pro-rated.
- 9. EMPLOYEE CERTIFICATION INCENTIVE PAY PLAN.** The City of Belen adopted the Employee Certification Incentive Pay Plan (see appendix E). This plan allows employees to enhance their professional career which benefit both the employee and the department. Various certification courses are available to employees through the City of Belen. All certifications shall be approved by the City manager. In order for a specific certification to be approved, it must be directly related to require demonstration of expertise by examination.
- 10. VACCINATIONS.** The City provides various vaccinations to eligible employees to promote health and safety.

- 11. CLOTHING ALLOWANCE.** Uniformed employees are allowed a clothing allowance semi-annually.
- 12. UNIFORMS AND SPECIALIZED EQUIPMENT.** Some employees may receive uniforms and specialized equipment to perform their job duties.
- 13. SUPPLEMENTARY BENEFITS.** The City offers various employee paid supplementary insurances. See the Human Resources Department for more information.
- 14. VEHICLE TAKE HOME.** Certain employees are eligible for a take home vehicle.
- 15. WELLNESS.** All City employees are allowed and encouraged to use the health facilities at the Community Center located on Eagle Lane at no charge.
- 16. LEAVE.** All established qualified employees are granted vacation, personal, holiday, and sick leave.
- 17. PERSONAL HOLIDAY.** All regular employees are granted an eight (8) hour personal holiday. Employees may take this leave at their discretion with the approval of their Department Head.
- 18. CAFETERIA PRE-TAX.** All established qualified employees are eligible for cafeteria pre-tax on health/medical insurance.
- 19. TRAINING.** The City of Belen provides and offers various trainings for individuals to enhance the employee's experience and knowledge.

## SECTION 12. LEAVE AND HOLIDAYS

**1. ADMINISTRATIVE LEAVE.** Administrative leave may be approved by the City Manager if it is in the City's best interest.

- 1.1** Administrative leave under this section shall not constitute discipline. During the administrative leave, the employee shall not attend his regular work site or any other City facilities, except as designated in the notice of administrative leave. The employee shall remain available during normal work hours to meet with the Department Head as requested.
- 1.2** When it comes to the attention of the City Manager that an employee has been charged with a crime which is a felony under the laws of the State wherein the charges are brought, the City Manager, may upon determining that it is in the best interests of the City in order to protect and maintain the public's confidence and trust in City government, place the employee on unpaid administrative leave pending the outcome or disposition of the criminal charges.
- 1.3** The basis for a determination to place an employee on administrative leave shall be documented in writing and shall be submitted to the employee, the City Manager, and to the human resources director at the time of administrative leave is determined.
- 1.4** Upon administrative leave, depending on the incident for the leave, an employee may be asked to turn in all issued equipment and materials.

**2. ANNUAL LEAVE WITH PAY.** Annual leave is intended to give the employee time for rest and relaxation. It is important and recommended that each employee take at least one (2) two consecutive week vacation per year for revitalization based on accrued hours.

- 2.1** Annual leave will accrue on a bi-weekly basis from the date of employment. Upon termination of employment, an employee shall be compensated for the maximum accrued annual hours. If a current employee terminates and is rehired, the employee will begin at the starting rate, as would a new employee.
- 2.2** No annual leave will be granted or taken before it is accrued.
- 2.3** Hours worked in addition to the regularly scheduled work week (such as overtime) will not entitle an employee to additional annual leave hours.
- 2.4** Annual leave must be requested in advance of the time it is to be taken, except under approved instances. Leave request forms should be submitted to the Supervisor at least two weeks prior to leave date to allow for proper coverage within department and office. Each employee must acquire Supervisor's authorization and signature for use of annual leave.
- 2.5** Annual leave is accrued at the following rates:

Regular Work Week	Years of Service	Bi-Weekly Accrual	Yearly Accrual	Maximum Accrual
40	0-10	4.62	120 hr.	160 hrs.
	11-20	6.15	160 hr.	160 hrs.
	21-above	7.69	200 hr.	160 hrs.

- 2.6** Part-time regular employees will receive annual leave benefits on a prorated basis to the full-time (40 hour) workweek. Employees on leave without pay will not accrue annual leave time. Temporary/seasonal employees are not eligible for annual leave.
- 2.7** The maximum annual leave hours that may be accrued by an employee during a calendar year is 160. All hours in excess of 160 hours must be taken by the last pay check in December; this includes any time you will accrual through December 31st. Any hours after 160 at the last pay check of the year will be involuntarily relinquished. The City Manager may approve an extension of time only when it is in the best interest of the City.
- 2.8** In case of death, final salary and compensation for unused leave shall be paid to the employee's beneficiary designation, or if unnamed, to the employee's estate.
- 2.9** An introductory employee shall accrue annual leave, but shall not be able to use accrued leave hours until six (6) months completion of their introductory period. If a probationary employee resigns or is dismissed before completing the probationary period, the employee shall be compensated for annual leave hours up to the maximum accrued hours.
- 3. AUTHORIZED LEAVE.** Leave is any authorized absence, with or without pay, during regularly scheduled work hours approved by the Department Head. The Department Head is responsible for the maintenance and transmittal of leave records to the payroll clerk's office. Each department must submit a completed "Request for Leave" form to the payroll clerk for each leave taken by an employee.
- 4. BEREAVEMENT LEAVE.** In the event of the death of an employee's immediate family, the employee shall be entitled to bereavement leave with pay not to exceed three (3) days or twenty four (24) working hours. Bereavement leave for part-time regular personnel will be pro-rated.
- 5. CIVIC DUTY LEAVE.** An employee shall be given necessary time off with pay for the following:
- 5.1 JURY DUTY.** An employee shall be granted court leave when required to perform jury duty in any municipal, county, state or federal court or when required to serve as a third party witness in any such court. Such employee shall immediately notify his/her Supervisor by submitting the legal documented summons, which informs the City of the date and time of the impending required attendance. Regular employees shall receive their regular pay based on the hours they are normally scheduled to work during such time of service, provided that they pay to the City any jury or witness fees, excluding mileage and parking reimbursement, they may receive. The employee must submit court or jury attendance receipts (attainable from the courts) to his/her Supervisor each time he/she attends jury duty. The employee shall retain jury duty or witness fees earned during holidays or vacation. Any employee appearing as a plaintiff or defendant in a personal case not as a result of capacity as an employee shall not be granted court leave, and any employee appearing as a plaintiff in an action against the City shall not be granted court leave.
- 5.2 COURT APPEARANCE TIME.** When required by City duties or subpoenaed to appear before a court, public body of City council for the purpose of testifying in regard to City matters.
- 5.3 COURT RELEASE.** If an employee is dismissed by the court for the day or for any reason, and if same dismissal occurs within the employee's regularly scheduled working hours, the employee

shall report to his Supervisor and assume his regular work duties or the balance of the day will be charged to annual leave.

- 5.4 VOTING LEAVE.** For purposes of a national, state, or local election, an employee who is registered to vote will be granted up to two (2) hours paid leave for voting, between time of opening and time of closing polls. The employee's Supervisor may specify the hours for the leave. This leave will not be granted to any employee whose workday begins more than two (2) hours subsequent to the time of the opening of the polls, or ends more than three (3) hours before the closing of the polls. The Supervisor may request proof of voter registration or voter eligibility.

- 6. FAMILY AND MEDICAL LEAVE ACT.** Pursuant to the family and medical leave act of 1993 passed by the Congress of the United States and signed by President Clinton, the City of Belen shall provide family and medical leave as follows:

**6.1 ELIGIBLE EMPLOYEES:** An eligible employee under the terms of the Family and Medical Leave Act shall be defined as an employee who has been employed by the City of Belen for at least twelve (12) months prior to requesting the leave. In addition, the employee must have worked at least one thousand two hundred fifty (1,250) hours (an average of 24 hours per week) during the twelve (12) month period prior to requesting the leave.

**6.2 FAMILY LEAVE:** Employees shall be eligible for up to twelve (12) weeks of unpaid leave that may be taken for the employee's birth of a child or because of adoption by or placement of employee's child. However, the leave must terminate at the twelve (12) month time limit. Family leave must start less than twelve (12) weeks prior to the expiration of the twelve (12) month period or the leave will be shorter than twelve (12) weeks. Family leave shall be available to all eligible employees regardless of gender. Family leave may be available under some circumstances prior to childbirth due to problems with pregnancy. This shall be allowable as long as said leave is limited to twelve (12) weeks.

**6.3 FAMILY MEDICAL LEAVE:** Family medical leave shall also provide for a twelve (12) week unpaid leave to be taken when an employee has a serious medical condition, making him or her unable to work, or if the employee's spouse, child or parent has a serious medical condition which requires care by the employee. Leave shall be granted to the employee regardless of gender. Serious health condition shall be defined as set forth in the family and medical Leave Act of 1993, passed by Congress. There shall be no time limit during which this leave may be taken, as long as it is during the period of serious health condition.

- 7. HOLIDAYS.** All full-time and part-time employees of the City are eligible for holiday leave as scheduled by the state personnel office and approved annually by the City council at a regular rate of pay

- 7.1** An employee must work the regular scheduled workday before and after an official holiday in order to receive compensation for the holiday. Approved, documented vacation or personal holiday, two weeks prior to the holiday are the exception. Approved leave time must be turned into the payroll office (10) ten working days in advance of the holiday by the immediate Supervisor. Supervisors shall be held accountable for turning in approved leave forms in advance. The City Manager may approve exceptions for individual emergency situations.

- 7.2** All part-time regular employees working twenty (20) hours or more will receive holiday benefits at their regular rate of pay on a basis pro-rated to the full time (40 hour) work week. Employees on leave without pay status will not be paid for holiday time. Seasonal employees, temporary/seasonal employees, or part-time employees working less than twenty (20) hours per week are not entitled to holiday pay.
- 7.3** Employees required to work on a holiday will be compensated for the holiday at two and one-half (2 ½) times their rate of pay for the holiday hours actually worked, not to exceed (8) hours.
- 7.4** If an employee works more than eight (8) hours on a designated holiday, the employee will be compensated pursuant to the overtime provision. An employee will not accrue overtime unless his actual work in the week in question exceeds forty (40) hours.
- 7.5** When a holiday occurs during an employee's use of annual leave, the day shall be counted as a holiday, and not a day of annual leave.
- 7.6** Employees on a normally scheduled day off when the holiday occurs will not be charged as a holiday. Regular wages will be paid as if on actual duty, only if they have worked their regular work schedule.
- 7.7** All established employees will receive a personal holiday, eight (8) hours per year. Part-time regular employees working twenty (20) hours or more will receive pro-rated holiday time. Personal holiday leave shall not be carried over.

**8. LACK OF WORK & INCLEMENT WEATHER.** The City may at its discretion send an employee home when there is no work available as determined by the City Manager, and may close offices and send employees home due to inclement weather declared by the City Manager. Employees who are sent home by the City, due to inclement weather, or for other unforeseen circumstances not covered in this policy manual, will not be charged with leave for all normal work hours missed. Hours paid pursuant to this provision shall not be counted as hours worked for the computation of overtime.

**9. LEAVE WITHOUT PAY.** The City Manager may grant regular employees leave without pay if it is in the best interest of the City.

**10. RE-EMPLOYMENT UPON RETURN.** If an employee returns to work within three (3) months, the employee will be returned to the same position. If the employee is on leave without pay for more than three (3) months, the City will attempt to return an employee to the same or similar position for which the employee is qualified. The position of an employee on leave without pay, for more than three (3) months, shall not be guaranteed.

**11. USE OF ALL LEAVE.** Prior to going on leave without pay, an employee requesting leave without pay shall use all available annual leave, except those going on military leave without pay. If the employee is seeking leave without pay for medical or pregnancy related reasons, the employee shall first use all available annual and sick leave. Refer to FMLA Policy at [www.dol.gov/whd/fmla/](http://www.dol.gov/whd/fmla/).

**12. PHYSICIAN'S CERTIFICATE.** Leave without pay requested because of medical reasons or pregnancy related reasons must be accompanied by a physician's written statement indicating the estimated time of

disability or recommend time for postnatal recovery. An employee returning to work from leave without pay due to medical or pregnancy related, the employee's physician must release the employee to return to work. Proof of release must be presented to the employee's Department Head before the employee returns to work.

**13. BENEFITS AT EMPLOYEE'S EXPENSE.** An employee on leave without pay does not accrue leave, nor does the employee receive City benefits. An employee wishing to continue receiving insurance benefits may do so at the employee's expense by submitting the employee's and the City's share of the premium to the designated insurance company for a maximum of eighteen (18) months as per COBRA Act.

**14. MILITARY LEAVE.** Military leave shall be allowed in accordance with applicable laws. An employee who takes a day or weekend (if scheduled to work) due to guard, training or other military duty is entitled to a total of fifteen (15) paid days throughout the calendar year. The fifteen (15) days need not be taken consecutively. Days taken after the fifteen (15) days will be paid from the employee's accrued time or will be placed on military leave without pay. An employee who is deployed for an extended period of time is entitled to thirty (30) calendar days with pay. Days taken after the thirty (30) days will be paid from the employee's accrued time or will be placed on military leave without pay.

**15. SICK LEAVE WITH PAY.** Sick leave may be granted for absences from work because of personal illness, injuries, and scheduled doctor's appointments for treatment, examinations, and medical evaluations for employee or immediate family, providing the employee has sufficient sick leave hours accumulated. Sick leave will accrue on a bi-weekly basis from the date of employment at a rate of 4.62 hours per pay period for full-time employees, and part-time regular employees will receive sick leave at their regular rate of pay on a basis prorated to the full-time workweek. Temporary/seasonal do not accrue sick leave. Sick leave may be taken during probationary period; however, a doctor's release note should be submitted to the employee's Supervisor upon their return to work.

**15.1** Sick leave is accrued at the following rate:

Regular Work Week	Years of Service	Bi-Weekly Accrual	Yearly Accrual	Maximum Accrual
40	0-term of	4.62	120	800
	Employment			

**15.2** An employee who has been dismissed or is resigning his employment will not be compensated for unused sick leave hours accrued, except for an employee who meets the requirements for retirement. Such an employee will receive full compensation for sick leave hours not to exceed the maximum allowable hours accrued.

**15.3** In case of death, final salary and compensation for unused leave shall be paid to the employee's named beneficiary, or if unnamed, to the employee's estate.

**15.4** Purchase of excess sick leave. Sick leave accumulated in excess of eight hundred hours (800) shall be paid to the employee once each year at a rate of twenty-five percent (25%) of his or her unused sick leave. This compensation will be computed on a calendar year basis and paid in January of each year (Res. 1995-31).

- 15.5** At the start of each fiscal year, only employees with continual service of twenty (20) years or more, shall be paid, in August, their accrued sick leave hours in excess of six hundred (600) at regular pay.
- 15.6** Hours worked in addition to the regularly scheduled workweek will not entitle an employee to additional sick leave benefits. Employees on leave without pay status will not accrue sick leave. Employees must report their sick leave absences directly to their immediate Supervisor within the first hour of reporting scheduled work time.
- 15.7** When an employee is absent from work for three (3) or more days, and such absence is chargeable to sick leave, the employee shall provide his/her Supervisor with a doctors' statement certifying the absence was legitimate. An employee must obtain a doctor's release before returning to work. Any employee taking sick leave of less than three (3) days may be requested by his/her Supervisor or the Department Head to provide a doctor's statement. An employee who does not return to work within three (3) days of the expiration of leave or release date by attending health care provider, the employee would be considered to have abandoned his/her position and will be terminated.
- 15.8** The City of Belen provides a "return to work program" for any employee who suffers an off-work injury or illness. The purpose of this policy is to provide work for the disadvantaged worker who has been ill or injured while on off duty. His/her medical provider must have cleared the employee to work, with specific restrictions. Such documentation shall be turned into the immediate Supervisor. If the Supervisor and Risk Management deem there is sufficient work or lighter work available for the employee, the employee may be granted work hours. The work approved may be in another department. If there is no work available, the employee will be placed on medical leave (see FMLA) until cleared to return without restrictions.
- 15.9** Abuse of any sick leave procedures or requirement will be sufficient cause for dismissal and will be referred to the City Manager for action.

**16. DONATION OF SICK LEAVE.** Donation of sick leave is strictly voluntary. Donation of sick leave is designed to assist employees who have exhausted all accrued leave and who have no other paid leave options available. This leave may be granted in the event of catastrophic illness or injury to the employee or the employee's immediate family or for good and sufficient reason as recommended by a Department Head and approved by the City Manager or designee. The following conditions shall govern donation of sick leave:

- 16.1** The leave recipient must have exhausted all paid leave.
- 16.1.1** The leave recipient will not accrue additional vacation or sick leave while on donated sick leave status.
- 16.1.2** Department Heads or similarly situated employees may submit written application requesting sick leave donation for employees within their departments to the City Manager or designee for approval.
- 16.2** Upon receipt of written approval from the City Manager or designee the Department Head through the payroll section may transfer the number of hours requested provided that:

- 16.2.1** Donation of sick leave complies with the sick leave conversion formula provided for in Section of these regulations.
- 16.2.2** Employees may not donate more sick leave hours than they have accrued at time of transfer.
- 16.3** Applications to receive a donation of sick leave may be submitted by or on behalf of an eligible employee to a Department Head and shall include the following:
- 16.3.1** The name and rate of pay of the proposed leave recipient.
- 16.3.2** Supporting documentation will be included to justify the request.
- 16.3.3** The anticipated amount of donated leave the recipient will require; and
- 16.3.4** Any other information, which may be required by the City to make a determination regarding the request.
- 16.4** Sick leave donated will be converted to a dollar value and then converted to hours based on the recipient's hourly rate.
- 16.5** Donated sick leave in excess of the amount actually used by the recipient will be reinstated to donating employees on a prorated basis.
- 16.6** Payroll department is responsible for ensuring that all relevant auditing and accounting procedures are followed.
- 16.7** Recipients of donated sick leave are responsible for notifying the City Manager or designee or any change in status requiring the termination of donated sick leave status.
- 16.8** Provisions regarding the confidentiality of personal records and medical information shall govern. Disclosure of such information may be only with the expressed written consent of the affected employee.
- 16.9** Denial of a request by the City Manager to receive donated sick leave is not grievable.
- 16.10** If the hourly wage of the employee making the donation is less than the hourly wages of the employee receiving the donation, the transfer of sick leave will be prorated based on the hourly rates of the parties involved. *For example: The employee earning five dollars (\$5.00) per hour donates eight (8) hours of sick leave to an employee earning ten (\$10.00) per hour. The number of sick leave hours donated is four (4) hours.*

**17. UNAUTHORIZED LEAVE.** Absence from regularly assigned duties without prior approval is subject to disciplinary action and loss of pay. Employees are required to report to their Supervisor their unscheduled absence from work within a one hour time frame of their scheduled start time.

**17.1** Failure on the part of an employee to notify his/her immediate Supervisor of his/her absence for three (3) consecutive workdays is considered “job abandonment”, and the employee will be subject to disciplinary action up to and including termination.

**17.2** If an employee does not report to work within three (3) days of the expiration of leave or release by an attending health care provider, the employee would be considered to have terminated their employment with the City.

**18. WORKERS’S COMPENSATION LEAVE.** Worker’s Compensation Leave shall be granted to any employee who sustains an injury or occupational disease in the course and scope of his employment with the City. Should the family medical leave provisions apply to the use of workers’ compensation leave, those provisions shall also apply. An employee sustaining an on-the-job injury shall be subject to the following:

**18.1** If the injury or occupational disease prevents an employee from returning to work, injury leave shall be granted the first seven (7) working days from the day the injured employee leaves work, as a result of the injury and shall be accounted for as sick leave under the same terms and conditions as non-job related sickness, as defined under sick leave.

**18.2** If the period of injury lasts longer than twenty eight (28) working days from the day the injured employee leaves work as a result of the injury, injury leave shall be accounted from the day the employee first left work.

**18.3** While on workers’ compensation leave an employee shall not accrue sick, holiday or vacation leave or PERA benefits.

**18.4** No employee shall be otherwise employed or gainfully occupied while he/she is on workers’ compensation leave.

**18.5** Any work-related injury which is anticipated to or does result in three (3) or more days of leave shall require the employee to promptly submit a form specified by administrative regulation from the treating physician stating the cause and nature of the injury and probable duration of disability or at the time of being physically able to do so.

**18.6** Prior to employee’s return to work, the treating physician may be requested to submit a written report, based on the employee’s current job description, to the Human Resource Director, indicating the date the employee will become able to return to his/her position.

**18.7** If the employee returns without a full release from the physician to perform the essential functions of the job, the physician’s report should state what, if any, restrictions apply. An employee will not be allowed to work without a physician’s release.

**18.8** It shall be the decision of the Risk Manager and Department Head as to whether or not to allow the employee to return to a light or restricted duty. The Department Head shall consider what, if any, special projects might be available in allowing a restricted or light duty assignment.

- 18.9** Employees injured on the job or suffering from occupational diseases, as defined in the New Mexico Worker's Compensation Statute, shall receive Worker's Compensation benefits as prescribed by law.

**19. REDUCTION OF WORKERS' COMPENSATION.** Indemnity payments (two-thirds of wage) shall be reduced by ten (10) percent when an injury is caused by the willful failure of the employee to use safety devices provided by the employer.

- 19.1** No indemnity payment shall be made to any employee whose injury was caused by the intoxication of the employee or willfully suffered or intentionally inflicted by the employee.
- 19.2** No indemnity payment shall be made to any employee whose injury was caused solely by the employee being under the influence of a depressant, stimulant or hallucinogenic drug as defined in the New Mexico Drug, Device and Cosmetic Act, or under the influence of a narcotic drug as defined in the Controlled Substances Act unless the drug was lawfully dispensed or administered to the employee by a properly licensed practitioner.
- 19.3** Injuries on the job. Any employee injured on the job shall immediately report the injury to his/her Supervisor and the Risk Manager. The Supervisor shall complete and submit a report of accident to the Risk Manager immediately after the incident. The injured employee must be driven by the Supervisor or Risk Management for care and drug testing. Any unreported injury is grounds for disciplinary action.

## SECTION 13. ZERO-TOLERANCE DRUG-FREE WORKPLACE POLICY

1. **PURPOSE.** City of Belen recognizes that on-the-job substance abuse is a pervasive problem and that drug abuse in the workplace can seriously injure the health of employees, adversely impair job performance, and endanger the members of the community. Therefore, in accordance with federal law and also to ensure employees of a healthy environment, the City of Belen has adopted a Zero-Tolerance Drug-Free Workplace Policy (Ord.1996-25).
2. **SCOPE.** The unlawful possession, dispensing, distribution, manufacture, sale or use of controlled substances and alcohol in the workplace by a City employee is prohibited on City premises or as part of any City activity. Controlled substances include, but are not limited to, marijuana, cocaine, crack, amphetamines, heroin, PCP, hallucinogens and certain prescription drugs.
3. **FEDERAL DRUG-FREE WORKPLACE ACT OF 1988.** Since the City of Belen is the recipient of federal funding, as a condition of employment, any employee is required to notify his/her Supervisor within five (5) days if he/she is convicted of a criminal controlled drug statute violation. Failure to report such a conviction may be subject to disciplinary action. Supervisors who become aware of a conviction of an employee for a criminal controlled drug statute violation occurring shall immediately notify the City Manager or his/her designee, who is responsible for ensuring institutional compliance with the Federal Drug-Free Workplace Act of 1988. Failure by a Supervisor to report a conviction of an employee may result in disciplinary action against the Supervisor.
4. **VIOLATION OF POLICY.** Violation of this policy will be considered a serious matter and inconsistent with the City of Belen practices and shall result in disciplinary action, which shall include termination of employment and referral to law enforcement.
5. **AWARENESS PROGRAM.** The City of Belen Human Resource Director shall implement and maintain drug-free awareness programs to inform employees about the dangers and risks of drug abuse in the workplace. The City of Belen's Human Resources Director shall be responsible for implementing and administering the City's drug-free workplace policy.
6. **DRUG TESTING PROGRAMS.** The City of Belen Human Resource Director shall implement drug-testing programs for all persons responsible for operating or maintaining City of Belen vehicles consistent with the United States Department of Transportation guidelines. (Public Law 100-690, Drug-Free Workplace Act of 1988, Drug Free Schools and Communities Act 1986 as amended in 1989).
7. **ADMINISTRATION.** City of Belen's Human Resources Director shall be responsible for implementing and administering the City's drug-free workplace policy. Employees shall be required to sign an acknowledgment form that they have been informed and are aware of the City of Belen's drug testing policy and any changes made to the policy. The form shall read as follows: "I have read and understand the City of Belen's Drug, Substance and Alcohol Abuse Policy, of the Personnel Policies and Procedures Rules. I understand that I am subject to disciplinary action up to and including termination based on any positive drug test I may receive during my employment with the City of Belen." The form will be filed in the employee's personnel folder.
8. **CONFIDENTIALITY.** No laboratory reports or test results shall appear in the confidential file unless they are a part of a disciplinary action, but shall be placed in the employee's medical file.

- 9. DRUG TESTING POLICY AND PROCEDURES.** The City of Belen is committed to the goal of drug-free work place in compliance with the Drug-Free Work Place Act of 1988. Employee drug testing will not be conducted by the City except in compliance with legal requirements, consent or with parental consent for minors.
- 10. ILLEGAL USE OF DRUGS OR ALCOHOL.** The use of controlled substances, drugs, or alcohol, prescribed and non-prescribed, is a concern to City of Belen when it interferes with job performance, conduct, attendance, safety, or when it is a violation of the law. The unlawful manufacture, distribution, possession or use of a controlled substance or alcohol by an employee while on City premises or while on City business is prohibited. Conducting City business, which includes driving vehicles or operating City equipment, while under the influence of alcohol or other drugs is also prohibited. Engaging in any of these prohibited activities will result in disciplinary action up to and including termination from employment.
- 11. PRE-EMPLOYMENT TESTING.** Any prospective new hire shall be required to supply a urine sample for analysis of substance abuse. The prospective employee will be informed in advance of the drug test that will be performed, and if the results are positive, that individual will be denied employment. The City will incur all costs of drug test screening. If a prospective new hire refuses to submit to the drug screen, consideration for employment by the City of Belen will immediately cease.
- 12. POST ACCIDENT TESTING.** Any employee involved in an accident while on duty will be subject to drug testing. The Risk Management Manager in consultation with the Human Resources Director will make the final determination. Any individual who experiences a personal injury on the job which requires medical care by a licensed physician shall undergo an additional test for drug abuse. Any person involved in an accident which involves damage to company property or private property regardless of cost, shall undergo drug screening with consequences described in previous statements. Refusal to submit to drug testing will be grounds for immediate termination. Employees will not drive himself/herself to the drug testing facility. A Supervisor or a member of Risk Management will accompany the employee to drug testing.
- 13. RANDOM DRUG AND ALCOHOL TESTING.** It shall be the right of City of Belen, at its discretion, to require a test for drug abuse. Fifteen (15%) of all (CDL) commercial drivers licensed employees and safety sensitive employees will be tested on a quarterly basis. All tests of individual employees shall be conducted strictly by random drawings. No prior notice shall be given to persons, nor shall prior knowledge of the individuals being tested, be available to management. Unless otherwise approved by the Human Resources Director, the employee shall leave City premises within twenty (20) minutes of notification to report for testing. A positive test at any time during the employment of that person shall be immediate and irrevocable grounds for termination of employment. Refusal by any individual to submit to a drug detection test at any level shall be grounds for termination. All employees shall be made aware of and be given a copy of this random drug test policy.
- 14. REASONABLE SUSPICION TESTING.** Any City of Belen employee shall be tested for drugs and alcohol if the City has reasonable grounds to suspect that the employee is engaging in the use of drugs or alcohol on the job or is reporting to work under the influence of drugs or alcohol. Employee will not drive himself/herself to the drug testing facility. A Supervisor or a member of Risk Management will accompany the employee to drug testing.

**14.1** Reasonable suspicion includes, but is not limited to, the following:

**14.1.1** Job accidents involving loss of life, limb, and damage to property including City property.

**14.1.2** Evidence of alcohol or drugs or paraphernalia discovered at the employee's work place or assigned work vehicle.

**14.1.3** Any employee showing signs of erratic behavior, changes in mood, altered appearance or speech patterns, smell of alcohol on breath and person, an increase in absenteeism, disorientation, confusion, memory loss, extreme agitation, altered states of consciousness, tardiness and deterioration of work performance.

**15. REFUSAL TO SUBMIT TO DRUG TESTING.** Refusal by an employee to submit to drug testing based on reasonable suspicion, post-accident and/or random drug testing will be grounds for dismissal. Upon the discovery of the refusal to test, the employee will be immediately entitled to his/her Louder Mill rights with the City Manager.

**16. POSITIVE RESULTS OF ALCOHOL AND DRUG TESTING.** The guidelines established by the National Institute of Drug Abuse will be used to determine whether an employee tests positive. If an employee tests positive for drugs or alcohol, the employee will immediately be suspended from employment without pay.

**17. RETESTING.** An employee who tests positive on a drug test may elect to have, at the employee's expense, a retest of the original sample at a drug testing laboratory of the employee's choosing, provided the request is made in writing within twenty-four (24) hours of the employee receiving notice of a positive test result.

## SECTION 14. ANTI-SEXUAL HARASSEMENT POLICY AND PROCEDURES

- 1. PURPOSE.** The City of Belen is committed to enforcing a “Zero-Tolerance” policy prohibiting sex discrimination, sexual harassment and retaliation. All City employees will work in a professional atmosphere free from all forms of discrimination. All acts of sex discrimination, sexual harassment, and retaliation for reporting or complaining of such acts violate federal and state laws and City rules and regulations. Sexual harassment is wrong and will not be tolerated in the City of Belen. The City of Belen affords employees a working environment free of discriminatory intimidation based on sex. Acts of sexual harassment have been defined in section 703 of Title VII, Civil Rights Act of 1964, as amended. The New Mexico State Human Rights Act covers sexual harassment in Section 28-1-7 NMSA 1978. Acts of sexual harassment in employment are prohibited.
- 2. POLICY.** All City employees will maintain professionalism in the discharge of their duties, conduct themselves lawfully, and project a positive public image whether they are dealing with co-workers or citizens. Therefore, no City employee shall engage in sexual discrimination, sexual harassment, or retaliation against either another City employee or against a citizen. The City of Belen is committed to enforcing a policy prohibiting sex discrimination, sexual harassment, and retaliation. The City’s “Zero-Tolerance Sexual Harassment Prevention Policy” letter is at Appendix 1. This policy is to ensure that:
  - 2.1** All employees are responsible for preventing sexual harassment from occurring by taking such actions that make it clear that such behavior is not acceptable, by refraining from such conduct themselves, and by reporting such conduct by others if they observe it. All managers and Supervisor will ensure that behavior and/or complaints of sexual harassment or retaliation are given prompt attention and taken seriously. It is the responsibility of managers and Supervisors to establish a work environment in which all employees feel secure and comfortable in identifying, correcting and reporting such behavior.
  - 2.2** Appropriate disciplinary measures will be taken against any person(s) found to be engaging in sexual harassment or retaliation, up to and including demotion and/or termination. Individual employees also can be held legally liable for engaging in sexual harassment and retaliation practices. Managers and Supervisors could also be held personally liable for not taking appropriate action to eliminate such behavior from the workplace.
  - 2.3** Belen Police Department employees may contact the Human Resources Director regarding complaints of sexual harassment because specific complaint and investigation procedures apply to employees within that Department.
  - 2.4** Employees and applicants for employment are not subjected to sex discrimination or sexual harassment.
  - 2.5** Employees shall not subject citizens to sexual harassment, including unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts of gender-based animosity.
  - 2.6** Employees or applicants for employment are not retaliated against for opposing or filing complaints about employment practices they reasonably believe are discriminatory, or cooperating with the investigation of any such complaint.

- 2.7 All complaints of sex discrimination, sexual harassment, or retaliation filed by employees, applicants for employment or citizens are investigated fairly and promptly.
- 2.8 The City takes appropriate disciplinary action, up to and including termination of employment, against: (1) employees who engage in acts of sex discrimination, sexual harassment or retaliation; and (2) Supervisors who engage in such conduct, or who fail to promptly report or take such action to prevent such conduct from occurring among employees under their supervision.
- 2.9 The City takes prompt and effective steps to remedy and prevent acts of sex discrimination, sexual harassment, and retaliation.
- 2.10 False reporting of allegations and/or reports of sexual harassment will be taken seriously. Employees intentionally making false reports will be subject to discipline up to and including termination.

### 3. DEFINITIONS.

- 3.1 **COMPLAINT.** Verbal or written expression of grievance or dissatisfaction.
- 3.2 **DISCRIMINATE.** To make a difference in treatment or favor one over another on a basis other than individual merit.
- 3.3 **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC).** The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
- 3.4 **HOSTILE ENVIRONMENT.** Comments, actions, or objects that are directed to an individual because of the sex of that individual that “unreasonably interfere” with work performance or create an “intimidating, hostile, or offensive” work environment.
- 3.5 **NEW MEXICO HUMAN RIGHTS OFFICE (NM Human Resources).** The Human Rights Commission is comprised of eleven citizens appointed by the governor to conduct hearings involving discrimination complaints.
- 3.6 **QUID PRO QUO.** Something given or received for something else.
- 3.7 **RETALIATION.** Something done as a punishment or to gain revenge. To discriminate against an individual because that individual has opposed or complained about employment practices that the individual reasonably believes are discriminatory, or has cooperated with an investigation of any such complaint.
- 3.8 **SEX DISCRIMINATION.** Failing to hire, disciplining, discharging, or otherwise adversely affecting the terms, conditions, or privileges of an individual’s employment because of the individual’s sex.

**3.9 SEXUAL HARASSMENT.** Unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts of gender-based animosity toward employees, applicants for employment, or citizens who come into contact with employees of the City.

**3.10 SUPERVISOR.** Any employee who holds Supervisory or management authority over City employees.

**4. RESPONSIBILITY.** The Human Resource Director is responsible for administering the City's sexual harassment prevention program. The major components of the program are prevention awareness, training, and investigation. Specific responsibilities consist of:

- 4.1** Evaluate on a continuing basis, report on, and make recommendations for improving the City's effectiveness in eliminating sex discrimination, sexual harassment, and retaliation from the workplace.
- 4.2** Investigate or monitor the investigation of all complaints filed by employees and applicants for employment in the City that are filed with or referred to the Human Resource Office concerning sex discrimination, sexual harassment, and retaliation, and make recommendations for appropriate remedial relief and disciplinary action.
- 4.3** Investigate or monitor the investigation of all complaints filed or referred to the Human Resource Office alleging that an employee of the City has subjected a citizen to sexual harassment and make recommendations for appropriate remedial relief and disciplinary action.
- 4.4** Supervisors and managers shall not engage in sex discrimination, sexual Harassment, or retaliation, and shall monitor employees under their supervision to ensure that those employees are not engaging in any such conduct.
- 4.5** If a Supervisor or manager receives a complaint or otherwise becomes aware of any such conduct, he or she will report it to the Human Resource Director as soon as practicable. However, the Supervisor or manager must notify the Human Resource Director no later than the close of business of the next business day after receiving the complaint or becoming aware of the conduct.
- 4.6** Supervisors and managers who engage in sex discrimination, sexual harassment, or retaliation and permit any such conduct to occur among employees under their supervision; fail to report such conduct; or retaliate against any person for opposing or filing a complaint for such conduct or cooperating with an investigation of any complaint; will be subject to disciplinary action.

## **5. RECOGNIZING SEXUAL HARASSMENT AT WORK**

**5.1 Types of Sexual Harassment.** The Equal Employment Opportunity Commission (EEOC) and courts have defined two types of sexual harassment.

**5.1.1 "Quid pro quo (exchange something for something)."** This is when submission to, or rejection of, sexual advances is used as a basis for employment decisions such as pay increases, hiring or firing, promotions, and performance appraisals.

**5.1.2 Hostile Environment.** This refers to sexual comments, physical touching or objects that are indirectly or directed to an individual because of the sex of the individual and that unreasonably interfere with work performance or that create an intimidating, hostile, or offensive work environment.

**5.2 Conduct That May Constitute Sexual Harassment.** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts of gender-based animosity toward employees, applicants for employment, or citizens who come into contact with employees of the City.

**5.3** No Supervisor or other employee in the City shall threaten or suggest either explicitly or implicitly that another employee's refusal to submit to any form of sexual advances will in any way affect the terms and conditions of that person's employment. In addition, an individual's submission to or rejection of any form of sexual advances shall not be used as a basis for employment decisions affecting the individual.

**5.4** No employee shall engage in behavior of a sexual nature that reasonably may be offensive to another employee, interfere with another employee's work performance, or create an intimidating, hostile, humiliating or offensive work environment. Finally, no employee shall subject a citizen to any form of sexual harassment.

**6. COMMON FORMS OF SEXUAL HARASSMENT.** While it is not possible to list all behaviors that may be considered sexual harassment, the following examples include:

**6.1 Physical.** Physical types of harassment may include, but not be limited to:

**6.1.1** Unwanted touching, holding, grabbing, hugging, patting, fondling, stroking, kissing, massaging, or pinching of one's self,

**6.1.2** "Accidental" collisions or brushing up against a person's body

**6.1.3** Physical assault

**6.1.4** Sexual assault

**6.2 Verbal.** Verbal types of harassment may include, but not limited to:

**6.2.1** Verbal unwelcome sexual advances or propositions

**6.2.2** Obscene or lewd sexual comments, jokes, or suggestions

**6.2.3** Threats

**6.2.4** Conversations filled with sexual innuendo and double meanings

**6.2.5** Comments about a person's body or sexual activities, deficiencies, or prowess

**6.2.6** Asking about a person's sexual behavior, preferences, or history

**6.2.7** Sexually explicit, offensive or degrading words used to describe a person

**6.3 Non-Verbal/Mental Behavior.**

**6.3.1** Offensive gestures or motions

**6.3.2** Cornering or blocking a person's path

- 6.3.3** Leering at someone or looking a person up and down
- 6.3.4** Leaning over someone at a desk
- 6.3.5** Displaying or circulating sexually suggestive cartoons, letters, magazines, videos, or pictures
- 6.3.6** Drawing graffiti of a sexual nature

## **7. RESPONDING TO SEXUAL HARASSMENT**

- 7.1** General. Stopping sexual harassment starts with taking action. Each individual employee is responsible to respond promptly and appropriately if it happens to you or someone you work with.
- 7.2** Responsibility. If you are a victim of unwanted sexual attention or behavior you should:
  - 7.2.1** Respond by making your feelings known. Calmly tell the harasser that the comments or behavior are unwanted and that you want them to stop. Responding quickly to unwelcome behavior is the best way to prevent sexual harassment from escalating. (If you feel uncomfortable addressing the problem with the harasser, inform your Supervisor of the unwanted behavior and ask that he or she resolve the problem.)
  - 7.2.2** Record the specifics of the incident and any further incidents including the time, place, and others who may have witnessed the behavior or your reactions. Write down the exact words or actions that were used.
  - 7.2.3** Report harassment promptly to your Supervisor. Your report can be either verbal or in writing. If your Supervisor is the one harassing you, report it to your next level Supervisor, another Supervisor, Human Resource Director, or City Manager.

## **8. WITNESSING AN ACT OF SEXUAL HARASSMENT.**

- 8.1** If you observe sexual harassment, take it seriously. Here are some guidelines you can follow when helping a coworker:
  - 8.1.1** If necessary, help the victim to get out of the situation safely.
  - 8.1.2** Encourage the victim to express his or her feelings to the offender by stating that the conduct was unwelcome and uncomfortable.
  - 8.1.3** Offer support in reporting the incident.
  - 8.1.4** If the victim does not report the incident, then the witness should report the incident to the Supervisor or management.
  - 8.1.5** Follow company policy on reporting sexual harassment.

- 9. COMPLAINTS.** Complaints of sexual harassment will be taken seriously. The City is thorough, nonjudgmental, and unbiased when it comes to handling sexual harassment complaints. Managers and Supervisors can be held personally liable for not taking appropriate action to respond to or eliminate such behavior from the work place.

**9.1 Supervisors are to follow these general guidelines:**

- 9.1.1** Request that the complainant put the complaint in writing.
- 9.1.2** Report the complaint immediately to the Human Resource Director.
- 9.1.3** Take action to control the situation, if necessary, while the investigation is pending.
- 9.1.4** Work with the Human Resources Director to provide a prompt response to the situation.
- 9.1.5** Be sensitive to the issue and to those involved.

**10. FILING, RESPONDING TO, AND INVESTIGATING A SEXUAL HARASSMENT, SEX DISCRIMINATION OR RETALIATION COMPLAINT**

**10.1 General.** Individuals are encouraged to contact their Supervisor, Human Resource Director, or City Manager directly and confidentially at any time to discuss concerns or file a complaint regarding sex discrimination, sexual harassment, or retaliation in the City. The following complaints are considered Equal Employment Opportunity (EEO) complaints:

- 10.1.1** Complaints filed by employees or applicants for employment in the City alleging that they have been subjected to acts of sex discrimination, sexual harassment, or retaliation.
- 10.1.2** Complaints filed by citizens alleging that employees in the City have subjected them to sexual harassment. If such complaints are made against employees of the Police Department, the Human Resources Director shall provide the police officer the Garrity Warning before further inquiry is made. The Peace Officer's Employer-Employee Relations procedures for Investigation of Peace Officers; requirements (29-14-4) will be closely followed. In order to for Human Resources to adequately inquire into any such complaint, further assistance from the Chief of Police and/or its department may be requested from the Human Resources Manager.
- 10.1.3** Complaints that Supervisors in the City have failed to report acts of sex discrimination, sexual harassment of employees or citizens, or retaliation of which they were aware, or have failed to prevent such conduct from occurring.

**10.2 Filing a Complaint.** An employee need not file an EEO complaint with his or her Supervisor, nor required to go through the chain of command to file such a complaint.

- 10.2.1** An EEO complaint may be made either orally or in writing. If an oral complaint is made, the employee will be asked to put his or her complaint in writing. Written complaints are not required to be notarized.
- 10.2.2** An individual should utilize the procedures outlined in this Manual.
- 10.2.3** In addition to making a complaint as explained in this manual, an individual who believes he or she has been subjected to sex discrimination, sexual harassment, or retaliation, has the right to file a complaint with the United States Equal Employment Opportunity

Commission (EEOC) or the New Mexico Human Rights Division (HM Human Resources).

**10.3 Responding to an EEO Complaint.** A Supervisor or manager receiving an EEO complaint or otherwise becomes aware of an allegation of sex discrimination, sexual harassment, or retaliation against an employee, will forward the EEO complaint or allegation to the Human Resource Director as soon as practicable.

**14.3.1** Failure of the Supervisor or manager to comply with this requirement will result in appropriate disciplinary action being taken.

**10.4 Investigating an EEO Complaint.** All EEO complaints will be investigated by the Human Resource Director promptly and in as confidential manner as possible. Generally, the Human Resource Director shall conduct all investigations of EEO complaints and will determine the most appropriate manner to conduct the investigation. In the event that the Human Resource Director cannot conduct the investigation, the City Manager or his/her designee, will perform the investigation.

**10.4.1** A Supervisor or manager may make a preliminary inquiry where circumstances require that immediate action (e.g. separation of employees) is necessary until such time as a full investigation can be initiated and completed.

**10.4.2** All City employees, including the accused, shall cooperate with the investigation of EEO complaints, including the giving of statements and participating in interviews. Any employee who fails or refuses to do so may be subject to disciplinary action.

**10.4.3** Retaliation in any form against an individual who has exercised his or her right to make an EEO complaint or who cooperates with an investigation of such a complaint or allegation is strictly prohibited. Any such retaliation will itself be cause for disciplinary action.

**10.4.4** Allegations and/or reports of sexual harassment will be taken seriously. Employees intentionally making false reports will be subject to discipline up to and including termination.

**10.5 Investigation Report.** A written investigation report will be completed for each EEO Complaint or allegation referred to the Human Resources Director.

**10.5.1** The report will be completed and submitted to the City Manager, within twelve (12) working days of notification of the EEO complaint or allegation. Any extension to complete the report must be approved by the City Manager.

**10.5.2** The report will be formatted in 5 sections. These sections are:

- 10.5.2.1** Introduction
- 10.5.2.2** Discussion
- 10.5.2.3** Findings and Determinations
- 10.5.2.4** Recommendation(s)

**10.5.2.5** Supporting Documents

**10.5.2.6** The report and its contents are considered confidential.

## **11. CORRECTIVE AND DISCIPLINARY MEASURES.**

**11.1 General.** Upon completion of the investigation report of an EEO complaint, the Human Resource Director shall submit the report to the City Manager.

**11.1.1** If the report recommends that the accused be subjected to disciplinary action, the City shall notify the accused of its intent to impose that disciplinary action. If the disciplinary action consists of a suspension without pay, demotion, or dismissal, the accused will have the right to the formal grievance procedures set forth in Section 9 of the City Personnel Rules & Regulations Manual.

**11.2 Corrective Action and Discipline.** In considering the appropriateness of the recommended disciplinary action against the accused, the City will ensure that the discipline is fair and consistent; designed to discourage others from committing acts of sex discrimination, sexual harassment, or retaliation; designed to encourage others to come forward with valid complaints of sex discrimination, sexual harassment, or retaliation.

**11.2.1** The possible penalties applicable to violations of the City's "Zero Tolerance Policy" regarding sex discrimination, sexual harassment, and retaliation, include, but are not limited to a written warning or reprimand, suspension without pay, mandatory counseling and training, transfer, demotion, up to and including termination. Preventative or corrective action may be utilized even if an investigation is inconclusive if, in the best judgment of management, action is necessary to prevent further complaints from occurring.

**11.2.2** If a violation is determined to have occurred, the following minimum penalties shall apply, but any penalty or combinations of penalties may be imposed, including termination, depending on the seriousness of the violation.

**11.2.3** Not involving a subordinate:

**11.2.3.1 First Offense:** A minimum written Letter of Reprimand up to termination, depending on the circumstances.

**11.2.3.2 Second Offense:** A minimum ten (10) day suspension without pay up to termination, depending on the circumstances.

**11.2.3.3 Third Offense:** Termination from employment.

**11.2.4** Involving a subordinate:

**11.2.4.1 First Offense:** A minimum three (3) day suspension without pay up to termination depending on the circumstances

**11.2.4.2 Second Offense:** A minimum thirty (30) day suspension without pay up to termination, depending on the circumstances

**11.2.4.3 Third Offense:** Termination from employment

## SECTION 15. WORKPLACE VIOLENCE POLICY AND PROCEDURE

**1. POLICY STATEMENT.** The City of Belen maintains a zero-tolerance policy towards violence in the workplace. All violent behavior is inappropriate in the workplace, whether it is on the part of the employees, customers, or others present in the workplace, and will not be tolerated. Furthermore, the possession, use, or threat of use of a weapon is prohibited in the workplace by employees. All employees shall notify their Supervisor of any workplace violence which they have witnessed, experienced, become aware of or in any way have knowledge of. Violations of this policy shall lead to disciplinary action up to and including termination and may also result in criminal prosecution.

### 2. DEFINITIONS.

- 2.1 EMPLOYEE:** All regular, full-time, regular part-time, seasonal employees, temporary employees, volunteers, elected and appointed officials of the City.
- 2.2 WEAPON:** Including, but not limited to, any type of firearm, knife, (excluding eating utensils), with a blade longer than four inches, butterfly knife, folding knife, metal knuckles or explosives. Mace or pepper spray, as allowed by state law, is not to be considered a prohibited weapon provided the spray is only used for personal defense.
- 2.3 WORKPLACE:** All City-owned or leased property, including vehicles and mobile equipment, and any other property where work is being performed by City employees in an official capacity for the City.
- 2.4 WORKPLACE VIOLENCE:** Any act of written, verbal, or physical aggression that occurs in the workplace intended to physically harm an individual or that could cause a reasonable person to be in fear of imminent physical harm. It also includes the intentional non-authorized destruction or abuse of property. Examples of workplace violence may include: harassment, obscene phone calls, threats (direct or implied), stalking, unauthorized possession or inappropriate use of weapons, assault, battery, robbery, kidnapping, murder, bomb threats, and arson. Workplace violence does not include the use of reasonable force in the defense of oneself or others. Training scenarios are excluded from this definition.

### 3. GENERAL.

- 3.1 Background:** The City recognizes that workplace violence is a growing concern nationally that needs to be addressed by all employers. Employees of the City should be provided with a work environment which is as safe as is reasonable from harm. However, due to the need to allow public access to City facilities and services and the nature of certain employees' work, the City cannot guarantee the protection of employees or constituents against acts of violence. The City may, however, regulate and direct the conduct of its employees and customers when possible in an effort to minimize the frequency and severity of violent incidents.
- 3.2 Exception to Weapons Prohibition:** The weapons prohibition policy does not apply to employees who are armed in the line of duty, such as police officers. Employees required to use guns, knives, folding knives or blades on the job within the normal scope of their employment as authorized by their Department Head are not considered to be in violation of this policy.

## 4. REPORTING PROCEDURES

- 4.1 Non-emergency:** If the individual is not violent and no immediate threat is present, but the individual is acting in a suspicious, hostile, or aggressive manner, then employees should:
  - 4.1.1** Notify their Supervisor.
  - 4.1.2** Keep distance between themselves and the individual.
  - 4.1.3** Become aware of escape routes.
  - 4.1.4** Be ready to summon the police if the situation escalates to a situation where the employee believes police presence is needed.
  - 4.1.5** Call the Police Department at 864-4403 to report non-emergency events, which are not life threatening involving suspicious activity.
- 4.2 Emergency:** If it is reasonable to believe that an individual is acting in a manner that is of immediate threat to an employee or others, employees should:
  - 4.2.1** Seek safety by leaving area if possible.
  - 4.2.2** Summon the Police Department by phone (911 or 864-4403) depending on the employee's work location or by activating panic alarms when available.
  - 4.2.3** Notify their Supervisor.
  - 4.2.4** When reporting an emergency event to the police, provide the dispatcher with your name and location, report the specifics of the event in a clear and concise manner, and be prepared to stay on the line and answer questions the dispatcher may have, unless your personal safety dictates otherwise.
  - 4.2.5** Do not attempt to control a violent individual.
- 4.3 Restraining Orders:** Employees who have obtained restraining orders or injunctions against abusive persons are encouraged to notify their Supervisor so that appropriate measures can be taken to facilitate prudent safety measures within the workplace. When a protective or restraining order lists City workplaces as being protected areas, employees must provide their Supervisor with a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.
- 4.4 Alternatives to Reporting Workplace Violence to Your Supervisor:** If an employee is not comfortable reporting incidents of workplace violence to his/her Supervisor, the employee may instead report it to the Department Head, a Supervisory employee in any other City department including the Police Department, a member of the Human Resources professional staff or the City Manager.
- 4.5 Report to Human Resources or City Manager:** Supervisors receiving employee reports of workplace violence or who have knowledge of information of an internal or non-emergency nature which may affect the security of the City and its assets shall report such incidents to their Department Heads. The Department Head shall complete a confidential memorandum and

submit it to the Director of Human Resources or the City manager. If the threat is ongoing, the Police Department should be notified at once. Such memorandum should include:

- 4.5.1** Description in detail of what happened, where it happened, and when it happened, or what is threatened.
- 4.5.2** Identity or description of persons committing the threat or violent behavior.
- 4.5.3** Identity or description of persons against whom the threat was made or violent behavior directed.
- 4.5.4** Identity of persons reporting or witnessing the threat or violent behavior.
- 4.5.5** Observations that would make a reasonable person believe that the individual committed the act or intends to follow through on a threat.
- 4.5.6** How the matter was resolved or suggestions for minimizing the risk of a violent act based on the information available.

**4.6 If police were notified.** If it appears that the incident requires immediate attention, a verbal report shall be made to a professional staff member of the Human Resources Department or to the City Manager, followed up with a confidential memorandum. Although every effort will be made to keep reports and records that are made and kept pursuant to this policy confidential, the reports and records may be subject to public disclosure under the State's Public Records Inspection Act.

**4.7** For those cases where it appears that criminal activity may be involved, Department Heads/manager/Supervisors should not take any action that would jeopardize the outcome of any investigation. Do not alter anything at the scene of a violent incident until the police have been contacted and approved.

**4.8 False Reports:** Allegations and/or reports of workplace threats will be taken seriously. Employees intentionally making false reports will be subject to discipline up to and including termination.

**5. INVESTIGATIONS AND RESOLUTIONS.** The Human Resources Director or the City Manager will receive, evaluate, respond, and intervene to reports of workplace violence with the assistance of a Threat Management Team as appropriate. Threat Management Team members may include personnel from the Police Department, Legal Counsel, and the Department Head of the affected department as well as any outside agencies that may provide assistance to the City on the matter.

**5.1** Privacy rights will be observed in the event of the need to investigate workplace violence incidents. Only those individuals with a clear need to know of the potential risk will be notified in cases where a person is perceived to be a threat to others. During the investigation, those investigating the complaint will maintain anonymity of employees reporting violence or threats of violence to the greatest extent possible. However, there is no right to or guarantee of anonymity, since it is often necessary to make the employee or customer against whom the allegation has been made aware of the complaint in order to ascertain the facts.

**5.2** Retaliation and/or reprisal against an employee who genuinely reports threats of workplace violence in good faith are in violation of this policy. Anyone who engages in or assists in such retaliatory actions will be subject to disciplinary actions up to and including termination of employment.

**6. TRAINING.** As part of its commitment to preventing workplace violence, the City will establish training programs for all employees.

**7. INSPECTIONS.** Desks, telephones, and computers are the property of the City. The City reserves the right to enter or inspect an employee's work area including, but not limited to, desks and computer storage disks, with or without notice.

**7.1** Any private conversations overheard during such monitoring, or private messages retrieved, that constitute threats against other individuals can and will be used as the basis for termination for cause.

**8. CONSEQUENCE OF POLICY VIOLATION.** Employees who violate this policy by engaging in workplace violence or improperly possessing a weapon are subject to discipline up to and including termination and may also result in criminal prosecution.

## **SECTION 16. TERMINATION OF EMPLOYMENT WITH THE CITY**

- 1. AT WILL.** Employees shall conform to the rules and regulation set forth by the City. The City of Belen is an “at-will” employer.
- 2. WITH OR WITHOUT CAUSE.** Employment may be terminated with or without cause, with or without notice, by either the employee or the City.
- 3. TYPES OF TERMINATION.** Several instances may cause the termination of employment with the City. Some of the instances are, but are not limited to:
  - 3.1 Retirement.** Any employee reaching retirement eligibility.
  - 3.2 Dismissal/discharge.** The involuntary termination of an employee’s employment with the City.
  - 3.3 Resignation.** Any employee wishing to leave the City of Belen in good standing shall file, with their Supervisor a written resignation, stating the date the resignation will be effective and the reason for leaving. Once a resignation has been presented in writing, it cannot be withdrawn except in cases approved by the City Manager.
  - 3.4 Reduction in Force (layoffs).** When a position must be discontinued or abolished because of a change in duties, reorganization, lack of work, or lack of funds.
  - 3.5 Death.** The death of an employee will automatically cease employment with the City, and the employee’s beneficiary will be entitled to the employee’s benefits.
- 4. DOCUMENTATION.** A copy of all proper documentation referencing the termination of an employee shall be given to the Human Resources Department for the employee’s file.
- 5. RETURN OF CITY PROPERTY.** At the time that an employee is voluntarily or involuntarily terminated, the employee shall return all City property to the appropriate Department Head, including but not limited to: badges, keys, vehicles, cell phones, supplies and equipment. An employee will be liable for any unreturned or damaged City property issued during the course of his/her employment. The Department Heads shall complete a checklist of the items returned that were issued to the terminating employee. A copy of this checklist shall be submitted to the Human Resources Department. Refer to the City’s ISPS for further information on employment separation with the City (appendix A).
  - 5.1** Any unreturned or damaged City property will be deducted from the employee’s final pay check at the replacement cost.
  - 5.2** Criminal prosecution may be filed for withholding City information, and/or sabotage up to the full extent of the law
- 6. REPORTING.** Department Heads and Supervisors are responsible for immediately informing the City Manager, Human Resources, and the IT department of all terminating employees. This reporting is for the protection and safety of the City.

- 7. TERMINATION PAY.** The dismissed employee shall receive their final paycheck on the third day after termination. All other employees shall receive their final paycheck on the regular scheduled pay day.
- 8. SICK LEAVE.** Only employees retiring from the City are entitled to their sick leave. The sick leave will be paid out to the employee.
- 9. VACATION LEAVE.** All terminating employees are entitled to receive their vacation pay. The vacation pay out shall not exceed the maximum accrued hours of one hundred sixty (160).
- 10. RETIREMENT LONGEVITY PAY.** Any employee retiring from the City of Belen will receive Retirement Longevity Pay. Refer to the Fringe Benefits Section of this handbook for more detail.
- 11. FORMER EMPLOYEES.** Former employees are not allowed in restricted work areas, and shall obtain prior approval from Department Heads before entering any City departments.
- 12. EXTENDED BENEFITS.** The Human Resources Department will provide information concerning extended benefits, PERA, employment verification, and other pertinent matters.

## **CITY OF BELEN PERSONNEL POLICIES AND PROCEDURES ACKNOWLEDGMENT**

For the new employee, welcome to the City of Belen. We hope that you will have a long and productive working relationship with the City.

To all employees, we are providing you with this copy of our amended employee manual. Please read this manual carefully. The information in it will acquaint you with City policies and will answer many of your questions.

Please keep in mind that this manual does not contain all of the information you will need as an employee. You will receive other information through written notices as well as orally. When the City changes a policy, it overrides the past policy.

This manual is not an employment contract and should not be construed as one. No oral statements, promises or contracts regarding the terms and conditions of your employment are valid.

**I have received a copy of the City of Belen's Personnel Policies and Procedures manual. The manual and its changes have been reviewed with me. I have read the above information and agree to familiarize myself with the contents and abide by its rules and regulations. The revised Personnel Policies and Procedures manual was adopted by the City of Belen Council on October 15, 2013 and will be in full effect October 24, 2013.**

---

EMPLOYEE NAME (PRINT)

---

EMPLOYEE SIGNATURE

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DATE

# Information Security Policies and Standards

T H E O V E R V I E W

## USER'S HANDBOOK 2013



City of Belen

[www.belen-nm.gov](http://www.belen-nm.gov)



# City of Belen

## Information Security Policies and Standards

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Consistent City Information Security Policies and Standards (ISPS) provide a common approach to compliance, regulatory and operational requirements and support the City of Belen in its missions.

### Policies and Standards Contents

#### 1. A common foundation

#### 2. Policies and Standards

- A common foundation
- What is a policy?
- Overview

#### 3. Related Information Security Office Services

- Consulting, education, training and awareness programs

#### 4. Information Security Glossary

- Definitions and glossary of terms used in this policy. Policies and Standards specifically addressed in the Overview are labeled.

#### 5. Policy and Standards

IS PS001 Information Security Responsibility	
IS PS002 Business Continuity and Disaster Recovery	
IS PS003 Intellectual Property	(Overview)
IS PS004 Policy Exception Management Process	
IS PS005 Sanction Policy	(Overview)
IS PS006 Security Incidents	(Overview)
IS PS007 User Accounts and Acceptable Use	(Overview)
IS PS008 Passwords	(Overview)
IS PS009 Data Facility Security	
IS PS010 Network Service	(Overview)
IS PS011 Web Site Guidelines	(Overview)
IS PS012 Workstation and Computing Devices	(Overview)
IS PS013 Server Computing Devices	
IS PS014 Protection from Malicious Software	(Overview)
IS PS015 Backup of Data	
IS PS016 Inventory and Tracking of Computing Devices	
IS PS017 Enterprise Firewalls	
IS PS018 Cellular/Smart Phone Use	(Overview)
IS PS019 Telephone	(Overview)
IS PS020 New and Remodeled Infrastructure Review	
IS PS021 Internet Use	(Overview)
IS PS022 City Email Services	(Overview)
IS PS023 Acquisition of Technology	(Overview)
IS PS024 Video Surveillance	(Overview)
IS PS025 Bring Your Own Device (BYOD)	(Overview)
IS PS026 Social Media	(Overview)

## Policies and Standards A Common Foundation

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The City of Belen's Information Security Policies and Standards were developed as a *common foundation* for information security outlook, approach, and practice. Primary consideration was given to the following objectives:

1. Help the city to focus on its core missions of serving the citizens of Belen lowering the risk of security incidents which could distract from these missions.
2. Define a compliance posture relative to information security statutes, regulations, contracts and good practice without duplication of effort. (One set of policies and standards designed to address all information security compliance objectives instead of one for HIPAA, one for PERA, etc.)
3. An approach that is, where possible, technology neutral that allows for some variation given legitimate requirements so long as the risk is explicitly defined and accepted by a level of directly responsible management appropriate to the risk being assumed.
4. An approach that accounts for the dynamic environment we are in today, an environment of changing statutory and regulatory expectations and changing technology where awareness is an integral part of everyone's job

### What is a Policy

The definitions of what is a policy, what is a standard, and what is a procedure also had to be understood. Without this understanding of related but distinct terms, policies tend to become too detailed and take on the characteristics of standards or procedures.

For the purposes of the City's Information Security Policies and Standards (as well as related procedures), the following definitions are used:

- **Policy** - High level requirement statement or paragraph about a type of technology or behavior in the IT environment.
- **Standard** - A required approach for conducting an activity or using technology and/or descriptive requirements for a behavior based policy.
- **Procedures** - Clear steps to follow to accomplish specific tasks or behave in certain ways. Procedures should support organization, contractual, regulatory and/or statutory obligations and requirements.
- **Policy Review** – The frequency at which a policy is reviewed and determination is made whether to make changes to the policy.
- **Compliance** – Any policy is only as good if it's enforced. There are sanctions listed for each of the policies.
- **Revision History** – Each section of this policy stands on its own. When a particular policy needs revising, only the effected policy needs to be changed and not the entire policy. The revision table indicates the version of the policy and the revision date and type.

# Overview

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The policies and standards were divided into a framework of six basic areas:

**1. General**

Basic responsibilities, business continuity and disaster recovery, intellectual property, acquisition of technology, exceptions, sanctions and incidents.

**2. Accounts and Usage**

User accounts, acceptable use and passwords.

**3. Network Services**

Network service, web sites, Internet use, email services, and social media.

**4. Computing Devices**

Workstations, servers and other computing devices, protection from malicious software, backup and retention of data as well as inventory, tracking, redeployment and discarding of computing devices or media.

**5. Data Centers and Facilities**

Data facility security and video surveillance.

**6. Telephone Service and Smartphone's**

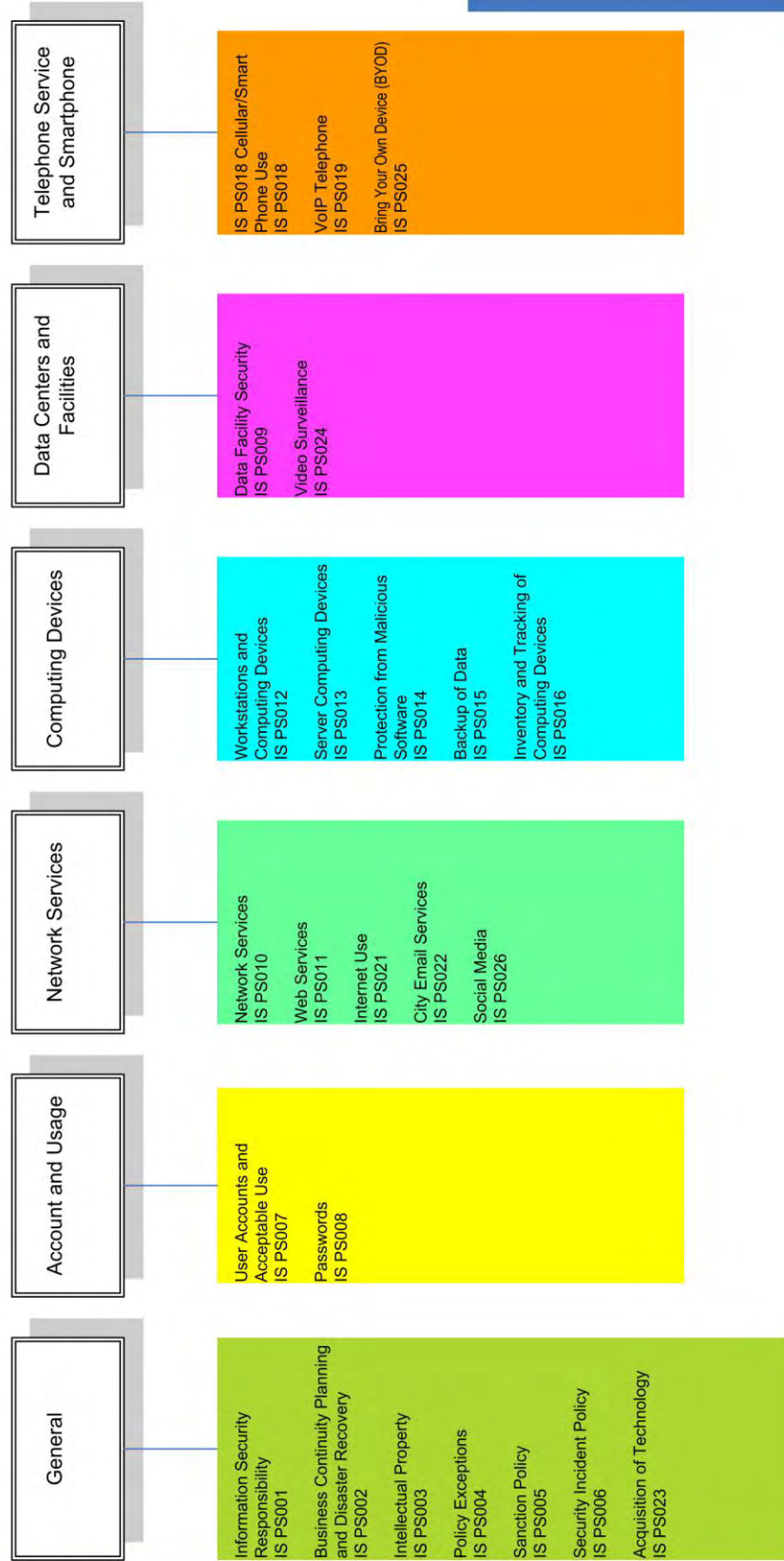
Voice or IP network phones, Smartphone integration, and Bring Your Own Device (BYOD).

The chart on the next page illustrates the framework at both the policy and the standards levels. To better understand this handbook, each ISPS section heading is color coded to correspond to one of the six areas in the framework.



# City of Belen Information Security and Technology Policy

Monday, August 19, 2013



## **Policies and Standards**

### **Consulting, education, training, and awareness programs**

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Consulting, education, training, and awareness programs are important and required parts of any compliance program. The ISPS will be developing programs in these areas outlined as follows:

#### **Educate and Encourage Use**

- Training
- Awareness
- Consulting

#### **Improve Compliance using**

- Consulting
- Auditing and Monitoring
- Assessment,
- Adjustment
- Enforcement

#### **Maintain Policy Relevance using**

- Self Assessment/audit
- Feedback
- Adjustment

On initial implementation of these policies, two distinct documents will be presented to the employees of the City of Belen. The first document will be an Overview Summary of the ISPS and the second document is the Comprehensive ISPS, which both may be found online at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

# Information Security Glossary

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## **Administrators**

Individuals with administrative responsibility for City Wide Computer and Network Services.

## **Assess alternate continuity/recovery strategies. Select continuity/recovery strategy.**

1. Develop continuity/recovery strategy plans.
2. Disaster Recovery Plans as part of a broader Business Continuity Plan should include:
  - 2.1. Classification of critical systems and records.
  - 2.2. Mitigation strategies and safeguards to avoid disasters.
  - 2.3. Necessary electronic files back-up and off site storage strategy (see IS PS015 Back-up of Data).
3. Define organizational responsibilities for implementing plans and implement.
4. Off-site storage for the planning documents. Training and testing of plans.
5. Annual review and revision of the plans.
6. Coordination with central IT disaster recovery strategy, if applicable.

## **Business Continuity Plan (BCP) Typically includes:**

1. Perform Gap Analysis
2. Conduct Risk Assessment
3. Perform Business Impact Analysis
4. Determine Continuity/Recovery Strategy
5. Implement Continuity/Recovery Strategy
6. Establish BCP and Disaster Recovery Maintenance and Awareness Program

## **BCP and Disaster Recovery Maintenance and Awareness Program Typically includes:**

1. Conduct education and awareness training with personnel.
2. Perform periodic BCP plan walkthrough and testing.

## **Business Impact Analysis**

In business continuity planning, a risk assessment will typically include:

1. Identification of critical business processes at departmental/unit level.
2. Quantification of impact of an event.
3. Identification of points of failure and process interdependencies.
4. Development of recovery time objective (RTO) and recovery point objective (RPO). See definitions of these terms in this document.
5. Prioritization of processes for recovery.

## **BYOD: Bring Your Own Device to work**

A policy whereby city employees can use their own personal computing devices for work. The policy provides some control over the device to assure that city information is safe and secured. The employee is paid a monthly stipend for use of the employees data and voice network.

## **Computing Devices**

Includes but is not limited to workstations, desktop computers, notebook computers, tablet computers, network enabled printers, scanners and multi-function devices, PDAs, email/messaging devices and cell phones, all hereafter referred to as "computing devices".

## **Computing Operation Centers**

Specially designated areas or secured rooms that house Server Computing Devices or network infrastructure.

### **Continuity/Recovery Strategy**

In disaster recovery or business continuity planning, a continuity and recovery strategy will typically include these steps.

### **Electronic Media**

Includes all electronic data storage devices funded as under Computing Devices above or other electronic data storage devices used to store City of Belen related data. Media includes but is not limited to removable and non-removable storage such as hard drives, CDs, DVDs, magnetic tape, removable disks (floppy, zip, cartridge systems, etc.) and flash memory devices.

### **Gap Analysis**

A process where the current state vs. the desired state for a process, system or organization is prepared. The differences between the current state and the desired state are called gaps. These gaps then become the basis for prioritization, planning and basis for action to move to the desired state.

### **Information Communications Technology**

In regard to the City of Belen the Information Communications Technology (ICT) Office or Department comprised of IT professionals. It is the responsibility of the ICT Office to maintain and enforce the ISP. Also referred to in the ISPS Document as the *IT Office*.

### **Least Required Access**

Only the access needed to perform required functions is assigned to an account. For example, an Oracle database administrator's (DBA) operating system account on the Oracle host system would not allow the DBA to configure or affect underlying operating system functions except as required within the DBA role.

### **OAW**

Outlook AnyWhere, webmail access to the Exchange Server from any computer in the world over the Internet. This is a secured way for a user to access their email, contacts, and calendar events when a VPN, mobile device or otherwise secured device is not readily accessible to access one's city email account.

### **Providers**

Individuals who design, manage, and operate campus electronic information resources, e.g. project programmers, or system administrators.

### **Recovery Point Objective (RPO)**

Describes the point in time to which data must be restored in order to successfully resume processing. This is often thought of as time between last backup and when outage occurred and indicates the amount of data lost.

**Note:** The Recovery Point Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

### **Recovery Time Objective (RTO)**

Determined based on the acceptable down time in case of a disruption of operations. It indicates the latest point in time at which the business operations must resume after disaster.

- RTO must be considered in conjunction with Recovery Point Objective (RPO) to get a total picture of the total time that a business may lose due to a disaster. The two of them together are very important requirements when designing a disaster recovery solution.
- RTO = Time of Crash to Time the system is operational (Tup - Tcrash)
- RPO = Time since the last backup of complete transactions representing data that must be re-acquired / (entered). (Tcrash - Tbackup)
- Lost business Time = (Tup - Tcrash - Tbackup)

**Note:** The Recovery Time Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

**Risk Assessment**

In disaster recovery or business continuity planning, a risk assessment will typically include:

1. Identification and classification of primary risks and exposures including external and environmental risks as well as inherent business risks;
2. Probability of occurrence;
3. Cost of occurrence;
4. Senior management risk tolerance and level of acceptance of identified risks vs. cost of various mitigation plans.

**SCADA (Supervisory Control and Data Acquisition System)**

SCADA refers to an industrial control system: a computer system monitoring and controlling a process. The process can be industrial, infrastructure or facility-based.

**Sensitive Information**

Sensitive information is information of a confidential or proprietary nature as well as other information that would not be routinely published for unrestricted public access or where disclosure is prohibited by laws, regulations, contractual agreements or city policy. Sensitive information includes but is not limited to information such as medical and health records, and other employee information, credit card, bank account and other financial information, social security numbers, personal addresses, phone numbers, etc.

**Note:** Sensitive information does not include personal information of a particular individual, which that individual elects to reveal (such as via opt-in or opt-out mechanisms).

**Server Computing Devices**

For the purposes of this policy, server computing devices are those whose primary purpose is to store, contain or transmit information from within the City network (or hosted outside the City network if used to host utility or citation related information and funded by the City of Belen) to users within or outside of the city network. Computing devices that are not servers, for the purposes of this policy, are covered under the IS PS011 Workstation and Computing Devices policy.

**Social Media**

Social Media refers to any self-published Internet Blog such as; Facebook, Twitter, MySpace, Instagram, Youtube, Flickr, Wikis, Digg, Reddit, etc. where users can post comments and or photos. The City of Belen ICT Department, sanctions Facebook, Twitter and Youtube for posting city events and public information.

**Spoofing**

The use of software or other techniques to appear on the network as something other than reality (masquerading as something you are not). **Example:** The hacker tricked the system into allowing him onto the trusted network by spoofing the identity of a trusted server

**Staff**

The staff consists of all employees of the City of Belen whether permanent, temporary, or seasonal. All rules and regulations within this document shall apply to staff while in the conduct of business for the City of Belen.

**User**

Includes public computer users, staff, administrators, and other employees of the City of Belen and its affiliated entities and any other individual having a computer account, email address or utilizing the computer, network or other information technology services of the City of Belen.

**Valuable Information**

Information that has significant value to the city's mission and/or result in possible harm to the city, its staff, and clients if lost. This information may or may not be sensitive information (see definition above).

**Video Surveillance**

The monitoring of the behavior or other activities, of people or facilities for the purpose of managing, directing, or protecting from a distance by means of electronic equipment such as CCTV cameras. Surveillance, in this case, is the observation of individuals or groups by a government organization.

# Information Security Standards and Equipment Policy

## Acknowledgment

I have read the City's Information Security Standards Policy, and I agree to abide by their terms. I understand that any communications I send or receive using the City's network, including but not limited to email, instant messages, and text messages, are not private, and that the City may access, monitor, read, and/or copy those messages at any time, for any reason. I also understand that the City of Belen reserves the right to monitor my use of the Internet, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE CITY EQUIPMENT

I understand that any electronic equipment issued to me by the City of Belen, including but not limited to *Computers, Cell phones, Laptops and Smartphone*, belong to the City of Belen, and that I must return such equipment upon request. I also understand that the City reserves the right to monitor my use of this equipment, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE BRING YOUR OWN DEVICE (BYOD)

I understand that I may use my personal computing device, which includes but not limited to *Computers, Cell Phone, Laptop, Tablet, and Smart Phone*. Furthermore, I understand that I am eligible for compensation of up to \$40.00/mo for the use of my device. By my mark, I hereby: ☐ decline the monthly stipend; ☐ I request the monthly stipend of \_\_\_\_\_ as negotiated with my supervisor. I understand that this amount is subject to departmental budget requirements and may be revoked at any time. I also understand that the BYOD program is voluntary and is for my convenience in the performance of my duties with the City of Belen. I hereby abide by the ISPS025 and ISPS018.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

ISPS Rev. Aug. 19, 2013

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# Information Security Policies and Standards

## OVERVIEW ♦ 2013

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The following document is an overview of the Information Security Policies and Standards. Sections pertinent to the everyday use of Information Technology has been condensed and compiled into this IS PS overview. Refer to the main document, *Policies and Standards: Information Security Policies and Standards* for complete details on these, and all 26 policies initially presented and approved in resolution 2010-19, August 16, 2010, Belen City Council Meeting, and subsequent update done on August 19, 2013, resolution 2013-17.

### **INTELLECTUAL PROPERTY: IS PS003**

The City of Belen respects the intellectual property rights of others and expects Users to respect the intellectual property rights of others. Users must abide by applicable intellectual property laws and/or regulations, including but not exclusive to those pertaining to text, graphics, art, photographs, music, software, movies and games. Users must refrain from actions or access which would violate the terms of licensing and nondisclosure agreements.

### **SANCTIONS: IS PS005**

The City of Belen requires that users of city computing infrastructure, devices or data comply with all applicable laws, regulations, statutes and city policies relating to information security and information technology.

The city must be prepared to respond fairly and appropriately:

- (1) to violations of law, regulation or City Policy relating to information security,
- (2) when questionable or unacceptable computing practices occur, or
- (3) where there is non-compliance with information security policy requirements or with reasonable requests for action or cooperation necessary to implement the city's information security policies. Lack of compliance will result in sanctions or other appropriate action.

### ***Corrective Actions and Sanctions Available:***

Corrective actions and sanctions available to the city in those circumstances where a violation or non-compliance of information security or technology policy has occurred include, but are not limited to:

- Imposition of a requirement to obtain additional appropriate training;
- Temporary suspension or permanent revocation of computing accounts or computing access rights at the city;
- Requirement to bring self, unit, department or city managed computing resources up to specified and on-going standards or place these resources under the management of the Information Technology Office;
- Imposition of a mandate and timetable for corrective or remediating action;
- Letter of Reprimand placed in personnel file;
- Loss of improperly collected data;
- Requirement to make financial restitution;
- Suspension of some or all activities at the city;
- Any action that may be required by applicable law, regulation or contract;
- Any other disciplinary actions available as corrective action in a case of inappropriate behavior by any employee up to and including termination;

- When appropriate and warranted, a department or employee will be held accountable for fees, charges, fines, or expenses incurred or resulting from or related to any such violation or non-compliance where the department or employee is deemed in whole or part responsible.

### SECURITY INCIDENTS: IS PS006

The policy of the City of Belen is to minimize both the frequency and the severity of information security incidents within the city environment. All users are responsible for and must maintain their City computing devices and data in as safe a manner as is reasonably possible. In the event of an incident, the standards outlined in this document as well as the related procedures shall be followed.

### USER ACCOUNTS AND ACCEPTABLE USE: IS PS007

City Computer User Accounts and computing facilities are provided for persons who legitimately need access to city computing resources. Other persons may qualify for a computer user account and access to computing facilities on a case-by-case basis.

The HR Department shall make an IT Request for Domain Credentials since they are responsible for vetting a potential employee for employment with the City of Belen. Domain Credentials or “User Accounts” allow employees access rights to city computers, email, and certain facilities with the city’s ID Badge. Upon termination of employment with the City of Belen, “User Accounts” and all access for that employee, must be de-activated or rendered inaccessible **immediately**. The first line manager, HR or City Manager shall notify the ICT Office of this action via email or IT Request.



### PASSWORDS: IS PS008

All “User Accounts” must be password protected to help maintain the confidentiality and integrity of electronic data as well as to help protect the city’s computing resources and infrastructure. This policy establishes a minimum standard for creation of **strong** passwords, the protection of those passwords, and the frequency of change.

- Passwords to city accounts and devices shall be kept confidential.
- Passwords will expire every 90 to 180 days.
- Domain and application passwords should be at least eight positions in length.
- Strong passwords shall be used. A strong password shall include a combination of:
  - Alphabetic, including both upper and lower case: “A to Z” and “a to z”.
  - Numeric: 0 to 9.
  - Special Characters such as: ~!@#\$%^&\*()+=[]{}?<>, etc.
- Passwords shall not consist solely of personal information or words found in a dictionary (any language). Ideally, this information should not be used. If used, the use of at least two of the three types of strong password characters noted above as part of the password is required.

### NETWORK SERVICES: IS PS010

The city will provide the required infrastructure for enterprise-wide local area network services, (including wireless) and connections to the internet, public internet and other external networks to further the mission of the city.

The Information & Communications Technology (ICT) Office is responsible for the provision and management of enterprise-wide local area network services, including wireless networks. All connections to the network shall be via city-approved mechanisms. Only authorized Information Communications Technology staff may install, manage, or change the network infrastructure including but not limited to enterprise servers, routers, switches, security and telecommunications equipment as well as access to these devices.

### ***Background and definition:***

Compromises in security can potentially occur at every level of computing from an individual's desktop computer to the largest and best-protected systems in the city. Incidents can be accidental incursions or deliberate attempts to break into systems and can be benign to malicious in purpose or consequence. Regardless, each incident requires careful response at a level commensurate with its potential impact to the security of individuals, sensitive information, and the City of Belen as a whole.

*This environment means that all persons within the City of Belen have an active role in preventing security incidents or in minimizing them when and if, they occur.*

For the purposes of this policy, a "Security Incident" is any accidental or malicious act with the potential to

- result in misappropriation or disclosure of sensitive information,
- affect the functionality of the information technology infrastructure of the city,
- provide for unauthorized access to city resources or information,
- allow city information technology resources to be used to launch attacks against either other internal resources or the resources and information of other individuals or organizations.

### **WEB SITE GUIDELINES: IS PS011**



The City of Belen's web presence is to securely provide information, allow for interactive functions, and promote a positive image for the City of Belen to other municipalities, accrediting agencies, funding agencies, the media, constituents, and prospective families wanting to relocate to the area. The City's web presence is also used as a selling tool to help promote events in the city as well.

- Intellectual Property shall be respected. See *IS PS003 Intellectual Property*.
- The City of Belen owns the belen-nm.gov domain and must renew the domain name yearly. Only official city business can be conducted using this domain.
- Privacy laws, regulations, and standards of the city shall be followed. All sensitive information must be managed appropriately so that unauthorized access to sensitive information is prevented to the extent possible. If you are unable to assure that sensitive information is adequately controlled via a website or other network accessible method, the information should not be placed on or collected via the website.
- The city reserves the right to disable and/or remove the web page links and publishing capability on city managed servers (or internet accessibility to such by city supplied network components). Anyone who uses these resources to violate city contractual obligations; to perpetrate, aid or abet criminal acts or intellectual property/copyright violations to make accessible materials that are obscene or consume (or result in the consumption of) excessive amounts of computing or network resources.
- Security of these pages on the City of Belen web site are the responsibility of the ICT Office who produces and maintains these pages and must comply with security guidelines outlined in this document as well as other applicable city guidelines.
- Secondary web sites should conform to the city's graphic identity standards when directly linked to the belen-nm.gov domain.

## WORKSTATIONS AND OTHER COMPUTING DEVICES: IS PS012

All workstations and other computing devices shall:

1. be maintained in an environment and manner so that access is reasonably restricted to authorized users only;
2. be used in a prudent manner so that data, system and network integrity is maintained to the highest degree reasonably possible; and
3. have operating systems and other software maintained in the most up-to-date and secure manner reasonably possible.

All workstations and other computing devices used within the city that contain or transmit sensitive information or that attach to the city network are covered by this policy. If the standard is not technically possible for the specific computing device then mitigating controls shall be employed where possible.

## PROTECTION FROM MALICIOUS SOFTWARE: IS PS014

Malicious software (viruses, worms, Trojans, root kits, hostile Active X controls, etc.) must be actively guarded against within the city network. All computing devices shall be configured with appropriate safeguards against malicious software.

- Antivirus software is available from ICT for workstations and servers. Exceptions to the recommended tools such as firewalls, antivirus, and anti-spyware should be approved by the ICT Office.
- Intrusion detection, network monitoring, incident logging, and response coordination necessary for the detection, elimination, and recovery from various forms of attack on city resources is managed by the ICT Office. See IS PS006, *Security Incidents*.
- Systems found to be infected shall be removed from the network until such time as the infection is removed or the system is reformatted.
- Proper preparation of all systems (desktops, laptops, servers, printers, and handheld devices) shall be conducted. Tier Support shall install virus protection, anti-spyware, and firewall software on all applicable computing devices and should ensure that unnecessary services are disabled before distribution to the user community.
- Use of Peer-to-Peer (P2P) software “file sharing” applications is not permissible for any file sharing activities to facilitate abuse of copyright and intellectual property laws.
- Instant messaging programs shall not be used for file sharing.
- Non-city web based e-mail shall not be allowed through the city network. Only client based e-mail can be scanned for malicious intent.
- The ICT Office will work with audit services and others to schedule periodic audits of servers, workstations, laptops and other computing devices to ensure compliance with the established virus protection, anti-spyware and firewall standards.
- All computing devices shall be appropriately configured for automatic virus detection and spyware blocking.
- Virus and anti-spyware definitions shall be updated at least every four hours at the server. An automatic definition update option shall be enabled if supported by the virus or anti-spyware protection tool. Virus and anti-spyware definitions on the workstations shall be updated at least once a day.



**NOTE:** The ICT Office centrally provide updates to the virus definition files on all workstations.

- All software, regardless of origin, shall be scanned for viruses and spyware before installation on any city system.
- Workstation virus scanning software shall be configured to automatically scan all e-mail attachments upon receipt with auto-protect/real time protection enabled.
- All computing devices not running approved anti-virus and anti-spyware software shall be scanned for malicious software prior to connection to the city network.

Home computer systems connecting, as privileged users, to the city networks must meet the same anti-virus, anti-spyware and firewall standards as systems on city premises. **Note:** This does not mean browsing web pages but does mean other activities including but not limited to “I” and “S” drive connections, via SSH Secure Shell, etc.

- All virus and spyware occurrences that are not fully removed by the anti-virus or antispyware software must be reported to IT for cleansing of the computer (See *IS PS006 Security Incidents.*)
- Anti-virus, anti-spyware or firewall protection programs must not be disabled while connected to the city network. **NOTE:** If installation of software requires the temporary termination of these programs, the computing device shall be disconnected from the network while the software is being installed. The protection programs must be restarted before the computing device is reconnected to the network.
- Memory sticks, flash drives, CDs, and other removable media from unknown or un-trusted sources shall be scanned for viruses and spyware. Auto-start mechanisms must be by passed when first using removable media that has not been scanned for viruses and spyware.

**NOTE:** Software obtained directly from ICT has already gone through this process. Software from approved and/or major vendors has low risk (but is has happened) of virus or spyware contamination. Software downloaded from freeware/shareware or other non-major vendor web sites has the highest risk of spyware or virus contamination, this software shall always be scanned before installation. Downloads from these type of sites are strictly forbidden, unless under the supervision of the ICT Office.

#### CELLULAR/SMART PHONE USE: IS PS018

The city provides a cellular phone and smart phones to the City Manager and Department Supervisors. Phones are also provided to staff within each department, as the Department Supervisor deems necessary. The City of Belen contracts with cellular phone providers that have been approved by the State of New Mexico General Services Division.

- Cell phones issued by the City of Belen are city property. Employees shall not have any expectation of privacy on any city-issued phone. Employees must comply with city requests to make their city-issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the city for any reason must turn in their city-issued cell phones.
- Requests for all services (including adds, moves, and changes) may be obtained through the ICT Office.
- The Department Head, City Manger, or Finance Manager, is responsible for monitoring the use of all cellular devices assigned to that department (i.e., cellular, long distance, base charges, etc.)
- Personal calls to or from a city owned cellular telephone should be kept to a minimum. Personal use that exceeds this standard will result in discipline, up to and including termination or lost of cell phone privileges. Employees are expected to reimburse the city for any excessive costs or charges relating to personal use of their cell phones.

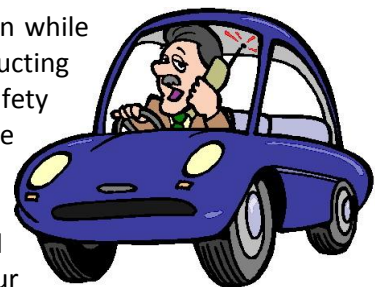
- All costs associated with cellular phone will be borne by the department using the equipment. Such costs include, but are not limited to, the following: equipment acquisition; service initiation; monthly fees for cellular service; per-minute cost of calls in excess of the calling plan allocation; maintenance and repair of equipment; and replacement of lost or stolen equipment.
- Cellular phones shall not be issued to contract employees, part-time, temporary personnel, or others not having a compelling use for the technology unless specifically requested by the department head.
- Security of these phones is the responsibility of the department or the ICT Office.
- From time to time, internal audits conducted by the Finance Office and/or the ICT Office may review individual usage and suggest cellular plans to assure that the most appropriate rate plan is in use and to screen for possible abuse. This information will then be forwarded to the user's department for administrative review.
- User departments will be responsible for coordinating repair and billing issues of cellular phones with the appropriate vendor. If issues are not resolvable to the department's satisfaction, contact the ICT Office for assistance and escalation procedures.
- Employees are responsible for the security of city-issued cell phones and the information stored on them. Always keep your cell phone with you when traveling; never leave it unattended in your car or hotel room. If your city-issued cell phone is lost or stolen, notify the ICT Office immediately. Never store confidential city information on a cell phone.

### ***Personal Cell Phones at Work***

- Although the City of Belen allows employees to bring their personal cell phones to work, employees are expected to keep personal conversations and texting to a minimum. While occasional, brief personal phone calls are acceptable, frequent, or lengthy personal calls and texting can affect productivity and disturb others. For this reason, we generally expect employees to make and receive personal phone calls during breaks only.
- Employees shall turn off the ringers on their cell phones while away from their cell phones. If you share workspace with others, you must turn off the ringer on your phone while at work.
- Employees shall turn off their cell phones or leave their phones elsewhere while in meetings, presentations, or trainings. Employees must also turn off their cell phones or leave their phones elsewhere while meeting with clients or serving customers.
- It is inappropriate to interrupt a face-to-face conversation with a coworker or client in order to take a personal phone call.
- Remember, others can hear your cell phone conversations. Try to talk quietly, and save intimate discussions for another time.
- Employees who violate this policy will be subject to discipline, up to and including termination.

### ***Do not USE a Cell Phone While Driving***

- Employees are prohibited from using cell phones for any reason while driving a city or personal vehicle while in the process of conducting city business. The city is concerned for your safety and for the safety of other drivers and pedestrians, and using a cell phone while driving can lead to accidents.
- If you receive a call while driving, pull over safely and stop the car. If you are unable to pull over safely, **do not** pickup the call instead allow the call to go to voicemail and listen to your voicemail when it is safe to do so.



## Using Your Cell Phone for Business

- The city's overtime rules apply to any type of work done after hours, including using a city-issued cell phone to make business calls. All overtime work -- including such work-related calls -- shall be approved in writing, in advance. Working overtime without permission violates city policy and may result in disciplinary action.
- Once it has been determined that a cell phone is necessary, an employee may opt to participate in the city's BYOD program. See ISCP PS025 *Bring Your own Device (BYOD)* later in this handbook.

### TELEPHONE: IS PS019



The city provides telephone service to all facilities. All voice communications are Voice over IP across the citywide network. This phone system offers a lot of functions and flexibility. One of the functionality that this system offers is integration with Microsoft Outlook Client for voice mail and fax services and integration with "Smart phones" such as the iPhone. Complete control over add changes and deletions of telephone hardware and user administration. The system also allows for integrated paging, hands free and desktop dialing, and telephone device administration.

Instruction for use of the telephone devices can be found in the \\wdsharespace\public\Shared Instructions & Manuals\Shortel. All instruction material is in PDF format.

- Access may be given to persons outside of the city on a case-by-case basis or under certain conditions when warranted. Disclosure of this information may not be given to the individual(s) involved.
- The use of electronic data and voice mail is provided for city staff for the purpose of conducting business on behalf of the City of Belen. The city staff should limit their use for these purposes.
- Usage of electronic data and voice mail should adhere to other city policies.
- The City of Belen will not guarantee the confidentiality or privacy of electronic data or voice mail messages. This should be kept in mind when using these services.
- Third party vendors are involved with both internet and voice mail data.
- All users of electronic data and voice mail should familiarize themselves with policies set forth by these vendors.
- In-coming and out-going calls for City Hall, Police, Fire, and Municipal Court are recorded.
- The city administration or ICT Office does not monitor electronic communications on a routine basis; however, it does reserve the right to do so if instructed by legal authorities or for the purpose of system integrity or policy violations.
- On voice mail systems, please record a professional outgoing message identifying name, title, department (if applicable) and any instructions.
- Messages left in voice mail systems must be addressed in a timely manner, those calls shall be returned within 24 hours of returning to work. The user shall delete old calls from the system upon completion.
- If an employee will be gone from his or her office for an extended period of time, (more than two work days) arrangements must be made for those calls to be forwarded or taken by another colleague within the department.

- Upon severing employment with the City of Belen, the employee must forward those messages to another colleague within the department. The user shall also relinquish passwords or pass codes to the ICT Office or his immediate supervisor so that call forwarding can be set.

### *Privacy and use of speaker*

- Except when duly notified, callers to the City of Belen have a right to expect some privacy during their phone conversation with staff. **It is unacceptable to place any call on speakerphone in an open office.**
- When it is necessary for a call to be placed on speaker, the caller must be notified of such activity.
- **Calls placed on speaker should only take place in private offices and not in open areas where there is public foot traffic.**
- Phone conversations shall not be shared amongst other staff or persons nearby.

### *FAX Services*

All Direct Dial extensions on the phone system are also the fax number where a user can receive or send a fax. When a fax is received by the system, it is automatically sent to the FAX server where the fax is processed and then sent to the user via email.

- Users shall use the FAX service whenever possible.
- FAX services are private to the extent that they appear only in the users e-mail account.
- Outgoing faxes are as easy as printing if the document is user created. Otherwise if the user is not the originator of the document then the document must be digitally scanned and then faxed.
- Outgoing faxes are created by using a proprietary print driver that a document or image is printed to. The driver then converts the document to a fax image which is sent via the Outlook client.

### *Technical Standards*

- The telephone devices use Power over Ethernet or (PoE).
- Telephone devices shall **not** be unplugged from the wall jack for any extended amount of time.
- The telephone device is powered by the network, and therefore shall be the first device or the only device plugged into the network jack. Other devices such as computers can subsequently be plugged into the back of the phone. **Always** contact the ICT Office when contemplating a move of your computer or telephone equipment.

## **INTERNET USE: IS PS021**

Our network and Internet access are for official city business. Employees may access the Internet for personal use only outside of work hours and only in accordance with the terms of this policy. An employee, who engages in excessive Internet use, even during nonworking hours, may be subject to discipline.

### *Prohibited use of the Internet*

Employees may not, at any time, access the Internet using city equipment for any of the following purposes:

- To view websites that offer pornography, gambling, or violent imagery, or are otherwise inappropriate in the workplace.
- To operate an outside business, online auction, or other sales site; solicit money for personal purposes; or to otherwise act for personal financial gain or profit.
- To download or copy software, games, text, photos, or any other works in violation of copyright, trademark, or other laws.

- To stream, run, or download any non-city-licensed software program without the express consent of the ICT Office.
- To stream, run, or download music, video, games, mini-desktop applications (widgets), or any form of multimedia, from the Internet.
- To read, open, or download any file from the Internet without first screening that file for viruses using the city's virus detection software.

If you believe that your job may require you to do something that would otherwise be forbidden by this policy, ask your manager how to proceed.

To assure that employees comply with this policy, we use Content Filtering on our Firewall that will block your access to many prohibited sites. However, some inappropriate websites may escape detection by the Firewall: The fact that you can access a particular site does not necessarily mean that site is appropriate for workplace viewing.

### ***No Personal Posts Using City Equipment***

- Employees shall not use city equipment to transmit or post personal opinions on blogs or contributing to an online forum. See ISPS 026, *Social Media* later in this handbook.

### ***Internet Use Is Not Private***

- We reserve the right to monitor employee use of the Internet at any time. You should not expect that your use of the Internet -- including but not limited to the sites you visit, the amount of time you spend online, and the communications you have -- will be private.

### ***Don't Use Personal Email Accounts for Work***

- Employees shall not use their own personal email accounts to transact city business. This includes storing work-related documents and email messages in your personal email account, sending work to your personal email account, engaging in work-related communications (with customers, clients, or coworkers, for example) using your personal email account, or "bouncing" messages from your city email to your personal email when you are out of the office.
- Although employees may find these practices convenient, they can create significant security problems, expose confidential city information, and compromise the city's record-keeping obligations. If you work offsite (for example, at home or on business travel), please contact the ICT Office to find out how to safely transmit and protect city information. See also IS PS025, *Bring Your Own Device* later in this handbook.



### ***No Access to Personal Email***

- Accessing your personal email account from work creates security risks for the city's computer system and network. Therefore, employees may not use city equipment to access their personal email accounts.

- The city's Firewall blocks access to many Web-based email sites. The fact that you can access a Web-based email site does not mean that you are free to check personal email using the city's equipment, however.

## CITY EMAIL SERVICES: IS PS022

The email system is intended for official city business. If you send personal messages through the city's email system, you must exercise discretion as to the number and type of messages you send. City employees must also ensure that your personal use of the email system does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to disciplinary action.

### *Email Is Not Private*

Email messages, including attachments, sent and received on city equipment are the property of the city. We reserve the right to access, monitor, read, and/or copy email messages at any time, for any reason. City employees shall not expect privacy for any email you send using city equipment, including messages that you consider to be personal, or label with a designation such as "Personal" or "Private."

City employees shall not assume that any message contents or data are automatically subject to public inspection under the state ***Inspection of Public Records Act***. There are numerous exclusions to this law, and such message contents or data may not be forwarded, uploaded, or otherwise transmitted to non-city entities without appropriate approvals.

### *All Conduct Rules Apply to Email*

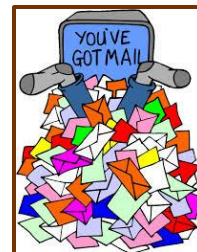
All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to reveal city secrets or confidential information.

### *Check Email Regularly*

City employees shall regularly check their city email accounts **NO** less than **four times a day**. A lot of important information from administration is disseminated through email communications regularly.

### *Automatic Forwarding*

Sensitive information requires special precautions when emailing, especially outside the city network and must not be automatically forwarded.



### *Complaints and Resource Management*

Complaints regarding misuse or misconduct will be investigated. **NOTE:** The intent of the communication along with the perspective of the recipient is considered during investigations. Electronic mail use is monitored for resource consumption, troubleshooting, and storage management.

### *It is all About the "Branding"*

City employees shall only use "city branded e-mail accounts" (belen-nm.gov domain) to send and receive e-mail messages in the conduct of official city business. Users shall not automatically forward e-mail messages received at his city account to non-city email account without first discussing it with the ICT Office.

### *No Solicitation by Email*

City employees shall **NOT** use the email system (belen-nm.gov domain) to solicit others to patronize an outside business or to support an outside organization, a political candidate or cause, or a religious cause.

## *Professional Tone and Content*

City employees are expected to exercise discretion in using “city branded email accounts”. When you send email using the city's domain, you are representing the “City of Belen”. Make certain that your messages are professional and appropriate in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, or forwarded to unintended recipients. You should not send any email that you would not want your boss, or your mother to read.

## *Guidelines for Email Writing*

An instructional video is available on the public share: \\Wdsharespace\public\Shared Instructions & Manuals\Email in the Workplace\89-223673 - Email in the Workplace.wmv

1. Always spell-check or proofread your email messages. Email is official city correspondence. Spelling errors in email are all too common, and they look sloppy and unprofessional.
2. Use lowercase and capital letters in the same way that you would in a letter. Using all capital letters is the email equivalent of shouting at someone -- and it can be hard on the eyes. Failing to use capital letters at all (to begin a sentence or formal noun) can confuse readers and seem overly cute. Unless you are writing poetry, use standard capitalization.
3. Remember your audience. Although email encourages informal communication, that might not be the most appropriate style to use if you are addressing the CEO of an important customer. Remember that your email may be forwarded to unintended recipients, some of whom may not appreciate joking comments or informalities.
4. Do not use email for confidential matters. Again, remember the unintended recipient. Your email might be forwarded to someone you did not anticipate or might be sitting at a printer for all to see. If you need to have a confidential discussion, do it in person or over the phone.
5. Send messages **sparingly**. There is rarely a need to copy everyone in the city on an email. Carefully consider who really needs to see the message, and address it accordingly.
6. Always think before you send. Resist the urge to respond in anger, to "flame" your recipient, or to get emotional. Although email gives you the opportunity to respond immediately, you do not have to take it.
7. **DO NOT LEAVE THE SUBJECT LINE BLANK.** Always include a brief description, so readers will know what your email is about at a glance. This makes it easier for all of us to manage our email -- and makes it more likely that you will receive a response to your message.
8. Do not overuse the "urgent" tag. Mark a message as urgent only if it is truly important and must be answered right away.
9. If you start a NEW topic, start a NEW Email. Never start a new topic within an existing email string. It is very easy to loose a conversation this way. Example; **User A** asks a question about apples, but then **User B** responds to **User A's** question with a new question about oranges. What happened to the apples?
10. **TURN OFF** the fancy artwork (stationery settings). With today's use of Smart phones, the artwork is never seen. Many email clients may not even receive the email, because of the embedded artwork.

**NOTE:** When a user is out of the office and has no way of checking their city email accounts while away, use the **Out of Office Assistant** to set an automatic response to those sending you emails. It is important that users know that you are gone, how long you are gone for, and if there is anyone else that can help them.

## Email Security



To avoid email viruses and other threats, do not open email attachments **from people or businesses that you do not recognize**, particularly if the email appears to have been forwarded multiple times or has a nonexistent or peculiar subject heading. Even if you know the sender, do not open an email attachment that has a strange name or is not referenced in the body of the email -- it may have been transmitted automatically, without the sender's knowledge.

If you believe your computer has been infected by a virus, worm, or other security threat to the city's system, you must inform the ICT Office immediately.

Employees shall not share their email passwords with anyone, including coworkers or family members. Revealing passwords to the city's email system could allow an outsider to access the city's network.

## Retaining and Deleting Email Messages

Because email messages are electronic records, certain messages must be retained for compliance purposes. Please refer to our record -- keeping policy for guidance on which records must be kept, and for how long. If you have any questions about whether and how to retain a particular email message, please ask your manager.

Because of the large volume of emails our city sends and receives each day, we discourage employees from storing large numbers of email messages that are not subject to the retention rules explained above. Please make a regular practice of deleting email messages once you have read and/or responded to them. If you need to save a particular message, you may print out a paper copy, archive the email, or save it on your hard drive or disk by creating a PST or OST files or letting Outlook Archive your messages. The Exchange Server will purge email messages that have not been archived after 90 days or as per the records retention policy.

The city may have occasion to suspend our usual rules about deleting email messages (for example, if the city is involved in a lawsuit requiring it to preserve evidence). If this happens, employees will be notified of the procedures to follow to save email messages. Failing to comply with such a notice could subject the city to serious legal consequences, and will result in discipline, up to and including termination.

**NOTE:** Administratively, ICT is blocking the Yahoo.com and the Gmail.com domains, due to a spam attack several years ago. Users within the City of Belen may send email to accounts within these domains, but city email accounts will not be able to receive emails from these domains.

If there is a specific Yahoo or Gmail account that you must receive email from, forward that email address to the ICT Office so that it can be "white-listed" or placed on an approved email recipient list.

## ACQUISITION OF TECHNOLOGY: IS PS023

When any department is contemplating purchasing technology of any kind, this information shall be shared with the ICT Office. The ICT staff will determine if said technology is compatible with existing technology or if it even needs to integrate with network services.

The ICT Office will determine the best way to accommodate the needs for the new technology and make recommendations on how to best execute the installation of equipment.

## VIDEO SURVEILLANCE: IS PS024

The City of Belen has an extensive network of video surveillance cameras at several facilities around the city. This system is set to record events for the safety of the employees and citizens of the City of Belen.

In recent years, technological advances and social changes have ushered in new and more pervasive forms of public video surveillance with the potential to upset the existing balance between law enforcement needs and constitutional rights and values. Modern public video surveillance systems consist of networks of linked cameras spread over vast portions of public space. These cameras can be equipped with technologies like high resolution and magnification, motion detection, infrared vision, and biometric identification—all linked to a powerful network capable of automated tracking, archiving, and identifying suspect behavior.

It is understandable that authorities would want to use any available means to prevent or deter any serious threats to public safety. But the value of modern video surveillance must be balanced with the need to protect our core constitutional rights and values, including privacy and anonymity, free speech and association, government accountability, and equal protection.

There is no expectation of privacy in public areas or events where video is being recorded. However, administration, ICT staff, and law enforcement agencies, in the investigation of criminal activity, may review the subject video.

The guidelines within the policy sets boundaries by which administrative staff and law enforcement can view live or recorded video and how it is to be used.

## BRING YOUR OWN DEVICE (BYOD): IS PS025

While the City of Belen provides laptops, mobile and smart phones to employees, at times it may not be feasible to provide these types of devices to all employees. In many instances, it may be preferable or even proper for an employee to use their own equipment. Thus, this policy is referred to as the **Bring Your Own Device** to work or BYOD.



The City of Belen will respect the privacy of your personal device as much as possible. However, IT Technicians may need to access the device to implement security controls, as outlined below, or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings (applicable only if user downloads government email/attachments/documents to their personal device). If there are questions related to compliance with the below security requirements, the user may opt to drop out of the BYOD program versus providing the device to technicians for compliance verification.

- Users shall not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case, proprietary information, or agency financial operations. This excludes city e-mail that is protected through the various security controls listed below;
- Users shall password protect the device;
- Users shall maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. The user shall not “Jail Break” the device (installing software that allows the user to bypass standard built-in security features and controls);

- Users shall not share their device with other individuals or family members, due to the business use of the device (potential access to city e-mail, etc); Users shall delete any sensitive business files that may inadvertently be downloaded and stored on the device. The Information & Communications Technology (ICT) Office will provide instructions for identifying and removing these unintended file downloads. Follow the premise, “When in Doubt, Delete it Out.”
- If the device is lost or stolen, the user shall notify the ICT Office within one hour, or as soon as practical after noticing the device missing. The ICT Office will lock the device and e-mail on the device deleted, please note this may also delete your personal email as well;
- Users must comply with all ISPS password policies, including use of strong passwords, where practicable, password expiration (90-days), and password history (3) See ISPS008, *Passwords*.
- The City of Belen reserves the right to terminate city-provided services for non-use.
- Users shall not connect their personal Smartphone to their work PCs, however storage devices are allowed provided users allow the storage device to be scanned by antivirus software.
- City of Belen shall not be responsible for the lost or damage to any personal devices.
- City of Belen may pay up to \$40.00/mo towards the cost for the use of Voice/Data services. This is subject to “proof of need” and department manager approval.



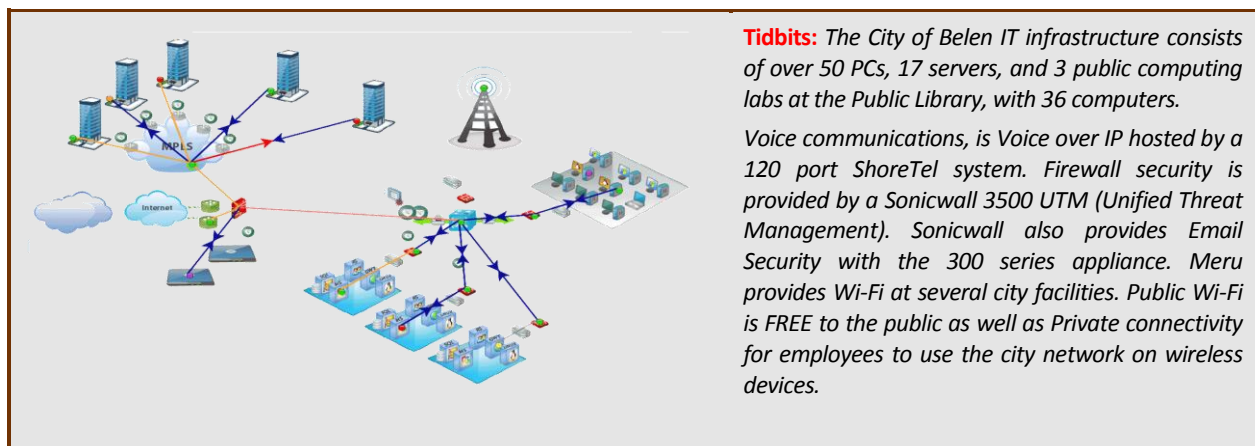
### ***If I want reimbursement, how is that calculated?***

The employee and the department manager must agree that there is a mutual benefit for the city and the employee to use his own personal device for work. The department’s budget must support the monthly cost for the computing device or Smartphone.

If the employee and the department manager agree that, the employee is entitled to reimbursement, for the use of a Smartphone, the department manager will use the average dollar amount from the total of at least three months of the employee’s wireless bills. The amount paid to an employee for use of their personal computing device shall not exceed \$40.00/mo.

A computing device or Smartphone maybe used simply as a convenience where the user may not require or want reimbursement. This must be noted on the BYOD agreement with the dollar amount as \$0.00.

The employee and the department manager must execute the BYOD agreement form so that it is kept as part of the employees file. An IT Request must be submitted to the ICT Department so that the device can be provisioned on the network. The employee must then take his computing device to the ICT Office to make sure that the device has the proper virus protection, and the necessary tools to work with the city’s network.



Social media provides a new and potentially valuable means of assisting the city and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel.

The city also recognizes the role that these tools play in the personal lives of some employees. The personal use of social media can have an effect on city employees in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by city employees.



### I. ON-THE-JOB USE

#### A. City-Sanctioned Presence

1. Determine strategy where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
  - a. Where possible, the page(s) should link to the city's official website, with approval of the IT Director.
  - b. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
2. Procedures
  - a. All city social media sites or pages shall be approved by the IT Director and shall be administered by his or her designee or as otherwise determined.
  - b. Where possible, social media pages shall clearly indicate they are maintained by the city and shall have city contact information prominently displayed.
  - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. See *"Information Security Policies and Standards."*
    - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
  - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Belen.
    - (1) Pages shall clearly indicate that posted comments will be monitored and that the city reserves the right to remove obscenities, off-topic comments, and personal attacks.
    - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. City-Sanctioned Use

a. City personnel representing the city via social media outlets shall do the following:

- (1) Conduct themselves at all times as representatives of the city and, accordingly, shall adhere to all city standards of conduct and observe conventionally accepted protocols and proper decorum.
- (2) Identify themselves as employees of the city. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to any city training, activities, or work-related assignments without express written permission of the Public Information Officer (PIO) from within the department or the city's PIO.
- (3) Not conduct political activities or private business.



- b. The use of city computers by city personnel to access personal social media is prohibited without prior authorization.
- c. City personnel use of personally owned devices to manage the city's social media activities or in the course of official duties is prohibited without prior authorization.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## II. PERSONAL USE

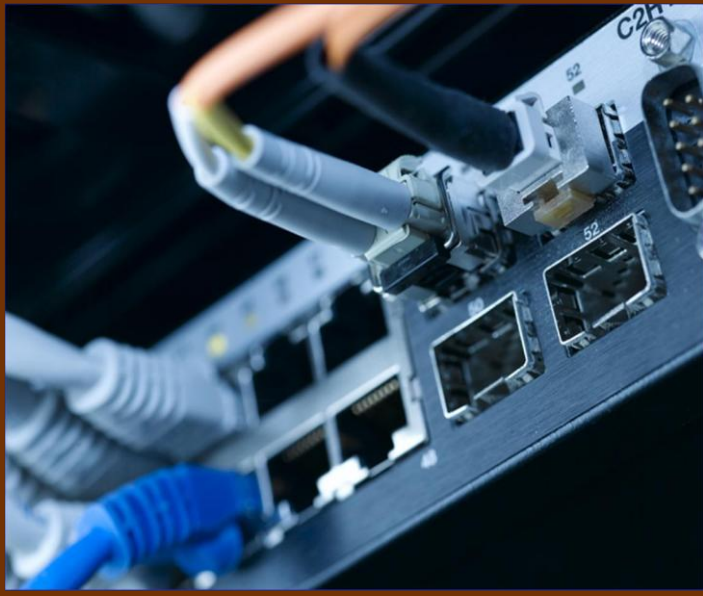
### A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, city personnel shall abide by the following when using social media in the personal environment.

1. City personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the city for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City of Belen.
2. As public employees, city personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the city. City personnel should assume that their speech and related activity on social media sites would reflect upon their position and the city.
3. City personnel shall not post, transmit, or otherwise disseminate any information to which they have access to because of their employment without written permission from the City Manager or his or her designee.
4. For safety and security reasons, city personnel are cautioned not to disclose their employment with the city, nor shall they post information pertaining to any other member of the city without their permission. As such, city personnel are cautioned not to do the following:
  - a. Display city logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer, fire fighter, court official

or any other employee of the city. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

5. When using social media, city personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the city's code of conduct is required in the personal use of social media. In particular, city personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - b. Speech involving themselves or other city personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. City personnel thus sanctioned are subject to discipline up to and including termination.
7. City personnel may not divulge information gained due to their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could
8. Reasonably be considered to represent the views or positions of this city without express authorization.
9. City personnel should be aware that they may be subject to civil litigation for;
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
10. City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
11. City personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the city at any time without prior notice.
12. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.



**Tidbits:** *The Citywide Network consists of the main core (96 ports copper) and (24 ports fiber) switch which routes data, voice and video to 11 offsite switches via fiber optics from City Hall on Main St. to the Library on 4<sup>th</sup> St. and wireless back-haul to the Waste Water Plant, Street Department, Water Shop, Eagle Park and Harvey House. A T-1 connection connects City Hall to the Municipal Airport.*

*The Citywide Network cost just over \$350,000 to install in 2009. The ICT Department consists of two full-time staff, the IT Director and the IT Specialist.*

*Three separate Internet services provide connectivity to the outside world for public and private use.*

*FREE Wi-Fi hotspots exist at City Hall, Police, Fire Station 1, Municipal Court, Library, Eagle Park, and Harvey House.*

This document, is prepared by the *Office of Information & Communications Technology* under the direction of Lawrence Kaneshiro, ICT Director. This overview handbook is a summary of the complete ISPS adopted by resolutions 2010-19, August 16, 2010, and 2013-17, August 19, 2013. The complete policy can be downloaded at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

The following three pages are re-printed from the State of New Mexico, electronic retention policy.

## **Frequently Asked Questions**

### ***About E-Mail Retention***

#### **Can I Print Messages, then Delete Them?**

Yes, provided you print the following information with the message: name of sender, name of recipient, date and time of transmission and/or receipt. You then retain the printed message according to the appropriate records retention schedule, file them according to agency policy.

#### **What about draft documents that undergo several revisions?**

Draft documents or working papers that are circulated via e-mail, that propose or evaluate high-level policies or decisions and provide unique information that contributes to the understanding of major decisions of the agency should be retained for reference and destroyed when no longer needed.

Other drafts circulated for comment, which demonstrate significant revisions in the view of the author may be destroyed at will by the author.

#### **What do I do with attachments I receive with e-mail?**

File them with the e-mail message either electronically on your PC or network or if you are maintaining files in paper, print and file with the e-mail message and apply the appropriate retention schedule.

#### **What about multiple copies of the same document?**

If another agency has responsibility for keeping a record copy, and if you have no business need to retain it, the document is simply a duplicate copy and subject to deletion/destruction at will. So, minutes of meetings you attend may be destroyed at will. The secretary or other responsible person in the organization, committee or task force must retain the minutes permanently.

#### **Where can I get help to manage my e-mail?**

The State Records Center and Archives, Records Management Division offers general training as part of its ongoing records management training.

#### **What is a record copy?**

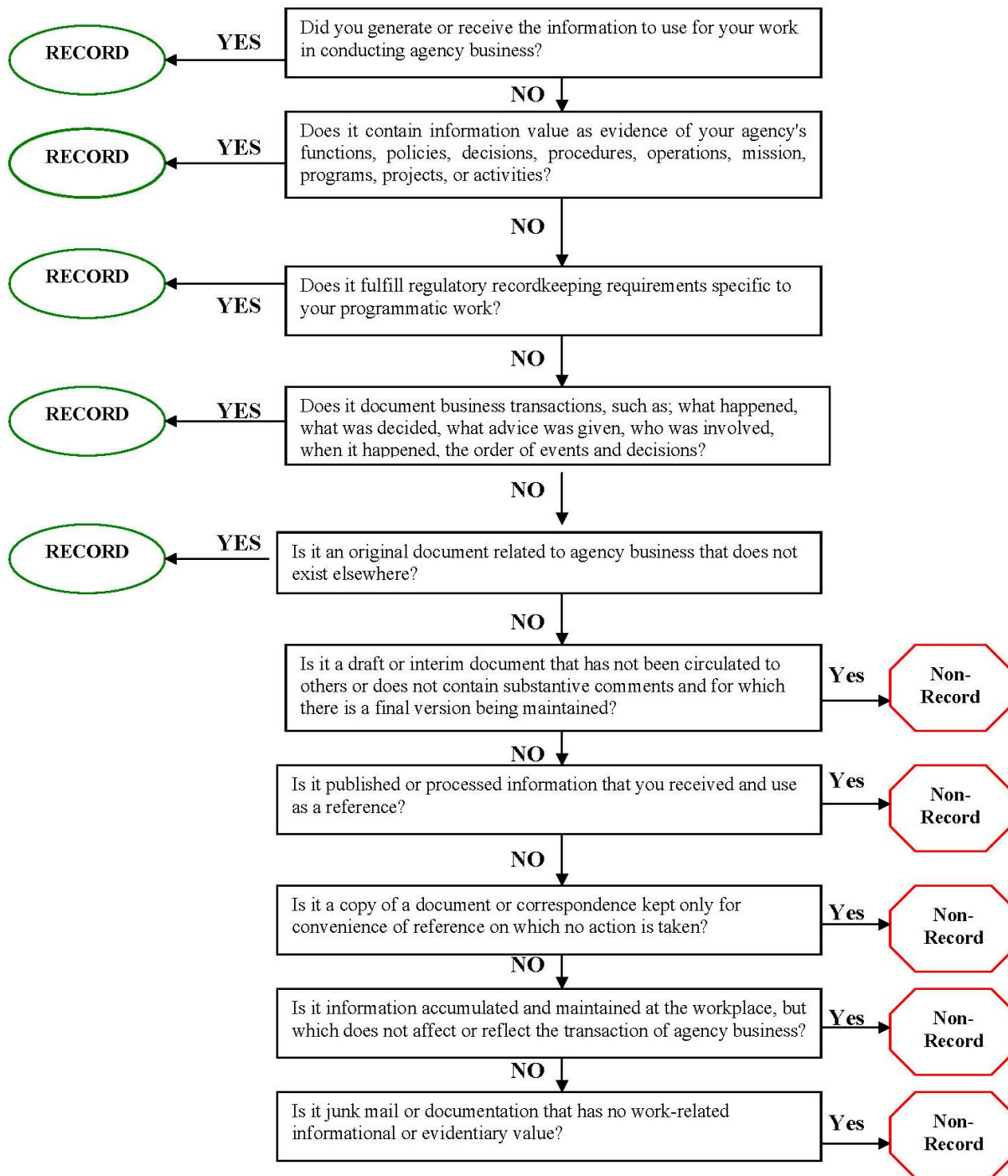
A **Record Copy** is a single copy of a record retained by its custodian as the official record of a government transaction and in accordance with the appropriate records schedule. All other copies are duplicate copies, held for convenience, and may be destroyed.

#### **Do I need to keep every email message?**

No. Just as a large percentage of paper documents are created purely for administrative convenience, a large percentage of email messages may be transitory.

***If you would like more information on your records, please contact your agency's records liaison officer.***

## Is It A Record?



## **TIPS FOR USING AND MANAGING E-MAIL**

### **Reducing E-Mail Box Account Size**

- **Keep It Clean:** Make retention decisions right away. The longer you wait to clean out messages, the harder it will be to remember which messages are important.
- **Message Strings:** Retain only the last message in the conversation, if it includes the content of all previous messages.
- **Calendars:** Retain appointments for 2 years.
- **Trash:** Empty trash bin daily, including deleted messages in the *Recover Bin*.

### **E-mail Retention Checklist**

Ask yourself the following questions:

- Do I need to keep this message to document my work? Is it evidence?
- Is the message string completed, or could additional messages follow that I will want to retain?
- Are the other records about this topic/issue/case kept in hardcopy file or an electronic file?
- Is this a message that my co-workers are receiving too? Am I responsible for retention or is someone else responsible?
- Should this message be stored in a shared file? Do my co-workers need to access it?

### **E-mail Etiquette**

- Regardless of the intended reader, write your message as though your boss were reading.
- If confidentiality is an issue, don't use unsecured e-mail.
- Don't use e-mail to let off steam.
- Don't use the state e-mail system to respond to spam.
- Send e-mail messages only to the readers with a legitimate need for your information.
- Do not reply to a message unless you have something to contribute.
- Ask permission to forward material. Forwarding copyright-protected material or confidential information without permission could get you in trouble.
- Request a receipt notification only when necessary.
- Subject lines should include descriptive information that tell the reader what your e-mail message is about.

## NOTES

# Information Security Policies and Standards

T H E O V E R V I E W

## USER'S HANDBOOK 2013



City of Belen

[www.belen-nm.gov](http://www.belen-nm.gov)



# City of Belen

## Information Security Policies and Standards

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Consistent City Information Security Policies and Standards (ISPS) provide a common approach to compliance, regulatory and operational requirements and support the City of Belen in its missions.

### Policies and Standards Contents

#### 1. A common foundation

#### 2. Policies and Standards

- A common foundation
- What is a policy?
- Overview

#### 3. Related Information Security Office Services

- Consulting, education, training and awareness programs

#### 4. Information Security Glossary

- Definitions and glossary of terms used in this policy. Policies and Standards specifically addressed in the Overview are labeled.

#### 5. Policy and Standards

IS PS001 Information Security Responsibility	
IS PS002 Business Continuity and Disaster Recovery	
IS PS003 Intellectual Property	(Overview)
IS PS004 Policy Exception Management Process	
IS PS005 Sanction Policy	(Overview)
IS PS006 Security Incidents	(Overview)
IS PS007 User Accounts and Acceptable Use	(Overview)
IS PS008 Passwords	(Overview)
IS PS009 Data Facility Security	
IS PS010 Network Service	(Overview)
IS PS011 Web Site Guidelines	(Overview)
IS PS012 Workstation and Computing Devices	(Overview)
IS PS013 Server Computing Devices	
IS PS014 Protection from Malicious Software	(Overview)
IS PS015 Backup of Data	
IS PS016 Inventory and Tracking of Computing Devices	
IS PS017 Enterprise Firewalls	
IS PS018 Cellular/Smart Phone Use	(Overview)
IS PS019 Telephone	(Overview)
IS PS020 New and Remodeled Infrastructure Review	
IS PS021 Internet Use	(Overview)
IS PS022 City Email Services	(Overview)
IS PS023 Acquisition of Technology	(Overview)
IS PS024 Video Surveillance	(Overview)
IS PS025 Bring Your Own Device (BYOD)	(Overview)
IS PS026 Social Media	(Overview)

## Policies and Standards A Common Foundation

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The City of Belen's Information Security Policies and Standards were developed as a *common foundation* for information security outlook, approach, and practice. Primary consideration was given to the following objectives:

1. Help the city to focus on its core missions of serving the citizens of Belen lowering the risk of security incidents which could distract from these missions.
2. Define a compliance posture relative to information security statutes, regulations, contracts and good practice without duplication of effort. (One set of policies and standards designed to address all information security compliance objectives instead of one for HIPAA, one for PERA, etc.)
3. An approach that is, where possible, technology neutral that allows for some variation given legitimate requirements so long as the risk is explicitly defined and accepted by a level of directly responsible management appropriate to the risk being assumed.
4. An approach that accounts for the dynamic environment we are in today, an environment of changing statutory and regulatory expectations and changing technology where awareness is an integral part of everyone's job

### What is a Policy

The definitions of what is a policy, what is a standard, and what is a procedure also had to be understood. Without this understanding of related but distinct terms, policies tend to become too detailed and take on the characteristics of standards or procedures.

For the purposes of the City's Information Security Policies and Standards (as well as related procedures), the following definitions are used:

- **Policy** - High level requirement statement or paragraph about a type of technology or behavior in the IT environment.
- **Standard** - A required approach for conducting an activity or using technology and/or descriptive requirements for a behavior based policy.
- **Procedures** - Clear steps to follow to accomplish specific tasks or behave in certain ways. Procedures should support organization, contractual, regulatory and/or statutory obligations and requirements.
- **Policy Review** – The frequency at which a policy is reviewed and determination is made whether to make changes to the policy.
- **Compliance** – Any policy is only as good if it's enforced. There are sanctions listed for each of the policies.
- **Revision History** – Each section of this policy stands on its own. When a particular policy needs revising, only the effected policy needs to be changed and not the entire policy. The revision table indicates the version of the policy and the revision date and type.

# Overview

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The policies and standards were divided into a framework of six basic areas:

**1. General**

Basic responsibilities, business continuity and disaster recovery, intellectual property, acquisition of technology, exceptions, sanctions and incidents.

**2. Accounts and Usage**

User accounts, acceptable use and passwords.

**3. Network Services**

Network service, web sites, Internet use, email services, and social media.

**4. Computing Devices**

Workstations, servers and other computing devices, protection from malicious software, backup and retention of data as well as inventory, tracking, redeployment and discarding of computing devices or media.

**5. Data Centers and Facilities**

Data facility security and video surveillance.

**6. Telephone Service and Smartphone's**

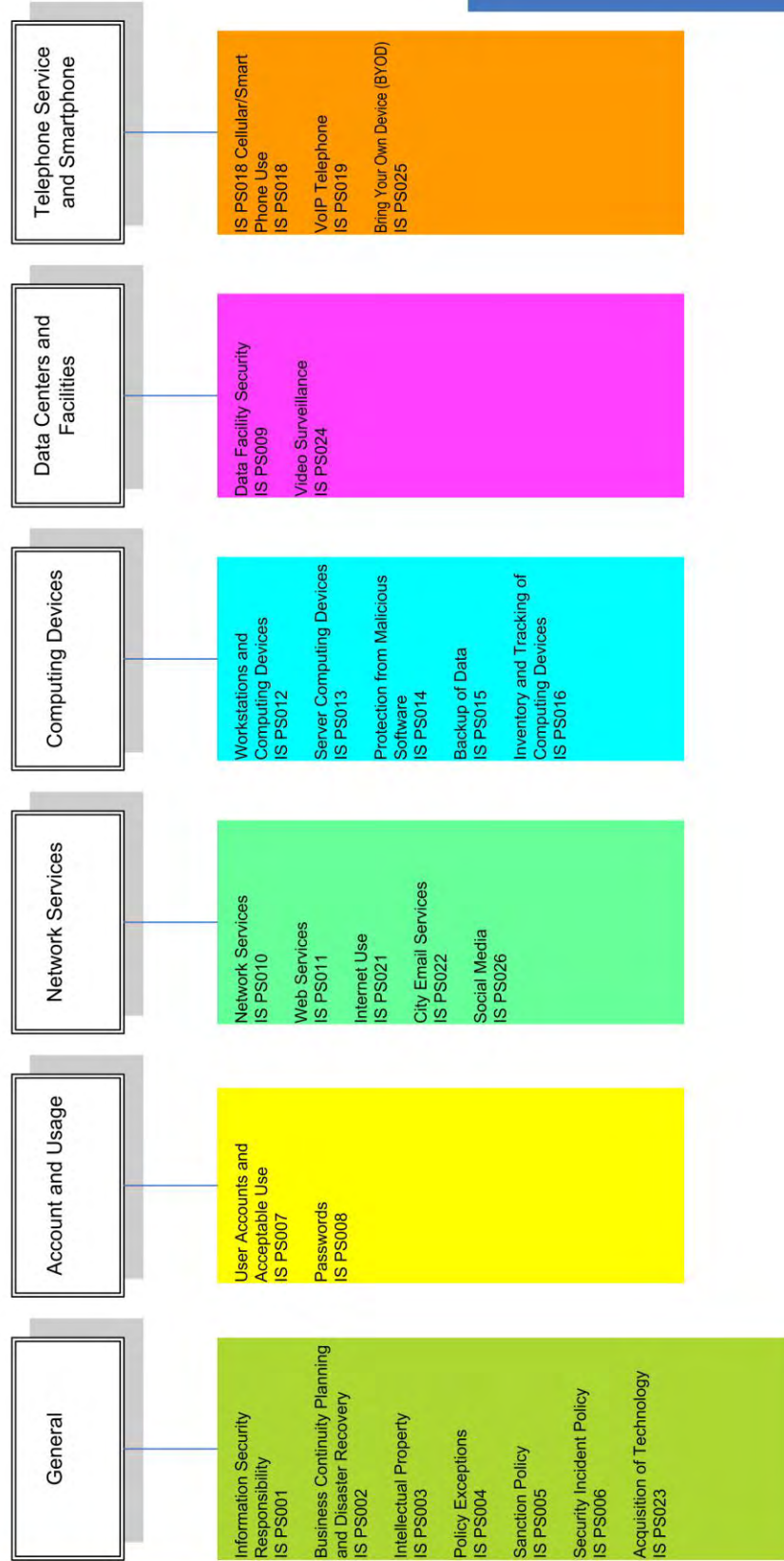
Voice or IP network phones, Smartphone integration, and Bring Your Own Device (BYOD).

The chart on the next page illustrates the framework at both the policy and the standards levels. To better understand this handbook, each ISPS section heading is color coded to correspond to one of the six areas in the framework.



# City of Belen Information Security and Technology Policy

Monday, August 19, 2013



## **Policies and Standards**

### **Consulting, education, training, and awareness programs**

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Consulting, education, training, and awareness programs are important and required parts of any compliance program. The ISPS will be developing programs in these areas outlined as follows:

#### **Educate and Encourage Use**

- Training
- Awareness
- Consulting

#### **Improve Compliance using**

- Consulting
- Auditing and Monitoring
- Assessment,
- Adjustment
- Enforcement

#### **Maintain Policy Relevance using**

- Self Assessment/audit
- Feedback
- Adjustment

On initial implementation of these policies, two distinct documents will be presented to the employees of the City of Belen. The first document will be an Overview Summary of the ISPS and the second document is the Comprehensive ISPS, which both may be found online at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

# Information Security Glossary

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## **Administrators**

Individuals with administrative responsibility for City Wide Computer and Network Services.

## **Assess alternate continuity/recovery strategies. Select continuity/recovery strategy.**

1. Develop continuity/recovery strategy plans.
2. Disaster Recovery Plans as part of a broader Business Continuity Plan should include:
  - 2.1. Classification of critical systems and records.
  - 2.2. Mitigation strategies and safeguards to avoid disasters.
  - 2.3. Necessary electronic files back-up and off site storage strategy (see IS PS015 Back-up of Data).
3. Define organizational responsibilities for implementing plans and implement.
4. Off-site storage for the planning documents. Training and testing of plans.
5. Annual review and revision of the plans.
6. Coordination with central IT disaster recovery strategy, if applicable.

## **Business Continuity Plan (BCP) Typically includes:**

1. Perform Gap Analysis
2. Conduct Risk Assessment
3. Perform Business Impact Analysis
4. Determine Continuity/Recovery Strategy
5. Implement Continuity/Recovery Strategy
6. Establish BCP and Disaster Recovery Maintenance and Awareness Program

## **BCP and Disaster Recovery Maintenance and Awareness Program Typically includes:**

1. Conduct education and awareness training with personnel.
2. Perform periodic BCP plan walkthrough and testing.

## **Business Impact Analysis**

In business continuity planning, a risk assessment will typically include:

1. Identification of critical business processes at departmental/unit level.
2. Quantification of impact of an event.
3. Identification of points of failure and process interdependencies.
4. Development of recovery time objective (RTO) and recovery point objective (RPO). See definitions of these terms in this document.
5. Prioritization of processes for recovery.

## **BYOD: Bring Your Own Device to work**

A policy whereby city employees can use their own personal computing devices for work. The policy provides some control over the device to assure that city information is safe and secured. The employee is paid a monthly stipend for use of the employees data and voice network.

## **Computing Devices**

Includes but is not limited to workstations, desktop computers, notebook computers, tablet computers, network enabled printers, scanners and multi-function devices, PDAs, email/messaging devices and cell phones, all hereafter referred to as "computing devices".

## **Computing Operation Centers**

Specially designated areas or secured rooms that house Server Computing Devices or network infrastructure.

### **Continuity/Recovery Strategy**

In disaster recovery or business continuity planning, a continuity and recovery strategy will typically include these steps.

### **Electronic Media**

Includes all electronic data storage devices funded as under Computing Devices above or other electronic data storage devices used to store City of Belen related data. Media includes but is not limited to removable and non-removable storage such as hard drives, CDs, DVDs, magnetic tape, removable disks (floppy, zip, cartridge systems, etc.) and flash memory devices.

### **Gap Analysis**

A process where the current state vs. the desired state for a process, system or organization is prepared. The differences between the current state and the desired state are called gaps. These gaps then become the basis for prioritization, planning and basis for action to move to the desired state.

### **Information Communications Technology**

In regard to the City of Belen the Information Communications Technology (ICT) Office or Department comprised of IT professionals. It is the responsibility of the ICT Office to maintain and enforce the ISP. Also referred to in the ISPS Document as the *IT Office*.

### **Least Required Access**

Only the access needed to perform required functions is assigned to an account. For example, an Oracle database administrator's (DBA) operating system account on the Oracle host system would not allow the DBA to configure or affect underlying operating system functions except as required within the DBA role.

### **OAW**

Outlook AnyWhere, webmail access to the Exchange Server from any computer in the world over the Internet. This is a secured way for a user to access their email, contacts, and calendar events when a VPN, mobile device or otherwise secured device is not readily accessible to access one's city email account.

### **Providers**

Individuals who design, manage, and operate campus electronic information resources, e.g. project programmers, or system administrators.

### **Recovery Point Objective (RPO)**

Describes the point in time to which data must be restored in order to successfully resume processing. This is often thought of as time between last backup and when outage occurred and indicates the amount of data lost.

**Note:** The Recovery Point Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

### **Recovery Time Objective (RTO)**

Determined based on the acceptable down time in case of a disruption of operations. It indicates the latest point in time at which the business operations must resume after disaster.

- RTO must be considered in conjunction with Recovery Point Objective (RPO) to get a total picture of the total time that a business may lose due to a disaster. The two of them together are very important requirements when designing a disaster recovery solution.
- $RTO = \text{Time of Crash to Time the system is operational} (T_{up} - T_{crash})$
- $RPO = \text{Time since the last backup of complete transactions representing data that must be re-acquired / (entered). } (T_{crash} - T_{backup})$
- $\text{Lost business Time} = (T_{up} - T_{crash} - T_{backup})$

**Note:** The Recovery Time Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

**Risk Assessment**

In disaster recovery or business continuity planning, a risk assessment will typically include:

1. Identification and classification of primary risks and exposures including external and environmental risks as well as inherent business risks;
2. Probability of occurrence;
3. Cost of occurrence;
4. Senior management risk tolerance and level of acceptance of identified risks vs. cost of various mitigation plans.

**SCADA (Supervisory Control and Data Acquisition System)**

SCADA refers to an industrial control system: a computer system monitoring and controlling a process. The process can be industrial, infrastructure or facility-based.

**Sensitive Information**

Sensitive information is information of a confidential or proprietary nature as well as other information that would not be routinely published for unrestricted public access or where disclosure is prohibited by laws, regulations, contractual agreements or city policy. Sensitive information includes but is not limited to information such as medical and health records, and other employee information, credit card, bank account and other financial information, social security numbers, personal addresses, phone numbers, etc.

**Note:** Sensitive information does not include personal information of a particular individual, which that individual elects to reveal (such as via opt-in or opt-out mechanisms).

**Server Computing Devices**

For the purposes of this policy, server computing devices are those whose primary purpose is to store, contain or transmit information from within the City network (or hosted outside the City network if used to host utility or citation related information and funded by the City of Belen) to users within or outside of the city network. Computing devices that are not servers, for the purposes of this policy, are covered under the IS PS011 Workstation and Computing Devices policy.

**Social Media**

Social Media refers to any self-published Internet Blog such as; Facebook, Twitter, MySpace, Instagram, Youtube, Flickr, Wikis, Digg, Reddit, etc. where users can post comments and or photos. The City of Belen ICT Department, sanctions Facebook, Twitter and Youtube for posting city events and public information.

**Spoofing**

The use of software or other techniques to appear on the network as something other than reality (masquerading as something you are not). **Example:** The hacker tricked the system into allowing him onto the trusted network by spoofing the identity of a trusted server

**Staff**

The staff consists of all employees of the City of Belen whether permanent, temporary, or seasonal. All rules and regulations within this document shall apply to staff while in the conduct of business for the City of Belen.

**User**

Includes public computer users, staff, administrators, and other employees of the City of Belen and its affiliated entities and any other individual having a computer account, email address or utilizing the computer, network or other information technology services of the City of Belen.

**Valuable Information**

Information that has significant value to the city's mission and/or result in possible harm to the city, its staff, and clients if lost. This information may or may not be sensitive information (see definition above).

**Video Surveillance**

The monitoring of the behavior or other activities, of people or facilities for the purpose of managing, directing, or protecting from a distance by means of electronic equipment such as CCTV cameras. Surveillance, in this case, is the observation of individuals or groups by a government organization.

# Information Security Standards and Equipment Policy

## Acknowledgment

I have read the City's Information Security Standards Policy, and I agree to abide by their terms. I understand that any communications I send or receive using the City's network, including but not limited to email, instant messages, and text messages, are not private, and that the City may access, monitor, read, and/or copy those messages at any time, for any reason. I also understand that the City of Belen reserves the right to monitor my use of the Internet, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE CITY EQUIPMENT

I understand that any electronic equipment issued to me by the City of Belen, including but not limited to *Computers, Cell phones, Laptops and Smartphone*, belong to the City of Belen, and that I must return such equipment upon request. I also understand that the City reserves the right to monitor my use of this equipment, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE BRING YOUR OWN DEVICE (BYOD)

I understand that I may use my personal computing device, which includes but not limited to *Computers, Cell Phone, Laptop, Tablet, and Smart Phone*. Furthermore, I understand that I am eligible for compensation of up to \$40.00/mo for the use of my device. By my mark, I hereby: ☐ decline the monthly stipend; ☐ I request the monthly stipend of \_\_\_\_\_ as negotiated with my supervisor. I understand that this amount is subject to departmental budget requirements and may be revoked at any time. I also understand that the BYOD program is voluntary and is for my convenience in the performance of my duties with the City of Belen. I hereby abide by the ISPS025 and ISPS018.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

ISPS Rev. Aug. 19, 2013

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# Information Security Policies and Standards

## OVERVIEW ♦ 2013

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The following document is an overview of the Information Security Policies and Standards. Sections pertinent to the everyday use of Information Technology has been condensed and compiled into this IS PS overview. Refer to the main document, *Policies and Standards: Information Security Polices and Standards* for complete details on these, and all 26 policies initially presented and approved in resolution 2010-19, August 16, 2010, Belen City Council Meeting, and subsequent update done on August 19, 2013, resolution 2013-17.

### **INTELLECTUAL PROPERTY: IS PS003**

The City of Belen respects the intellectual property rights of others and expects Users to respect the intellectual property rights of others. Users must abide by applicable intellectual property laws and/or regulations, including but not exclusive to those pertaining to text, graphics, art, photographs, music, software, movies and games. Users must refrain from actions or access which would violate the terms of licensing and nondisclosure agreements.

### **SANCTIONS: IS PS005**

The City of Belen requires that users of city computing infrastructure, devices or data comply with all applicable laws, regulations, statutes and city policies relating to information security and information technology.

The city must be prepared to respond fairly and appropriately:

- (1) to violations of law, regulation or City Policy relating to information security,
- (2) when questionable or unacceptable computing practices occur, or
- (3) where there is non-compliance with information security policy requirements or with reasonable requests for action or cooperation necessary to implement the city's information security policies. Lack of compliance will result in sanctions or other appropriate action.

### ***Corrective Actions and Sanctions Available:***

Corrective actions and sanctions available to the city in those circumstances where a violation or non-compliance of information security or technology policy has occurred include, but are not limited to:

- Imposition of a requirement to obtain additional appropriate training;
- Temporary suspension or permanent revocation of computing accounts or computing access rights at the city;
- Requirement to bring self, unit, department or city managed computing resources up to specified and on-going standards or place these resources under the management of the Information Technology Office;
- Imposition of a mandate and timetable for corrective or remediating action;
- Letter of Reprimand placed in personnel file;
- Loss of improperly collected data;
- Requirement to make financial restitution;
- Suspension of some or all activities at the city;
- Any action that may be required by applicable law, regulation or contract;
- Any other disciplinary actions available as corrective action in a case of inappropriate behavior by any employee up to and including termination;

- When appropriate and warranted, a department or employee will be held accountable for fees, charges, fines, or expenses incurred or resulting from or related to any such violation or non-compliance where the department or employee is deemed in whole or part responsible.

#### SECURITY INCIDENTS: IS PS006

The policy of the City of Belen is to minimize both the frequency and the severity of information security incidents within the city environment. All users are responsible for and must maintain their City computing devices and data in as safe a manner as is reasonably possible. In the event of an incident, the standards outlined in this document as well as the related procedures shall be followed.

#### USER ACCOUNTS AND ACCEPTABLE USE: IS PS007

City Computer User Accounts and computing facilities are provided for persons who legitimately need access to city computing resources. Other persons may qualify for a computer user account and access to computing facilities on a case-by-case basis.

The HR Department shall make an IT Request for Domain Credentials since they are responsible for vetting a potential employee for employment with the City of Belen. Domain Credentials or “User Accounts” allow employees access rights to city computers, email, and certain facilities with the city’s ID Badge. Upon termination of employment with the City of Belen, “User Accounts” and all access for that employee, must be de-activated or rendered inaccessible **immediately**. The first line manager, HR or City Manager shall notify the ICT Office of this action via email or IT Request.



#### PASSWORDS: IS PS008

All “User Accounts” must be password protected to help maintain the confidentiality and integrity of electronic data as well as to help protect the city’s computing resources and infrastructure. This policy establishes a minimum standard for creation of **strong** passwords, the protection of those passwords, and the frequency of change.

- Passwords to city accounts and devices shall be kept confidential.
- Passwords will expire every 90 to 180 days.
- Domain and application passwords should be at least eight positions in length.
- Strong passwords shall be used. A strong password shall include a combination of:
  - Alphabetic, including both upper and lower case: “A to Z” and “a to z”.
  - Numeric: 0 to 9.
  - Special Characters such as: ~!@#\$%^&\*()+=[]{}?<>, etc.
- Passwords shall not consist solely of personal information or words found in a dictionary (any language). Ideally, this information should not be used. If used, the use of at least two of the three types of strong password characters noted above as part of the password is required.

#### NETWORK SERVICES: IS PS010

The city will provide the required infrastructure for enterprise-wide local area network services, (including wireless) and connections to the internet, public internet and other external networks to further the mission of the city.

The Information & Communications Technology (ICT) Office is responsible for the provision and management of enterprise-wide local area network services, including wireless networks. All connections to the network shall be via city-approved mechanisms. Only authorized Information Communications Technology staff may install, manage, or change the network infrastructure including but not limited to enterprise servers, routers, switches, security and telecommunications equipment as well as access to these devices.

### ***Background and definition:***

Compromises in security can potentially occur at every level of computing from an individual's desktop computer to the largest and best-protected systems in the city. Incidents can be accidental incursions or deliberate attempts to break into systems and can be benign to malicious in purpose or consequence. Regardless, each incident requires careful response at a level commensurate with its potential impact to the security of individuals, sensitive information, and the City of Belen as a whole.

*This environment means that all persons within the City of Belen have an active role in preventing security incidents or in minimizing them when and if, they occur.*

For the purposes of this policy, a "Security Incident" is any accidental or malicious act with the potential to

- result in misappropriation or disclosure of sensitive information,
- affect the functionality of the information technology infrastructure of the city,
- provide for unauthorized access to city resources or information,
- allow city information technology resources to be used to launch attacks against either other internal resources or the resources and information of other individuals or organizations.

### **WEB SITE GUIDELINES: IS PS011**



The City of Belen's web presence is to securely provide information, allow for interactive functions, and promote a positive image for the City of Belen to other municipalities, accrediting agencies, funding agencies, the media, constituents, and prospective families wanting to relocate to the area. The City's web presence is also used as a selling tool to help promote events in the city as well.

- Intellectual Property shall be respected. See *IS PS003 Intellectual Property*.
- The City of Belen owns the belen-nm.gov domain and must renew the domain name yearly. Only official city business can be conducted using this domain.
- Privacy laws, regulations, and standards of the city shall be followed. All sensitive information must be managed appropriately so that unauthorized access to sensitive information is prevented to the extent possible. If you are unable to assure that sensitive information is adequately controlled via a website or other network accessible method, the information should not be placed on or collected via the website.
- The city reserves the right to disable and/or remove the web page links and publishing capability on city managed servers (or internet accessibility to such by city supplied network components). Anyone who uses these resources to violate city contractual obligations; to perpetrate, aid or abet criminal acts or intellectual property/copyright violations to make accessible materials that are obscene or consume (or result in the consumption of) excessive amounts of computing or network resources.
- Security of these pages on the City of Belen web site are the responsibility of the ICT Office who produces and maintains these pages and must comply with security guidelines outlined in this document as well as other applicable city guidelines.
- Secondary web sites should conform to the city's graphic identity standards when directly linked to the belen-nm.gov domain.

## WORKSTATIONS AND OTHER COMPUTING DEVICES: IS PS012

All workstations and other computing devices shall:

1. be maintained in an environment and manner so that access is reasonably restricted to authorized users only;
2. be used in a prudent manner so that data, system and network integrity is maintained to the highest degree reasonably possible; and
3. have operating systems and other software maintained in the most up-to-date and secure manner reasonably possible.

All workstations and other computing devices used within the city that contain or transmit sensitive information or that attach to the city network are covered by this policy. If the standard is not technically possible for the specific computing device then mitigating controls shall be employed where possible.

## PROTECTION FROM MALICIOUS SOFTWARE: IS PS014

Malicious software (viruses, worms, Trojans, root kits, hostile Active X controls, etc.) must be actively guarded against within the city network. All computing devices shall be configured with appropriate safeguards against malicious software.

- Antivirus software is available from ICT for workstations and servers. Exceptions to the recommended tools such as firewalls, antivirus, and anti-spyware should be approved by the ICT Office.
- Intrusion detection, network monitoring, incident logging, and response coordination necessary for the detection, elimination, and recovery from various forms of attack on city resources is managed by the ICT Office. See IS PS006, *Security Incidents*.
- Systems found to be infected shall be removed from the network until such time as the infection is removed or the system is reformatted.
- Proper preparation of all systems (desktops, laptops, servers, printers, and handheld devices) shall be conducted. Tier Support shall install virus protection, anti-spyware, and firewall software on all applicable computing devices and should ensure that unnecessary services are disabled before distribution to the user community.
- Use of Peer-to-Peer (P2P) software “file sharing” applications is not permissible for any file sharing activities to facilitate abuse of copyright and intellectual property laws.
- Instant messaging programs shall not be used for file sharing.
- Non-city web based e-mail shall not be allowed through the city network. Only client based e-mail can be scanned for malicious intent.
- The ICT Office will work with audit services and others to schedule periodic audits of servers, workstations, laptops and other computing devices to ensure compliance with the established virus protection, antispyware and firewall standards.
- All computing devices shall be appropriately configured for automatic virus detection and spyware blocking.
- Virus and anti-spyware definitions shall be updated at least every four hours at the server. An automatic definition update option shall be enabled if supported by the virus or anti-spyware protection tool. Virus and anti-spyware definitions on the workstations shall be updated at least once a day.



**NOTE:** The ICT Office centrally provide updates to the virus definition files on all workstations.

- All software, regardless of origin, shall be scanned for viruses and spyware before installation on any city system.
- Workstation virus scanning software shall be configured to automatically scan all e-mail attachments upon receipt with auto-protect/real time protection enabled.
- All computing devices not running approved anti-virus and anti-spyware software shall be scanned for malicious software prior to connection to the city network.

Home computer systems connecting, as privileged users, to the city networks must meet the same anti-virus, anti-spyware and firewall standards as systems on city premises. **Note:** This does not mean browsing web pages but does mean other activities including but not limited to “I” and “S” drive connections, via SSH Secure Shell, etc.

- All virus and spyware occurrences that are not fully removed by the anti-virus or antispyware software must be reported to IT for cleansing of the computer (See *IS PS006 Security Incidents.*)
- Anti-virus, anti-spyware or firewall protection programs must not be disabled while connected to the city network. **NOTE:** If installation of software requires the temporary termination of these programs, the computing device shall be disconnected from the network while the software is being installed. The protection programs must be restarted before the computing device is reconnected to the network.
- Memory sticks, flash drives, CDs, and other removable media from unknown or un-trusted sources shall be scanned for viruses and spyware. Auto-start mechanisms must be by passed when first using removable media that has not been scanned for viruses and spyware.

**NOTE:** Software obtained directly from ICT has already gone through this process. Software from approved and/or major vendors has low risk (but is has happened) of virus or spyware contamination. Software downloaded from freeware/shareware or other non-major vendor web sites has the highest risk of spyware or virus contamination, this software shall always be scanned before installation. Downloads from these type of sites are strictly forbidden, unless under the supervision of the ICT Office.

### CELLULAR/SMART PHONE USE: IS PS018

The city provides a cellular phone and smart phones to the City Manager and Department Supervisors. Phones are also provided to staff within each department, as the Department Supervisor deems necessary. The City of Belen contracts with cellular phone providers that have been approved by the State of New Mexico General Services Division.

- Cell phones issued by the City of Belen are city property. Employees shall not have any expectation of privacy on any city-issued phone. Employees must comply with city requests to make their city-issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the city for any reason must turn in their city-issued cell phones.
- Requests for all services (including adds, moves, and changes) may be obtained through the ICT Office.
- The Department Head, City Manger, or Finance Manager, is responsible for monitoring the use of all cellular devices assigned to that department (i.e., cellular, long distance, base charges, etc.)
- Personal calls to or from a city owned cellular telephone should be kept to a minimum. Personal use that exceeds this standard will result in discipline, up to and including termination or lost of cell phone privileges. Employees are expected to reimburse the city for any excessive costs or charges relating to personal use of their cell phones.

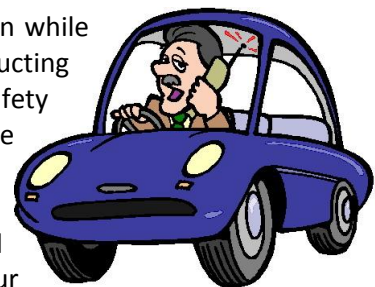
- All costs associated with cellular phone will be borne by the department using the equipment. Such costs include, but are not limited to, the following: equipment acquisition; service initiation; monthly fees for cellular service; per-minute cost of calls in excess of the calling plan allocation; maintenance and repair of equipment; and replacement of lost or stolen equipment.
- Cellular phones shall not be issued to contract employees, part-time, temporary personnel, or others not having a compelling use for the technology unless specifically requested by the department head.
- Security of these phones is the responsibility of the department or the ICT Office.
- From time to time, internal audits conducted by the Finance Office and/or the ICT Office may review individual usage and suggest cellular plans to assure that the most appropriate rate plan is in use and to screen for possible abuse. This information will then be forwarded to the user's department for administrative review.
- User departments will be responsible for coordinating repair and billing issues of cellular phones with the appropriate vendor. If issues are not resolvable to the department's satisfaction, contact the ICT Office for assistance and escalation procedures.
- Employees are responsible for the security of city-issued cell phones and the information stored on them. Always keep your cell phone with you when traveling; never leave it unattended in your car or hotel room. If your city-issued cell phone is lost or stolen, notify the ICT Office immediately. Never store confidential city information on a cell phone.

### ***Personal Cell Phones at Work***

- Although the City of Belen allows employees to bring their personal cell phones to work, employees are expected to keep personal conversations and texting to a minimum. While occasional, brief personal phone calls are acceptable, frequent, or lengthy personal calls and texting can affect productivity and disturb others. For this reason, we generally expect employees to make and receive personal phone calls during breaks only.
- Employees shall turn off the ringers on their cell phones while away from their cell phones. If you share workspace with others, you must turn off the ringer on your phone while at work.
- Employees shall turn off their cell phones or leave their phones elsewhere while in meetings, presentations, or trainings. Employees must also turn off their cell phones or leave their phones elsewhere while meeting with clients or serving customers.
- It is inappropriate to interrupt a face-to-face conversation with a coworker or client in order to take a personal phone call.
- Remember, others can hear your cell phone conversations. Try to talk quietly, and save intimate discussions for another time.
- Employees who violate this policy will be subject to discipline, up to and including termination.

### ***Do not USE a Cell Phone While Driving***

- Employees are prohibited from using cell phones for any reason while driving a city or personal vehicle while in the process of conducting city business. The city is concerned for your safety and for the safety of other drivers and pedestrians, and using a cell phone while driving can lead to accidents.
- If you receive a call while driving, pull over safely and stop the car. If you are unable to pull over safely, **do not** pickup the call instead allow the call to go to voicemail and listen to your voicemail when it is safe to do so.



## Using Your Cell Phone for Business

- The city's overtime rules apply to any type of work done after hours, including using a city-issued cell phone to make business calls. All overtime work -- including such work-related calls -- shall be approved in writing, in advance. Working overtime without permission violates city policy and may result in disciplinary action.
- Once it has been determined that a cell phone is necessary, an employee may opt to participate in the city's BYOD program. See ISCP PS025 *Bring Your own Device (BYOD)* later in this handbook.

### TELEPHONE: IS PS019



The city provides telephone service to all facilities. All voice communications are Voice over IP across the citywide network. This phone system offers a lot of functions and flexibility. One of the functionality that this system offers is integration with Microsoft Outlook Client for voice mail and fax services and integration with "Smart phones" such as the iPhone. Complete control over add changes and deletions of telephone hardware and user administration. The system also allows for integrated paging, hands free and desktop dialing, and telephone device administration.

Instruction for use of the telephone devices can be found in the \\wdsharespace\public\Shared Instructions & Manuals\Shortel. All instruction material is in PDF format.

- Access may be given to persons outside of the city on a case-by-case basis or under certain conditions when warranted. Disclosure of this information may not be given to the individual(s) involved.
- The use of electronic data and voice mail is provided for city staff for the purpose of conducting business on behalf of the City of Belen. The city staff should limit their use for these purposes.
- Usage of electronic data and voice mail should adhere to other city policies.
- The City of Belen will not guarantee the confidentiality or privacy of electronic data or voice mail messages. This should be kept in mind when using these services.
- Third party vendors are involved with both internet and voice mail data.
- All users of electronic data and voice mail should familiarize themselves with policies set forth by these vendors.
- In-coming and out-going calls for City Hall, Police, Fire, and Municipal Court are recorded.
- The city administration or ICT Office does not monitor electronic communications on a routine basis; however, it does reserve the right to do so if instructed by legal authorities or for the purpose of system integrity or policy violations.
- On voice mail systems, please record a professional outgoing message identifying name, title, department (if applicable) and any instructions.
- Messages left in voice mail systems must be addressed in a timely manner, those calls shall be returned within 24 hours of returning to work. The user shall delete old calls from the system upon completion.
- If an employee will be gone from his or her office for an extended period of time, (more than two work days) arrangements must be made for those calls to be forwarded or taken by another colleague within the department.

- Upon severing employment with the City of Belen, the employee must forward those messages to another colleague within the department. The user shall also relinquish passwords or pass codes to the ICT Office or his immediate supervisor so that call forwarding can be set.

### ***Privacy and use of speaker***

- Except when duly notified, callers to the City of Belen have a right to expect some privacy during their phone conversation with staff. **It is unacceptable to place any call on speakerphone in an open office.**
- When it is necessary for a call to be placed on speaker, the caller must be notified of such activity.
- **Calls placed on speaker should only take place in private offices and not in open areas where there is public foot traffic.**
- Phone conversations shall not be shared amongst other staff or persons nearby.

### ***FAX Services***

All Direct Dial extensions on the phone system are also the fax number where a user can receive or send a fax. When a fax is received by the system, it is automatically sent to the FAX server where the fax is processed and then sent to the user via email.

- Users shall use the FAX service whenever possible.
- FAX services are private to the extent that they appear only in the users e-mail account.
- Outgoing faxes are as easy as printing if the document is user created. Otherwise if the user is not the originator of the document then the document must be digitally scanned and then faxed.
- Outgoing faxes are created by using a proprietary print driver that a document or image is printed to. The driver then converts the document to a fax image which is sent via the Outlook client.

### ***Technical Standards***

- The telephone devices use Power over Ethernet or (PoE).
- Telephone devices shall **not** be unplugged from the wall jack for any extended amount of time.
- The telephone device is powered by the network, and therefore shall be the first device or the only device plugged into the network jack. Other devices such as computers can subsequently be plugged into the back of the phone. **Always** contact the ICT Office when contemplating a move of your computer or telephone equipment.

## **INTERNET USE: IS PS021**

Our network and Internet access are for official city business. Employees may access the Internet for personal use only outside of work hours and only in accordance with the terms of this policy. An employee, who engages in excessive Internet use, even during nonworking hours, may be subject to discipline.

### ***Prohibited use of the Internet***

Employees may not, at any time, access the Internet using city equipment for any of the following purposes:

- To view websites that offer pornography, gambling, or violent imagery, or are otherwise inappropriate in the workplace.
- To operate an outside business, online auction, or other sales site; solicit money for personal purposes; or to otherwise act for personal financial gain or profit.
- To download or copy software, games, text, photos, or any other works in violation of copyright, trademark, or other laws.

- To stream, run, or download any non-city-licensed software program without the express consent of the ICT Office.
- To stream, run, or download music, video, games, mini-desktop applications (widgets), or any form of multimedia, from the Internet.
- To read, open, or download any file from the Internet without first screening that file for viruses using the city's virus detection software.

If you believe that your job may require you to do something that would otherwise be forbidden by this policy, ask your manager how to proceed.

To assure that employees comply with this policy, we use Content Filtering on our Firewall that will block your access to many prohibited sites. However, some inappropriate websites may escape detection by the Firewall: The fact that you can access a particular site does not necessarily mean that site is appropriate for workplace viewing.

### ***No Personal Posts Using City Equipment***

- Employees shall not use city equipment to transmit or post personal opinions on blogs or contributing to an online forum. See ISPS 026, *Social Media* later in this handbook.

### ***Internet Use Is Not Private***

- We reserve the right to monitor employee use of the Internet at any time. You should not expect that your use of the Internet -- including but not limited to the sites you visit, the amount of time you spend online, and the communications you have -- will be private.

### ***Don't Use Personal Email Accounts for Work***

- Employees shall not use their own personal email accounts to transact city business. This includes storing work-related documents and email messages in your personal email account, sending work to your personal email account, engaging in work-related communications (with customers, clients, or coworkers, for example) using your personal email account, or "bouncing" messages from your city email to your personal email when you are out of the office.
- Although employees may find these practices convenient, they can create significant security problems, expose confidential city information, and compromise the city's record-keeping obligations. If you work offsite (for example, at home or on business travel), please contact the ICT Office to find out how to safely transmit and protect city information. See also IS PS025, *Bring Your Own Device* later in this handbook.



### ***No Access to Personal Email***

- Accessing your personal email account from work creates security risks for the city's computer system and network. Therefore, employees may not use city equipment to access their personal email accounts.

- The city's Firewall blocks access to many Web-based email sites. The fact that you can access a Web-based email site does not mean that you are free to check personal email using the city's equipment, however.

## CITY EMAIL SERVICES: IS PS022

The email system is intended for official city business. If you send personal messages through the city's email system, you must exercise discretion as to the number and type of messages you send. City employees must also ensure that your personal use of the email system does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to disciplinary action.

### *Email Is Not Private*

Email messages, including attachments, sent and received on city equipment are the property of the city. We reserve the right to access, monitor, read, and/or copy email messages at any time, for any reason. City employees shall not expect privacy for any email you send using city equipment, including messages that you consider to be personal, or label with a designation such as "Personal" or "Private."

City employees shall not assume that any message contents or data are automatically subject to public inspection under the state ***Inspection of Public Records Act***. There are numerous exclusions to this law, and such message contents or data may not be forwarded, uploaded, or otherwise transmitted to non-city entities without appropriate approvals.

### *All Conduct Rules Apply to Email*

All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to reveal city secrets or confidential information.

### *Check Email Regularly*

City employees shall regularly check their city email accounts **NO** less than **four times a day**. A lot of important information from administration is disseminated through email communications regularly.

### *Automatic Forwarding*

Sensitive information requires special precautions when emailing, especially outside the city network and must not be automatically forwarded.



### *Complaints and Resource Management*

Complaints regarding misuse or misconduct will be investigated. **NOTE:** The intent of the communication along with the perspective of the recipient is considered during investigations. Electronic mail use is monitored for resource consumption, troubleshooting, and storage management.

### *It is all About the "Branding"*

City employees shall only use "city branded e-mail accounts" (belen-nm.gov domain) to send and receive e-mail messages in the conduct of official city business. Users shall not automatically forward e-mail messages received at his city account to non-city email account without first discussing it with the ICT Office.

### *No Solicitation by Email*

City employees shall **NOT** use the email system (belen-nm.gov domain) to solicit others to patronize an outside business or to support an outside organization, a political candidate or cause, or a religious cause.

## *Professional Tone and Content*

City employees are expected to exercise discretion in using “city branded email accounts”. When you send email using the city's domain, you are representing the “City of Belen”. Make certain that your messages are professional and appropriate in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, or forwarded to unintended recipients. You should not send any email that you would not want your boss, or your mother to read.

## *Guidelines for Email Writing*

An instructional video is available on the public share: \\Wdsharespace\public\Shared Instructions & Manuals\Email in the Workplace\89-223673 - Email in the Workplace.wmv

1. Always spell-check or proofread your email messages. Email is official city correspondence. Spelling errors in email are all too common, and they look sloppy and unprofessional.
2. Use lowercase and capital letters in the same way that you would in a letter. Using all capital letters is the email equivalent of shouting at someone -- and it can be hard on the eyes. Failing to use capital letters at all (to begin a sentence or formal noun) can confuse readers and seem overly cute. Unless you are writing poetry, use standard capitalization.
3. Remember your audience. Although email encourages informal communication, that might not be the most appropriate style to use if you are addressing the CEO of an important customer. Remember that your email may be forwarded to unintended recipients, some of whom may not appreciate joking comments or informalities.
4. Do not use email for confidential matters. Again, remember the unintended recipient. Your email might be forwarded to someone you did not anticipate or might be sitting at a printer for all to see. If you need to have a confidential discussion, do it in person or over the phone.
5. Send messages **sparingly**. There is rarely a need to copy everyone in the city on an email. Carefully consider who really needs to see the message, and address it accordingly.
6. Always think before you send. Resist the urge to respond in anger, to "flame" your recipient, or to get emotional. Although email gives you the opportunity to respond immediately, you do not have to take it.
7. **DO NOT LEAVE THE SUBJECT LINE BLANK.** Always include a brief description, so readers will know what your email is about at a glance. This makes it easier for all of us to manage our email -- and makes it more likely that you will receive a response to your message.
8. Do not overuse the "urgent" tag. Mark a message as urgent only if it is truly important and must be answered right away.
9. If you start a NEW topic, start a NEW Email. Never start a new topic within an existing email string. It is very easy to lose a conversation this way. Example; **User A** asks a question about apples, but then **User B** responds to **User A's** question with a new question about oranges. What happened to the apples?
10. **TURN OFF** the fancy artwork (stationery settings). With today's use of Smart phones, the artwork is never seen. Many email clients may not even receive the email, because of the embedded artwork.

**NOTE:** When a user is out of the office and has no way of checking their city email accounts while away, use the **Out of Office Assistant** to set an automatic response to those sending you emails. It is important that users know that you are gone, how long you are gone for, and if there is anyone else that can help them.

## Email Security



To avoid email viruses and other threats, do not open email attachments **from people or businesses that you do not recognize**, particularly if the email appears to have been forwarded multiple times or has a nonexistent or peculiar subject heading. Even if you know the sender, do not open an email attachment that has a strange name or is not referenced in the body of the email -- it may have been transmitted automatically, without the sender's knowledge.

If you believe your computer has been infected by a virus, worm, or other security threat to the city's system, you must inform the ICT Office immediately.

Employees shall not share their email passwords with anyone, including coworkers or family members. Revealing passwords to the city's email system could allow an outsider to access the city's network.

## Retaining and Deleting Email Messages

Because email messages are electronic records, certain messages must be retained for compliance purposes. Please refer to our record -- keeping policy for guidance on which records must be kept, and for how long. If you have any questions about whether and how to retain a particular email message, please ask your manager.

Because of the large volume of emails our city sends and receives each day, we discourage employees from storing large numbers of email messages that are not subject to the retention rules explained above. Please make a regular practice of deleting email messages once you have read and/or responded to them. If you need to save a particular message, you may print out a paper copy, archive the email, or save it on your hard drive or disk by creating a PST or OST files or letting Outlook Archive your messages. The Exchange Server will purge email messages that have not been archived after 90 days or as per the records retention policy.

The city may have occasion to suspend our usual rules about deleting email messages (for example, if the city is involved in a lawsuit requiring it to preserve evidence). If this happens, employees will be notified of the procedures to follow to save email messages. Failing to comply with such a notice could subject the city to serious legal consequences, and will result in discipline, up to and including termination.

**NOTE:** Administratively, ICT is blocking the Yahoo.com and the Gmail.com domains, due to a spam attack several years ago. Users within the City of Belen may send email to accounts within these domains, but city email accounts will not be able to receive emails from these domains.

If there is a specific Yahoo or Gmail account that you must receive email from, forward that email address to the ICT Office so that it can be "white-listed" or placed on an approved email recipient list.

## ACQUISITION OF TECHNOLOGY: IS PS023

When any department is contemplating purchasing technology of any kind, this information shall be shared with the ICT Office. The ICT staff will determine if said technology is compatible with existing technology or if it even needs to integrate with network services.

The ICT Office will determine the best way to accommodate the needs for the new technology and make recommendations on how to best execute the installation of equipment.

## VIDEO SURVEILLANCE: IS PS024

The City of Belen has an extensive network of video surveillance cameras at several facilities around the city. This system is set to record events for the safety of the employees and citizens of the City of Belen.

In recent years, technological advances and social changes have ushered in new and more pervasive forms of public video surveillance with the potential to upset the existing balance between law enforcement needs and constitutional rights and values. Modern public video surveillance systems consist of networks of linked cameras spread over vast portions of public space. These cameras can be equipped with technologies like high resolution and magnification, motion detection, infrared vision, and biometric identification—all linked to a powerful network capable of automated tracking, archiving, and identifying suspect behavior.

It is understandable that authorities would want to use any available means to prevent or deter any serious threats to public safety. But the value of modern video surveillance must be balanced with the need to protect our core constitutional rights and values, including privacy and anonymity, free speech and association, government accountability, and equal protection.

There is no expectation of privacy in public areas or events where video is being recorded. However, administration, ICT staff, and law enforcement agencies, in the investigation of criminal activity, may review the subject video.

The guidelines within the policy sets boundaries by which administrative staff and law enforcement can view live or recorded video and how it is to be used.

## BRING YOUR OWN DEVICE (BYOD): IS PS025

While the City of Belen provides laptops, mobile and smart phones to employees, at times it may not be feasible to provide these types of devices to all employees. In many instances, it may be preferable or even proper for an employee to use their own equipment. Thus, this policy is referred to as the **Bring Your Own Device** to work or BYOD.



The City of Belen will respect the privacy of your personal device as much as possible. However, IT Technicians may need to access the device to implement security controls, as outlined below, or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings (applicable only if user downloads government email/attachments/documents to their personal device). If there are questions related to compliance with the below security requirements, the user may opt to drop out of the BYOD program versus providing the device to technicians for compliance verification.

- Users shall not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case, proprietary information, or agency financial operations. This excludes city e-mail that is protected through the various security controls listed below;
- Users shall password protect the device;
- Users shall maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. The user shall not “Jail Break” the device (installing software that allows the user to bypass standard built-in security features and controls);

- Users shall not share their device with other individuals or family members, due to the business use of the device (potential access to city e-mail, etc); Users shall delete any sensitive business files that may inadvertently be downloaded and stored on the device. The Information & Communications Technology (ICT) Office will provide instructions for identifying and removing these unintended file downloads. Follow the premise, “When in Doubt, Delete it Out.”
- If the device is lost or stolen, the user shall notify the ICT Office within one hour, or as soon as practical after noticing the device missing. The ICT Office will lock the device and e-mail on the device deleted, please note this may also delete your personal email as well;
- Users must comply with all ISPS password policies, including use of strong passwords, where practicable, password expiration (90-days), and password history (3) See ISPS008, *Passwords*.
- The City of Belen reserves the right to terminate city-provided services for non-use.
- Users shall not connect their personal Smartphone to their work PCs, however storage devices are allowed provided users allow the storage device to be scanned by antivirus software.
- City of Belen shall not be responsible for the lost or damage to any personal devices.
- City of Belen may pay up to \$40.00/mo towards the cost for the use of Voice/Data services. This is subject to “proof of need” and department manager approval.



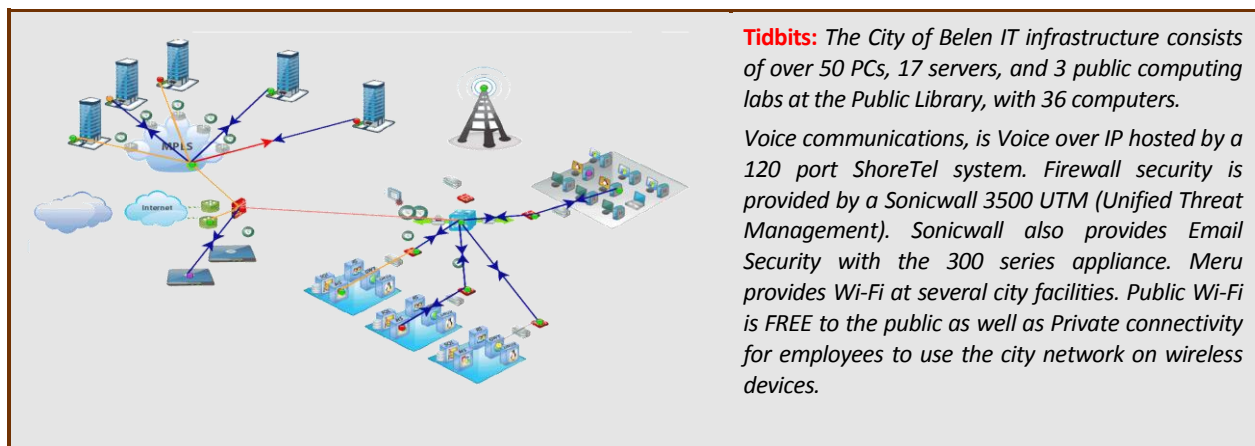
### ***If I want reimbursement, how is that calculated?***

The employee and the department manager must agree that there is a mutual benefit for the city and the employee to use his own personal device for work. The department’s budget must support the monthly cost for the computing device or Smartphone.

If the employee and the department manager agree that, the employee is entitled to reimbursement, for the use of a Smartphone, the department manager will use the average dollar amount from the total of at least three months of the employee’s wireless bills. The amount paid to an employee for use of their personal computing device shall not exceed \$40.00/mo.

A computing device or Smartphone maybe used simply as a convenience where the user may not require or want reimbursement. This must be noted on the BYOD agreement with the dollar amount as \$0.00.

The employee and the department manager must execute the BYOD agreement form so that it is kept as part of the employees file. An IT Request must be submitted to the ICT Department so that the device can be provisioned on the network. The employee must then take his computing device to the ICT Office to make sure that the device has the proper virus protection, and the necessary tools to work with the city’s network.



Social media provides a new and potentially valuable means of assisting the city and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel.

The city also recognizes the role that these tools play in the personal lives of some employees. The personal use of social media can have an effect on city employees in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by city employees.



## **I. ON-THE-JOB USE**

### **A. City-Sanctioned Presence**

1. Determine strategy where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
  - a. Where possible, the page(s) should link to the city's official website, with approval of the IT Director.
  - b. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
2. Procedures
  - a. All city social media sites or pages shall be approved by the IT Director and shall be administered by his or her designee or as otherwise determined.
  - b. Where possible, social media pages shall clearly indicate they are maintained by the city and shall have city contact information prominently displayed.
  - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. See *"Information Security Policies and Standards."*
    - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
  - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Belen.
    - (1) Pages shall clearly indicate that posted comments will be monitored and that the city reserves the right to remove obscenities, off-topic comments, and personal attacks.
    - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. City-Sanctioned Use

a. City personnel representing the city via social media outlets shall do the following:

- (1) Conduct themselves at all times as representatives of the city and, accordingly, shall adhere to all city standards of conduct and observe conventionally accepted protocols and proper decorum.
- (2) Identify themselves as employees of the city. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to any city training, activities, or work-related assignments without express written permission of the Public Information Officer (PIO) from within the department or the city's PIO.
- (3) Not conduct political activities or private business.



- b. The use of city computers by city personnel to access personal social media is prohibited without prior authorization.
- c. City personnel use of personally owned devices to manage the city's social media activities or in the course of official duties is prohibited without prior authorization.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## II. PERSONAL USE

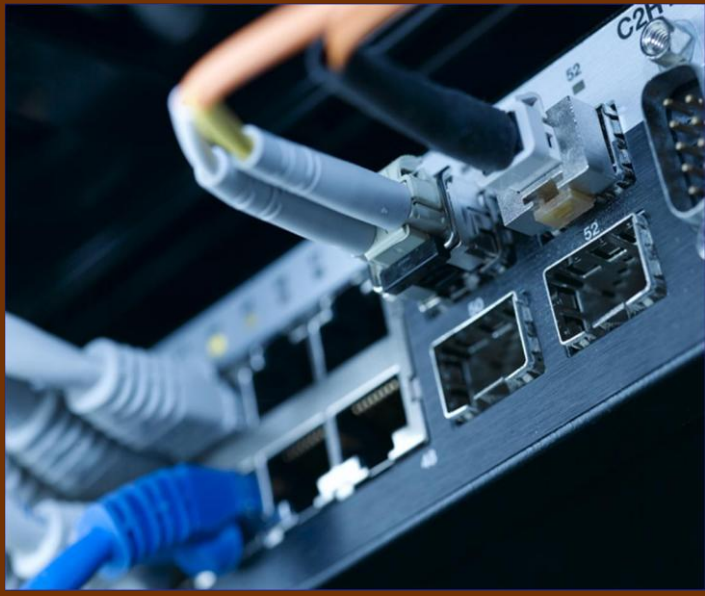
### A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, city personnel shall abide by the following when using social media in the personal environment.

1. City personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the city for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City of Belen.
2. As public employees, city personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the city. City personnel should assume that their speech and related activity on social media sites would reflect upon their position and the city.
3. City personnel shall not post, transmit, or otherwise disseminate any information to which they have access to because of their employment without written permission from the City Manager or his or her designee.
4. For safety and security reasons, city personnel are cautioned not to disclose their employment with the city, nor shall they post information pertaining to any other member of the city without their permission. As such, city personnel are cautioned not to do the following:
  - a. Display city logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer, fire fighter, court official

or any other employee of the city. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

5. When using social media, city personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the city's code of conduct is required in the personal use of social media. In particular, city personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - b. Speech involving themselves or other city personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. City personnel thus sanctioned are subject to discipline up to and including termination.
7. City personnel may not divulge information gained due to their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could
8. Reasonably be considered to represent the views or positions of this city without express authorization.
9. City personnel should be aware that they may be subject to civil litigation for;
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
10. City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
11. City personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the city at any time without prior notice.
12. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.



**Tidbits:** *The Citywide Network consists of the main core (96 ports copper) and (24 ports fiber) switch which routes data, voice and video to 11 offsite switches via fiber optics from City Hall on Main St. to the Library on 4<sup>th</sup> St. and wireless back-haul to the Waste Water Plant, Street Department, Water Shop, Eagle Park and Harvey House. A T-1 connection connects City Hall to the Municipal Airport.*

*The Citywide Network cost just over \$350,000 to install in 2009. The ICT Department consists of two full-time staff, the IT Director and the IT Specialist.*

*Three separate Internet services provide connectivity to the outside world for public and private use.*

*FREE Wi-Fi hotspots exist at City Hall, Police, Fire Station 1, Municipal Court, Library, Eagle Park, and Harvey House.*

This document, is prepared by the *Office of Information & Communications Technology* under the direction of Lawrence Kaneshiro, ICT Director. This overview handbook is a summary of the complete ISPS adopted by resolutions 2010-19, August 16, 2010, and 2013-17, August 19, 2013. The complete policy can be downloaded at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

The following three pages are re-printed from the State of New Mexico, electronic retention policy.

## **Frequently Asked Questions *About E-Mail Retention***

### **Can I Print Messages, then Delete Them?**

Yes, provided you print the following information with the message: name of sender, name of recipient, date and time of transmission and/or receipt. You then retain the printed message according to the appropriate records retention schedule, file them according to agency policy.

### **What about draft documents that undergo several revisions?**

Draft documents or working papers that are circulated via e-mail, that propose or evaluate high-level policies or decisions and provide unique information that contributes to the understanding of major decisions of the agency should be retained for reference and destroyed when no longer needed.

Other drafts circulated for comment, which demonstrate significant revisions in the view of the author may be destroyed at will by the author.

### **What do I do with attachments I receive with e-mail?**

File them with the e-mail message either electronically on your PC or network or if you are maintaining files in paper, print and file with the e-mail message and apply the appropriate retention schedule.

### **What about multiple copies of the same document?**

If another agency has responsibility for keeping a record copy, and if you have no business need to retain it, the document is simply a duplicate copy and subject to deletion/destruction at will. So, minutes of meetings you attend may be destroyed at will. The secretary or other responsible person in the organization, committee or task force must retain the minutes permanently.

### **Where can I get help to manage my e-mail?**

The State Records Center and Archives, Records Management Division offers general training as part of its ongoing records management training.

### **What is a record copy?**

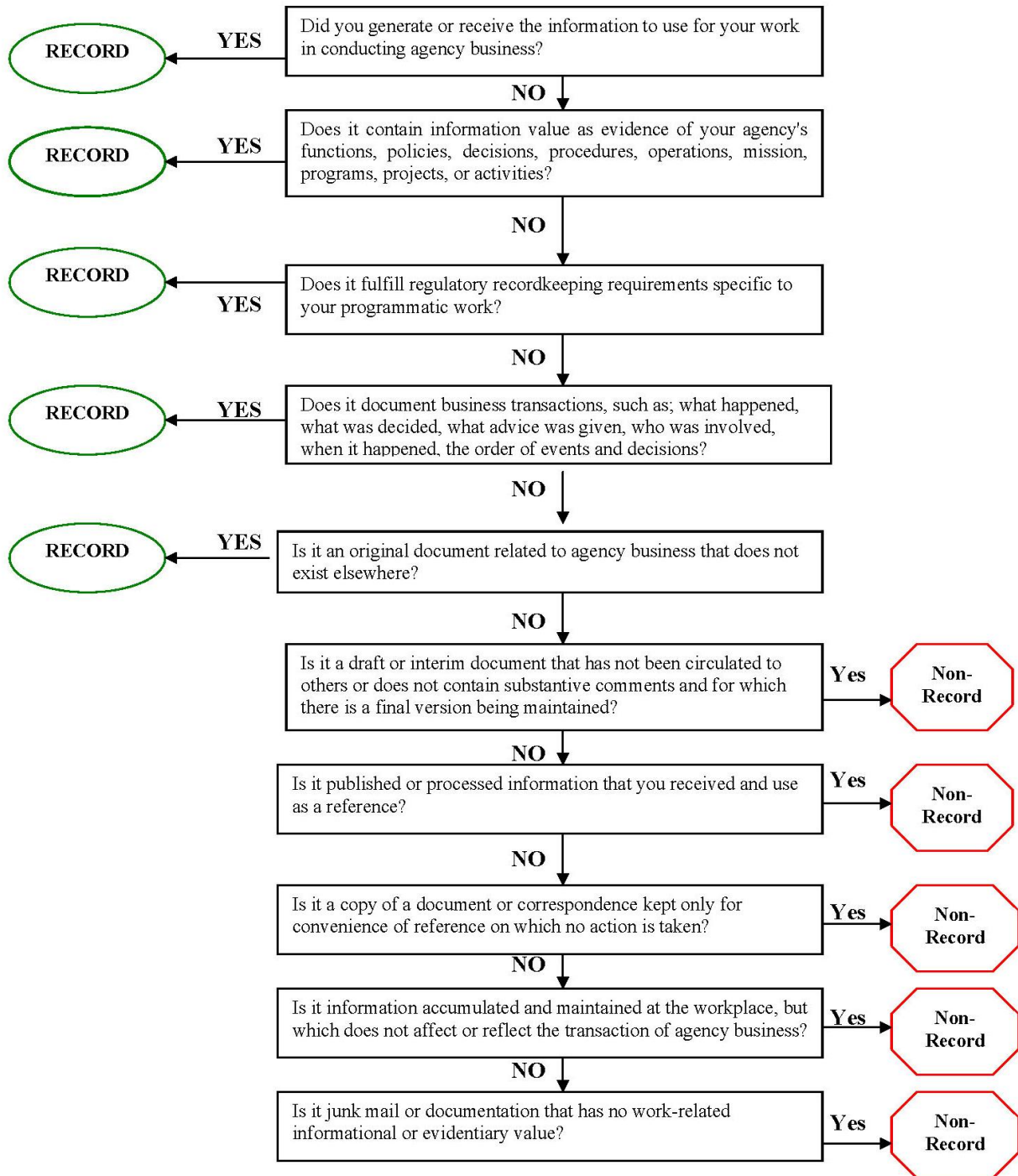
A **Record Copy** is a single copy of a record retained by its custodian as the official record of a government transaction and in accordance with the appropriate records schedule. All other copies are duplicate copies, held for convenience, and may be destroyed.

### **Do I need to keep every email message?**

No. Just as a large percentage of paper documents are created purely for administrative convenience, a large percentage of email messages may be transitory.

***If you would like more information on your records, please contact your agency's records liaison officer.***

## Is It A Record?



## TIPS FOR USING AND MANAGING E-MAIL

### **Reducing E-Mail Box Account Size**

- Keep It Clean: Make retention decisions right away. The longer you wait to clean out messages, the harder it will be to remember which messages are important.
- Message Strings: Retain only the last message in the conversation, if it includes the content of all previous messages.
- Calendars: Retain appointments for 2 years.
- Trash: Empty trash bin daily, including deleted messages in the *Recover Bin*.

### **E-mail Retention Checklist**

Ask yourself the following questions:

- Do I need to keep this message to document my work? Is it evidence?
- Is the message string completed, or could additional messages follow that I will want to retain?
- Are the other records about this topic/issue/case kept in hardcopy file or an electronic file?
- Is this a message that my co-workers are receiving too? Am I responsible for retention or is someone else responsible?
- Should this message be stored in a shared file? Do my co-workers need to access it?

### **E-mail Etiquette**

- Regardless of the intended reader, write your message as though your boss were reading.
- If confidentiality is an issue, don't use unsecured e-mail.
- Don't use e-mail to let off steam.
- Don't use the state e-mail system to respond to spam.
- Send e-mail messages only to the readers with a legitimate need for your information.
- Do not reply to a message unless you have something to contribute.
- Ask permission to forward material. Forwarding copyright-protected material or confidential information without permission could get you in trouble.
- Request a receipt notification only when necessary.
- Subject lines should include descriptive information that tell the reader what your e-mail message is about.

## NOTES

# Information Security Policies and Standards

T H E O V E R V I E W

## USER'S HANDBOOK 2013



City of Belen

[www.belen-nm.gov](http://www.belen-nm.gov)



# City of Belen

## Information Security Policies and Standards

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Consistent City Information Security Policies and Standards (ISPS) provide a common approach to compliance, regulatory and operational requirements and support the City of Belen in its missions.

### Policies and Standards Contents

#### 1. A common foundation

#### 2. Policies and Standards

- A common foundation
- What is a policy?
- Overview

#### 3. Related Information Security Office Services

- Consulting, education, training and awareness programs

#### 4. Information Security Glossary

- Definitions and glossary of terms used in this policy. Policies and Standards specifically addressed in the Overview are labeled.

#### 5. Policy and Standards

IS PS001 Information Security Responsibility	
IS PS002 Business Continuity and Disaster Recovery	
IS PS003 Intellectual Property	(Overview)
IS PS004 Policy Exception Management Process	
IS PS005 Sanction Policy	(Overview)
IS PS006 Security Incidents	(Overview)
IS PS007 User Accounts and Acceptable Use	(Overview)
IS PS008 Passwords	(Overview)
IS PS009 Data Facility Security	
IS PS010 Network Service	(Overview)
IS PS011 Web Site Guidelines	(Overview)
IS PS012 Workstation and Computing Devices	(Overview)
IS PS013 Server Computing Devices	
IS PS014 Protection from Malicious Software	(Overview)
IS PS015 Backup of Data	
IS PS016 Inventory and Tracking of Computing Devices	
IS PS017 Enterprise Firewalls	
IS PS018 Cellular/Smart Phone Use	(Overview)
IS PS019 Telephone	(Overview)
IS PS020 New and Remodeled Infrastructure Review	
IS PS021 Internet Use	(Overview)
IS PS022 City Email Services	(Overview)
IS PS023 Acquisition of Technology	(Overview)
IS PS024 Video Surveillance	(Overview)
IS PS025 Bring Your Own Device (BYOD)	(Overview)
IS PS026 Social Media	(Overview)

## Policies and Standards A Common Foundation

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The City of Belen's Information Security Policies and Standards were developed as a *common foundation* for information security outlook, approach, and practice. Primary consideration was given to the following objectives:

1. Help the city to focus on its core missions of serving the citizens of Belen lowering the risk of security incidents which could distract from these missions.
2. Define a compliance posture relative to information security statutes, regulations, contracts and good practice without duplication of effort. (One set of policies and standards designed to address all information security compliance objectives instead of one for HIPAA, one for PERA, etc.)
3. An approach that is, where possible, technology neutral that allows for some variation given legitimate requirements so long as the risk is explicitly defined and accepted by a level of directly responsible management appropriate to the risk being assumed.
4. An approach that accounts for the dynamic environment we are in today, an environment of changing statutory and regulatory expectations and changing technology where awareness is an integral part of everyone's job

### What is a Policy

The definitions of what is a policy, what is a standard, and what is a procedure also had to be understood. Without this understanding of related but distinct terms, policies tend to become too detailed and take on the characteristics of standards or procedures.

For the purposes of the City's Information Security Policies and Standards (as well as related procedures), the following definitions are used:

- **Policy** - High level requirement statement or paragraph about a type of technology or behavior in the IT environment.
- **Standard** - A required approach for conducting an activity or using technology and/or descriptive requirements for a behavior based policy.
- **Procedures** - Clear steps to follow to accomplish specific tasks or behave in certain ways. Procedures should support organization, contractual, regulatory and/or statutory obligations and requirements.
- **Policy Review** – The frequency at which a policy is reviewed and determination is made whether to make changes to the policy.
- **Compliance** – Any policy is only as good if it's enforced. There are sanctions listed for each of the policies.
- **Revision History** – Each section of this policy stands on its own. When a particular policy needs revising, only the effected policy needs to be changed and not the entire policy. The revision table indicates the version of the policy and the revision date and type.

# Overview

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The policies and standards were divided into a framework of six basic areas:

**1. General**

Basic responsibilities, business continuity and disaster recovery, intellectual property, acquisition of technology, exceptions, sanctions and incidents.

**2. Accounts and Usage**

User accounts, acceptable use and passwords.

**3. Network Services**

Network service, web sites, Internet use, email services, and social media.

**4. Computing Devices**

Workstations, servers and other computing devices, protection from malicious software, backup and retention of data as well as inventory, tracking, redeployment and discarding of computing devices or media.

**5. Data Centers and Facilities**

Data facility security and video surveillance.

**6. Telephone Service and Smartphone's**

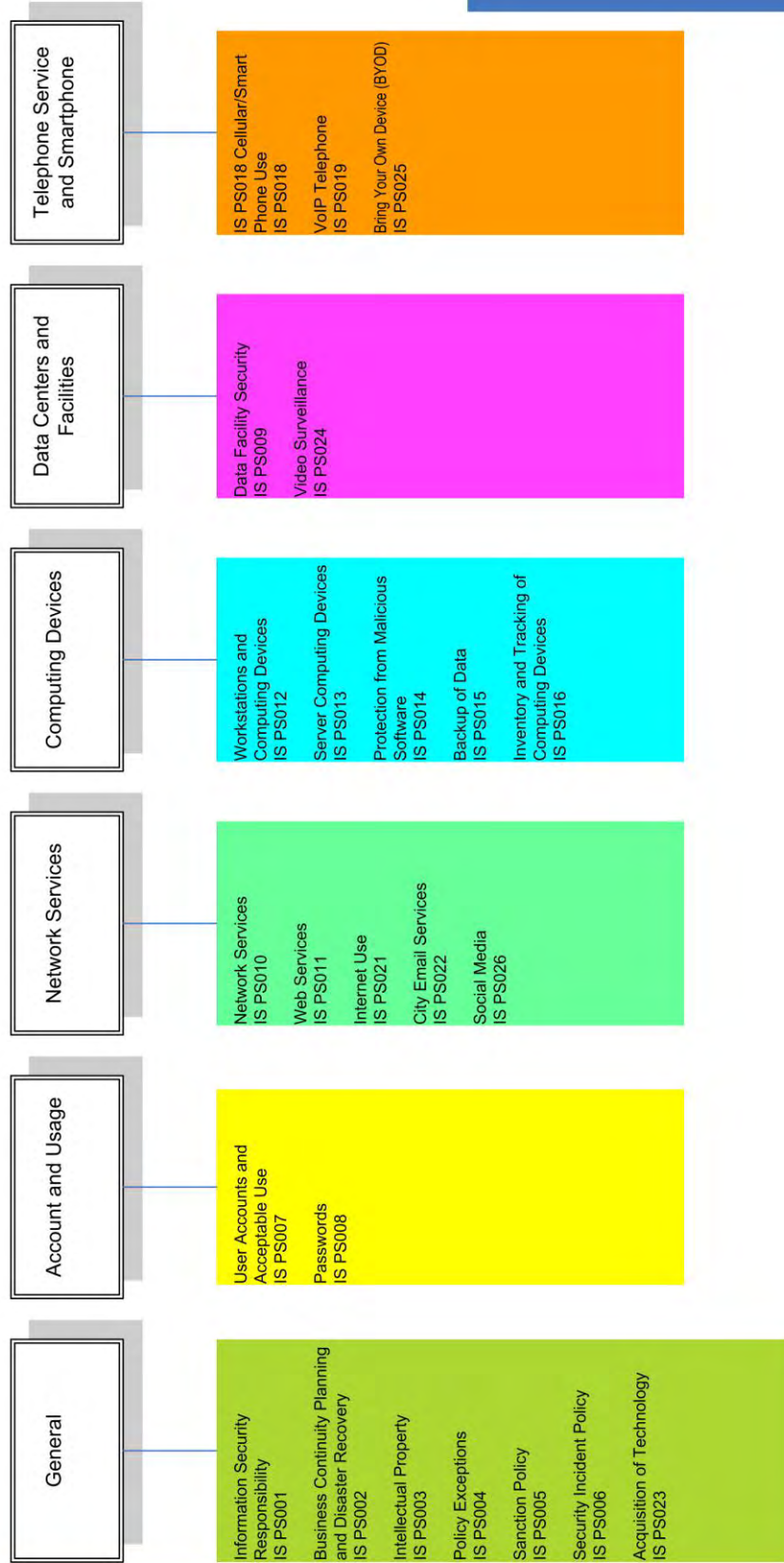
Voice or IP network phones, Smartphone integration, and Bring Your Own Device (BYOD).

The chart on the next page illustrates the framework at both the policy and the standards levels. To better understand this handbook, each ISPS section heading is color coded to correspond to one of the six areas in the framework.



# City of Belen Information Security and Technology Policy

Monday, August 19, 2013



## **Policies and Standards**

### **Consulting, education, training, and awareness programs**

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Consulting, education, training, and awareness programs are important and required parts of any compliance program. The ISPS will be developing programs in these areas outlined as follows:

#### **Educate and Encourage Use**

- Training
- Awareness
- Consulting

#### **Improve Compliance using**

- Consulting
- Auditing and Monitoring
- Assessment,
- Adjustment
- Enforcement

#### **Maintain Policy Relevance using**

- Self Assessment/audit
- Feedback
- Adjustment

On initial implementation of these policies, two distinct documents will be presented to the employees of the City of Belen. The first document will be an Overview Summary of the ISPS and the second document is the Comprehensive ISPS, which both may be found online at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

# Information Security Glossary

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## **Administrators**

Individuals with administrative responsibility for City Wide Computer and Network Services.

## **Assess alternate continuity/recovery strategies. Select continuity/recovery strategy.**

1. Develop continuity/recovery strategy plans.
2. Disaster Recovery Plans as part of a broader Business Continuity Plan should include:
  - 2.1. Classification of critical systems and records.
  - 2.2. Mitigation strategies and safeguards to avoid disasters.
  - 2.3. Necessary electronic files back-up and off site storage strategy (see IS PS015 Back-up of Data).
3. Define organizational responsibilities for implementing plans and implement.
4. Off-site storage for the planning documents. Training and testing of plans.
5. Annual review and revision of the plans.
6. Coordination with central IT disaster recovery strategy, if applicable.

## **Business Continuity Plan (BCP) Typically includes:**

1. Perform Gap Analysis
2. Conduct Risk Assessment
3. Perform Business Impact Analysis
4. Determine Continuity/Recovery Strategy
5. Implement Continuity/Recovery Strategy
6. Establish BCP and Disaster Recovery Maintenance and Awareness Program

## **BCP and Disaster Recovery Maintenance and Awareness Program Typically includes:**

1. Conduct education and awareness training with personnel.
2. Perform periodic BCP plan walkthrough and testing.

## **Business Impact Analysis**

In business continuity planning, a risk assessment will typically include:

1. Identification of critical business processes at departmental/unit level.
2. Quantification of impact of an event.
3. Identification of points of failure and process interdependencies.
4. Development of recovery time objective (RTO) and recovery point objective (RPO). See definitions of these terms in this document.
5. Prioritization of processes for recovery.

## **BYOD: Bring Your Own Device to work**

A policy whereby city employees can use their own personal computing devices for work. The policy provides some control over the device to assure that city information is safe and secured. The employee is paid a monthly stipend for use of the employees data and voice network.

## **Computing Devices**

Includes but is not limited to workstations, desktop computers, notebook computers, tablet computers, network enabled printers, scanners and multi-function devices, PDAs, email/messaging devices and cell phones, all hereafter referred to as "computing devices".

## **Computing Operation Centers**

Specially designated areas or secured rooms that house Server Computing Devices or network infrastructure.

### **Continuity/Recovery Strategy**

In disaster recovery or business continuity planning, a continuity and recovery strategy will typically include these steps.

### **Electronic Media**

Includes all electronic data storage devices funded as under Computing Devices above or other electronic data storage devices used to store City of Belen related data. Media includes but is not limited to removable and non-removable storage such as hard drives, CDs, DVDs, magnetic tape, removable disks (floppy, zip, cartridge systems, etc.) and flash memory devices.

### **Gap Analysis**

A process where the current state vs. the desired state for a process, system or organization is prepared. The differences between the current state and the desired state are called gaps. These gaps then become the basis for prioritization, planning and basis for action to move to the desired state.

### **Information Communications Technology**

In regard to the City of Belen the Information Communications Technology (ICT) Office or Department comprised of IT professionals. It is the responsibility of the ICT Office to maintain and enforce the ISP. Also referred to in the ISPS Document as the *IT Office*.

### **Least Required Access**

Only the access needed to perform required functions is assigned to an account. For example, an Oracle database administrator's (DBA) operating system account on the Oracle host system would not allow the DBA to configure or affect underlying operating system functions except as required within the DBA role.

### **OAW**

Outlook AnyWhere, webmail access to the Exchange Server from any computer in the world over the Internet. This is a secured way for a user to access their email, contacts, and calendar events when a VPN, mobile device or otherwise secured device is not readily accessible to access one's city email account.

### **Providers**

Individuals who design, manage, and operate campus electronic information resources, e.g. project programmers, or system administrators.

### **Recovery Point Objective (RPO)**

Describes the point in time to which data must be restored in order to successfully resume processing. This is often thought of as time between last backup and when outage occurred and indicates the amount of data lost.

**Note:** The Recovery Point Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

### **Recovery Time Objective (RTO)**

Determined based on the acceptable down time in case of a disruption of operations. It indicates the latest point in time at which the business operations must resume after disaster.

- RTO must be considered in conjunction with Recovery Point Objective (RPO) to get a total picture of the total time that a business may lose due to a disaster. The two of them together are very important requirements when designing a disaster recovery solution.
- $RTO = \text{Time of Crash to Time the system is operational} (T_{up} - T_{crash})$
- $RPO = \text{Time since the last backup of complete transactions representing data that must be re-acquired / (entered). } (T_{crash} - T_{backup})$
- $\text{Lost business Time} = (T_{up} - T_{crash} - T_{backup})$

**Note:** The Recovery Time Objective definition is copied from the definition on "The Free Dictionary by Farlex" (<http://encyclopedia.thefreedictionary.com/>). This definition is distributed under the terms of "GNU Free Documentation License" (<http://www.gnu.org/copyleft/fdl.html>).

**Risk Assessment**

In disaster recovery or business continuity planning, a risk assessment will typically include:

1. Identification and classification of primary risks and exposures including external and environmental risks as well as inherent business risks;
2. Probability of occurrence;
3. Cost of occurrence;
4. Senior management risk tolerance and level of acceptance of identified risks vs. cost of various mitigation plans.

**SCADA (Supervisory Control and Data Acquisition System)**

SCADA refers to an industrial control system: a computer system monitoring and controlling a process. The process can be industrial, infrastructure or facility-based.

**Sensitive Information**

Sensitive information is information of a confidential or proprietary nature as well as other information that would not be routinely published for unrestricted public access or where disclosure is prohibited by laws, regulations, contractual agreements or city policy. Sensitive information includes but is not limited to information such as medical and health records, and other employee information, credit card, bank account and other financial information, social security numbers, personal addresses, phone numbers, etc.

**Note:** Sensitive information does not include personal information of a particular individual, which that individual elects to reveal (such as via opt-in or opt-out mechanisms).

**Server Computing Devices**

For the purposes of this policy, server computing devices are those whose primary purpose is to store, contain or transmit information from within the City network (or hosted outside the City network if used to host utility or citation related information and funded by the City of Belen) to users within or outside of the city network. Computing devices that are not servers, for the purposes of this policy, are covered under the IS PS011 Workstation and Computing Devices policy.

**Social Media**

Social Media refers to any self-published Internet Blog such as; Facebook, Twitter, MySpace, Instagram, Youtube, Flickr, Wikis, Digg, Reddit, etc. where users can post comments and or photos. The City of Belen ICT Department, sanctions Facebook, Twitter and Youtube for posting city events and public information.

**Spoofing**

The use of software or other techniques to appear on the network as something other than reality (masquerading as something you are not). **Example:** The hacker tricked the system into allowing him onto the trusted network by spoofing the identity of a trusted server

**Staff**

The staff consists of all employees of the City of Belen whether permanent, temporary, or seasonal. All rules and regulations within this document shall apply to staff while in the conduct of business for the City of Belen.

**User**

Includes public computer users, staff, administrators, and other employees of the City of Belen and its affiliated entities and any other individual having a computer account, email address or utilizing the computer, network or other information technology services of the City of Belen.

**Valuable Information**

Information that has significant value to the city's mission and/or result in possible harm to the city, its staff, and clients if lost. This information may or may not be sensitive information (see definition above).

**Video Surveillance**

The monitoring of the behavior or other activities, of people or facilities for the purpose of managing, directing, or protecting from a distance by means of electronic equipment such as CCTV cameras. Surveillance, in this case, is the observation of individuals or groups by a government organization.

# Information Security Standards and Equipment Policy

## Acknowledgment

I have read the City's Information Security Standards Policy, and I agree to abide by their terms. I understand that any communications I send or receive using the City's network, including but not limited to email, instant messages, and text messages, are not private, and that the City may access, monitor, read, and/or copy those messages at any time, for any reason. I also understand that the City of Belen reserves the right to monitor my use of the Internet, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE CITY EQUIPMENT

I understand that any electronic equipment issued to me by the City of Belen, including but not limited to *Computers, Cell phones, Laptops and Smartphone*, belong to the City of Belen, and that I must return such equipment upon request. I also understand that the City reserves the right to monitor my use of this equipment, and that such monitoring may occur at any time, for any reason.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### ACKNOWLEDGE BRING YOUR OWN DEVICE (BYOD)

I understand that I may use my personal computing device, which includes but not limited to *Computers, Cell Phone, Laptop, Tablet, and Smart Phone*. Furthermore, I understand that I am eligible for compensation of up to \$40.00/mo for the use of my device. By my mark, I hereby: ☐ decline the monthly stipend; ☐ I request the monthly stipend of \_\_\_\_\_ as negotiated with my supervisor. I understand that this amount is subject to departmental budget requirements and may be revoked at any time. I also understand that the BYOD program is voluntary and is for my convenience in the performance of my duties with the City of Belen. I hereby abide by the ISPS025 and ISPS018.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

ISPS Rev. Aug. 19, 2013

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# Information Security Policies and Standards

## OVERVIEW ♦ 2013

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The following document is an overview of the Information Security Policies and Standards. Sections pertinent to the everyday use of Information Technology has been condensed and compiled into this IS PS overview. Refer to the main document, *Policies and Standards: Information Security Policies and Standards* for complete details on these, and all 26 policies initially presented and approved in resolution 2010-19, August 16, 2010, Belen City Council Meeting, and subsequent update done on August 19, 2013, resolution 2013-17.

### **INTELLECTUAL PROPERTY: IS PS003**

The City of Belen respects the intellectual property rights of others and expects Users to respect the intellectual property rights of others. Users must abide by applicable intellectual property laws and/or regulations, including but not exclusive to those pertaining to text, graphics, art, photographs, music, software, movies and games. Users must refrain from actions or access which would violate the terms of licensing and nondisclosure agreements.

### **SANCTIONS: IS PS005**

The City of Belen requires that users of city computing infrastructure, devices or data comply with all applicable laws, regulations, statutes and city policies relating to information security and information technology.

The city must be prepared to respond fairly and appropriately:

- (1) to violations of law, regulation or City Policy relating to information security,
- (2) when questionable or unacceptable computing practices occur, or
- (3) where there is non-compliance with information security policy requirements or with reasonable requests for action or cooperation necessary to implement the city's information security policies. Lack of compliance will result in sanctions or other appropriate action.

### ***Corrective Actions and Sanctions Available:***

Corrective actions and sanctions available to the city in those circumstances where a violation or non-compliance of information security or technology policy has occurred include, but are not limited to:

- Imposition of a requirement to obtain additional appropriate training;
- Temporary suspension or permanent revocation of computing accounts or computing access rights at the city;
- Requirement to bring self, unit, department or city managed computing resources up to specified and on-going standards or place these resources under the management of the Information Technology Office;
- Imposition of a mandate and timetable for corrective or remediating action;
- Letter of Reprimand placed in personnel file;
- Loss of improperly collected data;
- Requirement to make financial restitution;
- Suspension of some or all activities at the city;
- Any action that may be required by applicable law, regulation or contract;
- Any other disciplinary actions available as corrective action in a case of inappropriate behavior by any employee up to and including termination;

- When appropriate and warranted, a department or employee will be held accountable for fees, charges, fines, or expenses incurred or resulting from or related to any such violation or non-compliance where the department or employee is deemed in whole or part responsible.

#### SECURITY INCIDENTS: IS PS006

The policy of the City of Belen is to minimize both the frequency and the severity of information security incidents within the city environment. All users are responsible for and must maintain their City computing devices and data in as safe a manner as is reasonably possible. In the event of an incident, the standards outlined in this document as well as the related procedures shall be followed.

#### USER ACCOUNTS AND ACCEPTABLE USE: IS PS007

City Computer User Accounts and computing facilities are provided for persons who legitimately need access to city computing resources. Other persons may qualify for a computer user account and access to computing facilities on a case-by-case basis.

The HR Department shall make an IT Request for Domain Credentials since they are responsible for vetting a potential employee for employment with the City of Belen. Domain Credentials or “User Accounts” allow employees access rights to city computers, email, and certain facilities with the city’s ID Badge. Upon termination of employment with the City of Belen, “User Accounts” and all access for that employee, must be de-activated or rendered inaccessible **immediately**. The first line manager, HR or City Manager shall notify the ICT Office of this action via email or IT Request.



#### PASSWORDS: IS PS008

All “User Accounts” must be password protected to help maintain the confidentiality and integrity of electronic data as well as to help protect the city’s computing resources and infrastructure. This policy establishes a minimum standard for creation of **strong** passwords, the protection of those passwords, and the frequency of change.

- Passwords to city accounts and devices shall be kept confidential.
- Passwords will expire every 90 to 180 days.
- Domain and application passwords should be at least eight positions in length.
- Strong passwords shall be used. A strong password shall include a combination of:
  - Alphabetic, including both upper and lower case: “A to Z” and “a to z”.
  - Numeric: 0 to 9.
  - Special Characters such as: ~!@#\$%^&\*()+=[]{}?<>, etc.
- Passwords shall not consist solely of personal information or words found in a dictionary (any language). Ideally, this information should not be used. If used, the use of at least two of the three types of strong password characters noted above as part of the password is required.

#### NETWORK SERVICES: IS PS010

The city will provide the required infrastructure for enterprise-wide local area network services, (including wireless) and connections to the internet, public internet and other external networks to further the mission of the city.

The Information & Communications Technology (ICT) Office is responsible for the provision and management of enterprise-wide local area network services, including wireless networks. All connections to the network shall be via city-approved mechanisms. Only authorized Information Communications Technology staff may install, manage, or change the network infrastructure including but not limited to enterprise servers, routers, switches, security and telecommunications equipment as well as access to these devices.

### ***Background and definition:***

Compromises in security can potentially occur at every level of computing from an individual's desktop computer to the largest and best-protected systems in the city. Incidents can be accidental incursions or deliberate attempts to break into systems and can be benign to malicious in purpose or consequence. Regardless, each incident requires careful response at a level commensurate with its potential impact to the security of individuals, sensitive information, and the City of Belen as a whole.

*This environment means that all persons within the City of Belen have an active role in preventing security incidents or in minimizing them when and if, they occur.*

For the purposes of this policy, a "Security Incident" is any accidental or malicious act with the potential to

- result in misappropriation or disclosure of sensitive information,
- affect the functionality of the information technology infrastructure of the city,
- provide for unauthorized access to city resources or information,
- allow city information technology resources to be used to launch attacks against either other internal resources or the resources and information of other individuals or organizations.

### **WEB SITE GUIDELINES: IS PS011**



The City of Belen's web presence is to securely provide information, allow for interactive functions, and promote a positive image for the City of Belen to other municipalities, accrediting agencies, funding agencies, the media, constituents, and prospective families wanting to relocate to the area. The City's web presence is also used as a selling tool to help promote events in the city as well.

- Intellectual Property shall be respected. See *IS PS003 Intellectual Property*.
- The City of Belen owns the belen-nm.gov domain and must renew the domain name yearly. Only official city business can be conducted using this domain.
- Privacy laws, regulations, and standards of the city shall be followed. All sensitive information must be managed appropriately so that unauthorized access to sensitive information is prevented to the extent possible. If you are unable to assure that sensitive information is adequately controlled via a website or other network accessible method, the information should not be placed on or collected via the website.
- The city reserves the right to disable and/or remove the web page links and publishing capability on city managed servers (or internet accessibility to such by city supplied network components). Anyone who uses these resources to violate city contractual obligations; to perpetrate, aid or abet criminal acts or intellectual property/copyright violations to make accessible materials that are obscene or consume (or result in the consumption of) excessive amounts of computing or network resources.
- Security of these pages on the City of Belen web site are the responsibility of the ICT Office who produces and maintains these pages and must comply with security guidelines outlined in this document as well as other applicable city guidelines.
- Secondary web sites should conform to the city's graphic identity standards when directly linked to the belen-nm.gov domain.

## WORKSTATIONS AND OTHER COMPUTING DEVICES: IS PS012

All workstations and other computing devices shall:

1. be maintained in an environment and manner so that access is reasonably restricted to authorized users only;
2. be used in a prudent manner so that data, system and network integrity is maintained to the highest degree reasonably possible; and
3. have operating systems and other software maintained in the most up-to-date and secure manner reasonably possible.

All workstations and other computing devices used within the city that contain or transmit sensitive information or that attach to the city network are covered by this policy. If the standard is not technically possible for the specific computing device then mitigating controls shall be employed where possible.

## PROTECTION FROM MALICIOUS SOFTWARE: IS PS014

Malicious software (viruses, worms, Trojans, root kits, hostile Active X controls, etc.) must be actively guarded against within the city network. All computing devices shall be configured with appropriate safeguards against malicious software.

- Antivirus software is available from ICT for workstations and servers. Exceptions to the recommended tools such as firewalls, antivirus, and anti-spyware should be approved by the ICT Office.
- Intrusion detection, network monitoring, incident logging, and response coordination necessary for the detection, elimination, and recovery from various forms of attack on city resources is managed by the ICT Office. See IS PS006, *Security Incidents*.
- Systems found to be infected shall be removed from the network until such time as the infection is removed or the system is reformatted.
- Proper preparation of all systems (desktops, laptops, servers, printers, and handheld devices) shall be conducted. Tier Support shall install virus protection, anti-spyware, and firewall software on all applicable computing devices and should ensure that unnecessary services are disabled before distribution to the user community.
- Use of Peer-to-Peer (P2P) software “file sharing” applications is not permissible for any file sharing activities to facilitate abuse of copyright and intellectual property laws.
- Instant messaging programs shall not be used for file sharing.
- Non-city web based e-mail shall not be allowed through the city network. Only client based e-mail can be scanned for malicious intent.
- The ICT Office will work with audit services and others to schedule periodic audits of servers, workstations, laptops and other computing devices to ensure compliance with the established virus protection, anti-spyware and firewall standards.
- All computing devices shall be appropriately configured for automatic virus detection and spyware blocking.
- Virus and anti-spyware definitions shall be updated at least every four hours at the server. An automatic definition update option shall be enabled if supported by the virus or anti-spyware protection tool. Virus and anti-spyware definitions on the workstations shall be updated at least once a day.



**NOTE:** The ICT Office centrally provide updates to the virus definition files on all workstations.

- All software, regardless of origin, shall be scanned for viruses and spyware before installation on any city system.
- Workstation virus scanning software shall be configured to automatically scan all e-mail attachments upon receipt with auto-protect/real time protection enabled.
- All computing devices not running approved anti-virus and anti-spyware software shall be scanned for malicious software prior to connection to the city network.

Home computer systems connecting, as privileged users, to the city networks must meet the same anti-virus, anti-spyware and firewall standards as systems on city premises. **Note:** This does not mean browsing web pages but does mean other activities including but not limited to “I” and “S” drive connections, via SSH Secure Shell, etc.

- All virus and spyware occurrences that are not fully removed by the anti-virus or antispyware software must be reported to IT for cleansing of the computer (See *IS PS006 Security Incidents.*)
- Anti-virus, anti-spyware or firewall protection programs must not be disabled while connected to the city network. **NOTE:** If installation of software requires the temporary termination of these programs, the computing device shall be disconnected from the network while the software is being installed. The protection programs must be restarted before the computing device is reconnected to the network.
- Memory sticks, flash drives, CDs, and other removable media from unknown or un-trusted sources shall be scanned for viruses and spyware. Auto-start mechanisms must be by passed when first using removable media that has not been scanned for viruses and spyware.

**NOTE:** Software obtained directly from ICT has already gone through this process. Software from approved and/or major vendors has low risk (but is has happened) of virus or spyware contamination. Software downloaded from freeware/shareware or other non-major vendor web sites has the highest risk of spyware or virus contamination, this software shall always be scanned before installation. Downloads from these type of sites are strictly forbidden, unless under the supervision of the ICT Office.

#### CELLULAR/SMART PHONE USE: IS PS018

The city provides a cellular phone and smart phones to the City Manager and Department Supervisors. Phones are also provided to staff within each department, as the Department Supervisor deems necessary. The City of Belen contracts with cellular phone providers that have been approved by the State of New Mexico General Services Division.

- Cell phones issued by the City of Belen are city property. Employees shall not have any expectation of privacy on any city-issued phone. Employees must comply with city requests to make their city-issued cell phones available for any reason, including upgrades, replacement, or inspection. Employees who leave the city for any reason must turn in their city-issued cell phones.
- Requests for all services (including adds, moves, and changes) may be obtained through the ICT Office.
- The Department Head, City Manger, or Finance Manager, is responsible for monitoring the use of all cellular devices assigned to that department (i.e., cellular, long distance, base charges, etc.)
- Personal calls to or from a city owned cellular telephone should be kept to a minimum. Personal use that exceeds this standard will result in discipline, up to and including termination or lost of cell phone privileges. Employees are expected to reimburse the city for any excessive costs or charges relating to personal use of their cell phones.

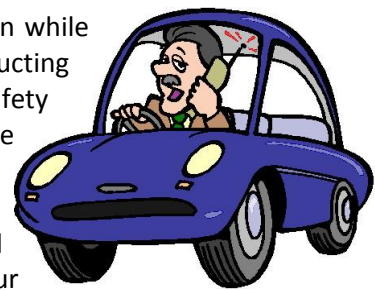
- All costs associated with cellular phone will be borne by the department using the equipment. Such costs include, but are not limited to, the following: equipment acquisition; service initiation; monthly fees for cellular service; per-minute cost of calls in excess of the calling plan allocation; maintenance and repair of equipment; and replacement of lost or stolen equipment.
- Cellular phones shall not be issued to contract employees, part-time, temporary personnel, or others not having a compelling use for the technology unless specifically requested by the department head.
- Security of these phones is the responsibility of the department or the ICT Office.
- From time to time, internal audits conducted by the Finance Office and/or the ICT Office may review individual usage and suggest cellular plans to assure that the most appropriate rate plan is in use and to screen for possible abuse. This information will then be forwarded to the user's department for administrative review.
- User departments will be responsible for coordinating repair and billing issues of cellular phones with the appropriate vendor. If issues are not resolvable to the department's satisfaction, contact the ICT Office for assistance and escalation procedures.
- Employees are responsible for the security of city-issued cell phones and the information stored on them. Always keep your cell phone with you when traveling; never leave it unattended in your car or hotel room. If your city-issued cell phone is lost or stolen, notify the ICT Office immediately. Never store confidential city information on a cell phone.

### ***Personal Cell Phones at Work***

- Although the City of Belen allows employees to bring their personal cell phones to work, employees are expected to keep personal conversations and texting to a minimum. While occasional, brief personal phone calls are acceptable, frequent, or lengthy personal calls and texting can affect productivity and disturb others. For this reason, we generally expect employees to make and receive personal phone calls during breaks only.
- Employees shall turn off the ringers on their cell phones while away from their cell phones. If you share workspace with others, you must turn off the ringer on your phone while at work.
- Employees shall turn off their cell phones or leave their phones elsewhere while in meetings, presentations, or trainings. Employees must also turn off their cell phones or leave their phones elsewhere while meeting with clients or serving customers.
- It is inappropriate to interrupt a face-to-face conversation with a coworker or client in order to take a personal phone call.
- Remember, others can hear your cell phone conversations. Try to talk quietly, and save intimate discussions for another time.
- Employees who violate this policy will be subject to discipline, up to and including termination.

### ***Do not USE a Cell Phone While Driving***

- Employees are prohibited from using cell phones for any reason while driving a city or personal vehicle while in the process of conducting city business. The city is concerned for your safety and for the safety of other drivers and pedestrians, and using a cell phone while driving can lead to accidents.
- If you receive a call while driving, pull over safely and stop the car. If you are unable to pull over safely, **do not** pickup the call instead allow the call to go to voicemail and listen to your voicemail when it is safe to do so.



## Using Your Cell Phone for Business

- The city's overtime rules apply to any type of work done after hours, including using a city-issued cell phone to make business calls. All overtime work -- including such work-related calls -- shall be approved in writing, in advance. Working overtime without permission violates city policy and may result in disciplinary action.
- Once it has been determined that a cell phone is necessary, an employee may opt to participate in the city's BYOD program. See ISCP PS025 *Bring Your own Device (BYOD)* later in this handbook.

### TELEPHONE: IS PS019



The city provides telephone service to all facilities. All voice communications are Voice over IP across the citywide network. This phone system offers a lot of functions and flexibility. One of the functionality that this system offers is integration with Microsoft Outlook Client for voice mail and fax services and integration with "Smart phones" such as the iPhone. Complete control over add changes and deletions of telephone hardware and user administration. The system also allows for integrated paging, hands free and desktop dialing, and telephone device administration.

Instruction for use of the telephone devices can be found in the \\wdsharespace\public\Shared Instructions & Manuals\Shortel. All instruction material is in PDF format.

- Access may be given to persons outside of the city on a case-by-case basis or under certain conditions when warranted. Disclosure of this information may not be given to the individual(s) involved.
- The use of electronic data and voice mail is provided for city staff for the purpose of conducting business on behalf of the City of Belen. The city staff should limit their use for these purposes.
- Usage of electronic data and voice mail should adhere to other city policies.
- The City of Belen will not guarantee the confidentiality or privacy of electronic data or voice mail messages. This should be kept in mind when using these services.
- Third party vendors are involved with both internet and voice mail data.
- All users of electronic data and voice mail should familiarize themselves with policies set forth by these vendors.
- In-coming and out-going calls for City Hall, Police, Fire, and Municipal Court are recorded.
- The city administration or ICT Office does not monitor electronic communications on a routine basis; however, it does reserve the right to do so if instructed by legal authorities or for the purpose of system integrity or policy violations.
- On voice mail systems, please record a professional outgoing message identifying name, title, department (if applicable) and any instructions.
- Messages left in voice mail systems must be addressed in a timely manner, those calls shall be returned within 24 hours of returning to work. The user shall delete old calls from the system upon completion.
- If an employee will be gone from his or her office for an extended period of time, (more than two work days) arrangements must be made for those calls to be forwarded or taken by another colleague within the department.

- Upon severing employment with the City of Belen, the employee must forward those messages to another colleague within the department. The user shall also relinquish passwords or pass codes to the ICT Office or his immediate supervisor so that call forwarding can be set.

### ***Privacy and use of speaker***

- Except when duly notified, callers to the City of Belen have a right to expect some privacy during their phone conversation with staff. **It is unacceptable to place any call on speakerphone in an open office.**
- When it is necessary for a call to be placed on speaker, the caller must be notified of such activity.
- **Calls placed on speaker should only take place in private offices and not in open areas where there is public foot traffic.**
- Phone conversations shall not be shared amongst other staff or persons nearby.

### ***FAX Services***

All Direct Dial extensions on the phone system are also the fax number where a user can receive or send a fax. When a fax is received by the system, it is automatically sent to the FAX server where the fax is processed and then sent to the user via email.

- Users shall use the FAX service whenever possible.
- FAX services are private to the extent that they appear only in the users e-mail account.
- Outgoing faxes are as easy as printing if the document is user created. Otherwise if the user is not the originator of the document then the document must be digitally scanned and then faxed.
- Outgoing faxes are created by using a proprietary print driver that a document or image is printed to. The driver then converts the document to a fax image which is sent via the Outlook client.

### ***Technical Standards***

- The telephone devices use Power over Ethernet or (PoE).
- Telephone devices shall **not** be unplugged from the wall jack for any extended amount of time.
- The telephone device is powered by the network, and therefore shall be the first device or the only device plugged into the network jack. Other devices such as computers can subsequently be plugged into the back of the phone. **Always** contact the ICT Office when contemplating a move of your computer or telephone equipment.

## **INTERNET USE: IS PS021**

Our network and Internet access are for official city business. Employees may access the Internet for personal use only outside of work hours and only in accordance with the terms of this policy. An employee, who engages in excessive Internet use, even during nonworking hours, may be subject to discipline.

### ***Prohibited use of the Internet***

Employees may not, at any time, access the Internet using city equipment for any of the following purposes:

- To view websites that offer pornography, gambling, or violent imagery, or are otherwise inappropriate in the workplace.
- To operate an outside business, online auction, or other sales site; solicit money for personal purposes; or to otherwise act for personal financial gain or profit.
- To download or copy software, games, text, photos, or any other works in violation of copyright, trademark, or other laws.

- To stream, run, or download any non-city-licensed software program without the express consent of the ICT Office.
- To stream, run, or download music, video, games, mini-desktop applications (widgets), or any form of multimedia, from the Internet.
- To read, open, or download any file from the Internet without first screening that file for viruses using the city's virus detection software.

If you believe that your job may require you to do something that would otherwise be forbidden by this policy, ask your manager how to proceed.

To assure that employees comply with this policy, we use Content Filtering on our Firewall that will block your access to many prohibited sites. However, some inappropriate websites may escape detection by the Firewall: The fact that you can access a particular site does not necessarily mean that site is appropriate for workplace viewing.

### ***No Personal Posts Using City Equipment***

- Employees shall not use city equipment to transmit or post personal opinions on blogs or contributing to an online forum. See ISPS 026, *Social Media* later in this handbook.

### ***Internet Use Is Not Private***

- We reserve the right to monitor employee use of the Internet at any time. You should not expect that your use of the Internet -- including but not limited to the sites you visit, the amount of time you spend online, and the communications you have -- will be private.

### ***Don't Use Personal Email Accounts for Work***

- Employees shall not use their own personal email accounts to transact city business. This includes storing work-related documents and email messages in your personal email account, sending work to your personal email account, engaging in work-related communications (with customers, clients, or coworkers, for example) using your personal email account, or "bouncing" messages from your city email to your personal email when you are out of the office.
- Although employees may find these practices convenient, they can create significant security problems, expose confidential city information, and compromise the city's record-keeping obligations. If you work offsite (for example, at home or on business travel), please contact the ICT Office to find out how to safely transmit and protect city information. See also IS PS025, *Bring Your Own Device* later in this handbook.



### ***No Access to Personal Email***

- Accessing your personal email account from work creates security risks for the city's computer system and network. Therefore, employees may not use city equipment to access their personal email accounts.

- The city's Firewall blocks access to many Web-based email sites. The fact that you can access a Web-based email site does not mean that you are free to check personal email using the city's equipment, however.

## CITY EMAIL SERVICES: IS PS022

The email system is intended for official city business. If you send personal messages through the city's email system, you must exercise discretion as to the number and type of messages you send. City employees must also ensure that your personal use of the email system does not interfere in any way with your job duties or performance. Any employee who abuses this privilege may be subject to disciplinary action.

### *Email Is Not Private*

Email messages, including attachments, sent and received on city equipment are the property of the city. We reserve the right to access, monitor, read, and/or copy email messages at any time, for any reason. City employees shall not expect privacy for any email you send using city equipment, including messages that you consider to be personal, or label with a designation such as "Personal" or "Private."

City employees shall not assume that any message contents or data are automatically subject to public inspection under the state ***Inspection of Public Records Act***. There are numerous exclusions to this law, and such message contents or data may not be forwarded, uploaded, or otherwise transmitted to non-city entities without appropriate approvals.

### *All Conduct Rules Apply to Email*

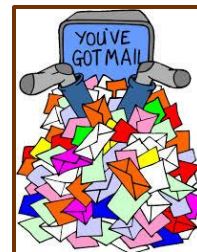
All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to reveal city secrets or confidential information.

### *Check Email Regularly*

City employees shall regularly check their city email accounts **NO** less than **four times a day**. A lot of important information from administration is disseminated through email communications regularly.

### *Automatic Forwarding*

Sensitive information requires special precautions when emailing, especially outside the city network and must not be automatically forwarded.



### *Complaints and Resource Management*

Complaints regarding misuse or misconduct will be investigated. **NOTE:** The intent of the communication along with the perspective of the recipient is considered during investigations. Electronic mail use is monitored for resource consumption, troubleshooting, and storage management.

### *It is all About the "Branding"*

City employees shall only use "city branded e-mail accounts" (belen-nm.gov domain) to send and receive e-mail messages in the conduct of official city business. Users shall not automatically forward e-mail messages received at his city account to non-city email account without first discussing it with the ICT Office.

### *No Solicitation by Email*

City employees shall **NOT** use the email system (belen-nm.gov domain) to solicit others to patronize an outside business or to support an outside organization, a political candidate or cause, or a religious cause.

## *Professional Tone and Content*

City employees are expected to exercise discretion in using “city branded email accounts”. When you send email using the city's domain, you are representing the “City of Belen”. Make certain that your messages are professional and appropriate in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, or forwarded to unintended recipients. You should not send any email that you would not want your boss, or your mother to read.

## *Guidelines for Email Writing*

An instructional video is available on the public share: \\Wdsharespace\public\Shared Instructions & Manuals\Email in the Workplace\89-223673 - Email in the Workplace.wmv

1. Always spell-check or proofread your email messages. Email is official city correspondence. Spelling errors in email are all too common, and they look sloppy and unprofessional.
2. Use lowercase and capital letters in the same way that you would in a letter. Using all capital letters is the email equivalent of shouting at someone -- and it can be hard on the eyes. Failing to use capital letters at all (to begin a sentence or formal noun) can confuse readers and seem overly cute. Unless you are writing poetry, use standard capitalization.
3. Remember your audience. Although email encourages informal communication, that might not be the most appropriate style to use if you are addressing the CEO of an important customer. Remember that your email may be forwarded to unintended recipients, some of whom may not appreciate joking comments or informalities.
4. Do not use email for confidential matters. Again, remember the unintended recipient. Your email might be forwarded to someone you did not anticipate or might be sitting at a printer for all to see. If you need to have a confidential discussion, do it in person or over the phone.
5. Send messages **sparingly**. There is rarely a need to copy everyone in the city on an email. Carefully consider who really needs to see the message, and address it accordingly.
6. Always think before you send. Resist the urge to respond in anger, to "flame" your recipient, or to get emotional. Although email gives you the opportunity to respond immediately, you do not have to take it.
7. **DO NOT LEAVE THE SUBJECT LINE BLANK.** Always include a brief description, so readers will know what your email is about at a glance. This makes it easier for all of us to manage our email -- and makes it more likely that you will receive a response to your message.
8. Do not overuse the "urgent" tag. Mark a message as urgent only if it is truly important and must be answered right away.
9. If you start a NEW topic, start a NEW Email. Never start a new topic within an existing email string. It is very easy to loose a conversation this way. Example; **User A** asks a question about apples, but then **User B** responds to **User A's** question with a new question about oranges. What happened to the apples?
10. **TURN OFF** the fancy artwork (stationery settings). With today's use of Smart phones, the artwork is never seen. Many email clients may not even receive the email, because of the embedded artwork.

**NOTE:** When a user is out of the office and has no way of checking their city email accounts while away, use the **Out of Office Assistant** to set an automatic response to those sending you emails. It is important that users know that you are gone, how long you are gone for, and if there is anyone else that can help them.

## Email Security



To avoid email viruses and other threats, do not open email attachments **from people or businesses that you do not recognize**, particularly if the email appears to have been forwarded multiple times or has a nonexistent or peculiar subject heading. Even if you know the sender, do not open an email attachment that has a strange name or is not referenced in the body of the email -- it may have been transmitted automatically, without the sender's knowledge.

If you believe your computer has been infected by a virus, worm, or other security threat to the city's system, you must inform the ICT Office immediately.

Employees shall not share their email passwords with anyone, including coworkers or family members. Revealing passwords to the city's email system could allow an outsider to access the city's network.

## Retaining and Deleting Email Messages

Because email messages are electronic records, certain messages must be retained for compliance purposes. Please refer to our record -- keeping policy for guidance on which records must be kept, and for how long. If you have any questions about whether and how to retain a particular email message, please ask your manager.

Because of the large volume of emails our city sends and receives each day, we discourage employees from storing large numbers of email messages that are not subject to the retention rules explained above. Please make a regular practice of deleting email messages once you have read and/or responded to them. If you need to save a particular message, you may print out a paper copy, archive the email, or save it on your hard drive or disk by creating a PST or OST files or letting Outlook Archive your messages. The Exchange Server will purge email messages that have not been archived after 90 days or as per the records retention policy.

The city may have occasion to suspend our usual rules about deleting email messages (for example, if the city is involved in a lawsuit requiring it to preserve evidence). If this happens, employees will be notified of the procedures to follow to save email messages. Failing to comply with such a notice could subject the city to serious legal consequences, and will result in discipline, up to and including termination.

**NOTE:** Administratively, ICT is blocking the Yahoo.com and the Gmail.com domains, due to a spam attack several years ago. Users within the City of Belen may send email to accounts within these domains, but city email accounts will not be able to receive emails from these domains.

If there is a specific Yahoo or Gmail account that you must receive email from, forward that email address to the ICT Office so that it can be "white-listed" or placed on an approved email recipient list.

## ACQUISITION OF TECHNOLOGY: IS PS023

When any department is contemplating purchasing technology of any kind, this information shall be shared with the ICT Office. The ICT staff will determine if said technology is compatible with existing technology or if it even needs to integrate with network services.

The ICT Office will determine the best way to accommodate the needs for the new technology and make recommendations on how to best execute the installation of equipment.

## VIDEO SURVEILLANCE: IS PS024

The City of Belen has an extensive network of video surveillance cameras at several facilities around the city. This system is set to record events for the safety of the employees and citizens of the City of Belen.

In recent years, technological advances and social changes have ushered in new and more pervasive forms of public video surveillance with the potential to upset the existing balance between law enforcement needs and constitutional rights and values. Modern public video surveillance systems consist of networks of linked cameras spread over vast portions of public space. These cameras can be equipped with technologies like high resolution and magnification, motion detection, infrared vision, and biometric identification—all linked to a powerful network capable of automated tracking, archiving, and identifying suspect behavior.

It is understandable that authorities would want to use any available means to prevent or deter any serious threats to public safety. But the value of modern video surveillance must be balanced with the need to protect our core constitutional rights and values, including privacy and anonymity, free speech and association, government accountability, and equal protection.

There is no expectation of privacy in public areas or events where video is being recorded. However, administration, ICT staff, and law enforcement agencies, in the investigation of criminal activity, may review the subject video.

The guidelines within the policy sets boundaries by which administrative staff and law enforcement can view live or recorded video and how it is to be used.

## BRING YOUR OWN DEVICE (BYOD): IS PS025

While the City of Belen provides laptops, mobile and smart phones to employees, at times it may not be feasible to provide these types of devices to all employees. In many instances, it may be preferable or even proper for an employee to use their own equipment. Thus, this policy is referred to as the **Bring Your Own Device** to work or BYOD.



The City of Belen will respect the privacy of your personal device as much as possible. However, IT Technicians may need to access the device to implement security controls, as outlined below, or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings (applicable only if user downloads government email/attachments/documents to their personal device). If there are questions related to compliance with the below security requirements, the user may opt to drop out of the BYOD program versus providing the device to technicians for compliance verification.

- Users shall not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case, proprietary information, or agency financial operations. This excludes city e-mail that is protected through the various security controls listed below;
- Users shall password protect the device;
- Users shall maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. The user shall not “Jail Break” the device (installing software that allows the user to bypass standard built-in security features and controls);

- Users shall not share their device with other individuals or family members, due to the business use of the device (potential access to city e-mail, etc); Users shall delete any sensitive business files that may inadvertently be downloaded and stored on the device. The Information & Communications Technology (ICT) Office will provide instructions for identifying and removing these unintended file downloads. Follow the premise, “When in Doubt, Delete it Out.”
- If the device is lost or stolen, the user shall notify the ICT Office within one hour, or as soon as practical after noticing the device missing. The ICT Office will lock the device and e-mail on the device deleted, please note this may also delete your personal email as well;
- Users must comply with all ISPS password policies, including use of strong passwords, where practicable, password expiration (90-days), and password history (3) See ISPS008, *Passwords*.
- The City of Belen reserves the right to terminate city-provided services for non-use.
- Users shall not connect their personal Smartphone to their work PCs, however storage devices are allowed provided users allow the storage device to be scanned by antivirus software.
- City of Belen shall not be responsible for the lost or damage to any personal devices.
- City of Belen may pay up to \$40.00/mo towards the cost for the use of Voice/Data services. This is subject to “proof of need” and department manager approval.



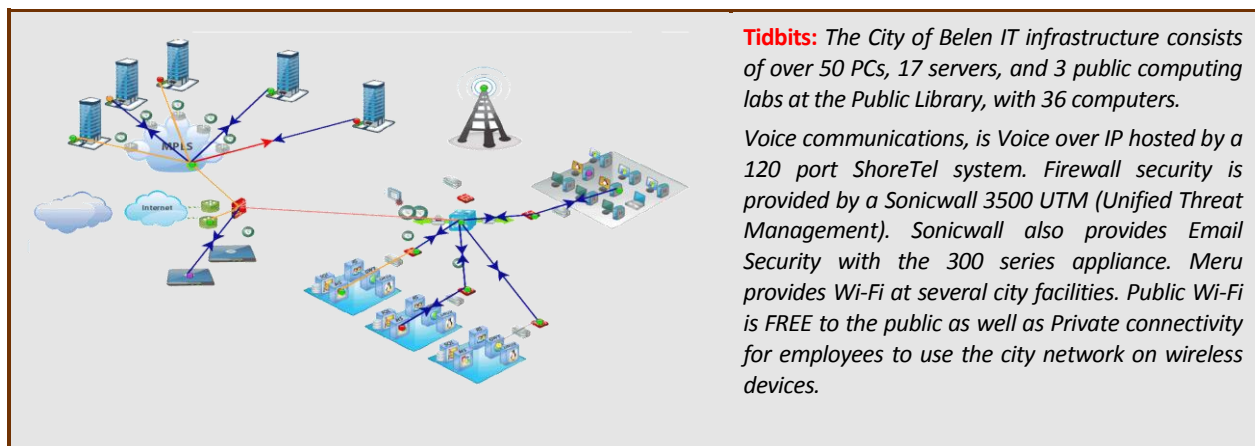
### ***If I want reimbursement, how is that calculated?***

The employee and the department manager must agree that there is a mutual benefit for the city and the employee to use his own personal device for work. The department’s budget must support the monthly cost for the computing device or Smartphone.

If the employee and the department manager agree that, the employee is entitled to reimbursement, for the use of a Smartphone, the department manager will use the average dollar amount from the total of at least three months of the employee’s wireless bills. The amount paid to an employee for use of their personal computing device shall not exceed \$40.00/mo.

A computing device or Smartphone maybe used simply as a convenience where the user may not require or want reimbursement. This must be noted on the BYOD agreement with the dollar amount as \$0.00.

The employee and the department manager must execute the BYOD agreement form so that it is kept as part of the employees file. An IT Request must be submitted to the ICT Department so that the device can be provisioned on the network. The employee must then take his computing device to the ICT Office to make sure that the device has the proper virus protection, and the necessary tools to work with the city’s network.



Social media provides a new and potentially valuable means of assisting the city and its personnel in meeting community outreach, problem solving, investigations, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel.

The city also recognizes the role that these tools play in the personal lives of some employees. The personal use of social media can have an effect on city employees in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by city employees.



### I. ON-THE-JOB USE

#### A. City-Sanctioned Presence

1. Determine strategy where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
  - a. Where possible, the page(s) should link to the city's official website, with approval of the IT Director.
  - b. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
2. Procedures
  - a. All city social media sites or pages shall be approved by the IT Director and shall be administered by his or her designee or as otherwise determined.
  - b. Where possible, social media pages shall clearly indicate they are maintained by the city and shall have city contact information prominently displayed.
  - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. See *"Information Security Policies and Standards."*
    - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
  - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Belen.
    - (1) Pages shall clearly indicate that posted comments will be monitored and that the city reserves the right to remove obscenities, off-topic comments, and personal attacks.
    - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

### 3. City-Sanctioned Use

a. City personnel representing the city via social media outlets shall do the following:

- (1) Conduct themselves at all times as representatives of the city and, accordingly, shall adhere to all city standards of conduct and observe conventionally accepted protocols and proper decorum.
- (2) Identify themselves as employees of the city. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to any city training, activities, or work-related assignments without express written permission of the Public Information Officer (PIO) from within the department or the city's PIO.
- (3) Not conduct political activities or private business.



- b. The use of city computers by city personnel to access personal social media is prohibited without prior authorization.
- c. City personnel use of personally owned devices to manage the city's social media activities or in the course of official duties is prohibited without prior authorization.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## II. PERSONAL USE

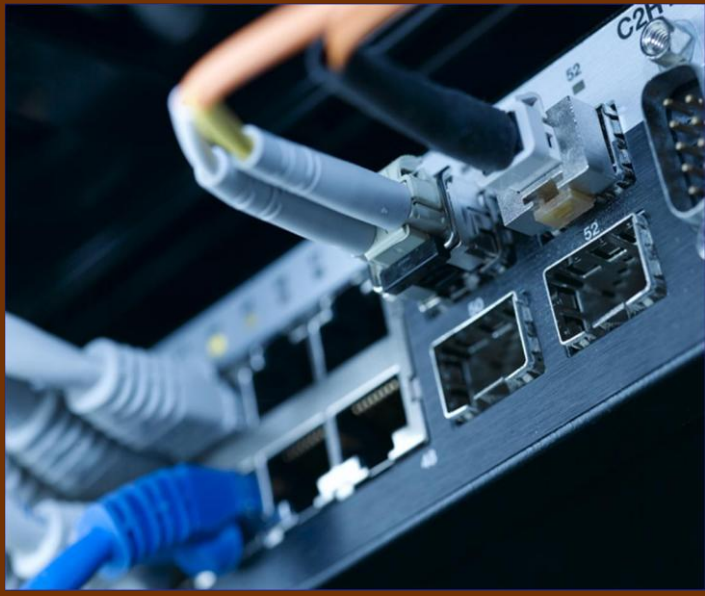
### A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, city personnel shall abide by the following when using social media in the personal environment.

1. City personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the city for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City of Belen.
2. As public employees, city personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the city. City personnel should assume that their speech and related activity on social media sites would reflect upon their position and the city.
3. City personnel shall not post, transmit, or otherwise disseminate any information to which they have access to because of their employment without written permission from the City Manager or his or her designee.
4. For safety and security reasons, city personnel are cautioned not to disclose their employment with the city, nor shall they post information pertaining to any other member of the city without their permission. As such, city personnel are cautioned not to do the following:
  - a. Display city logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer, fire fighter, court official

or any other employee of the city. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

5. When using social media, city personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the city's code of conduct is required in the personal use of social media. In particular, city personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - b. Speech involving themselves or other city personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. City personnel thus sanctioned are subject to discipline up to and including termination.
7. City personnel may not divulge information gained due to their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could
8. Reasonably be considered to represent the views or positions of this city without express authorization.
9. City personnel should be aware that they may be subject to civil litigation for;
  - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
10. City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
11. City personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the city at any time without prior notice.
12. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.



**Tidbits:** *The Citywide Network consists of the main core (96 ports copper) and (24 ports fiber) switch which routes data, voice and video to 11 offsite switches via fiber optics from City Hall on Main St. to the Library on 4<sup>th</sup> St. and wireless back-haul to the Waste Water Plant, Street Department, Water Shop, Eagle Park and Harvey House. A T-1 connection connects City Hall to the Municipal Airport.*

*The Citywide Network cost just over \$350,000 to install in 2009. The ICT Department consists of two full-time staff, the IT Director and the IT Specialist.*

*Three separate Internet services provide connectivity to the outside world for public and private use.*

*FREE Wi-Fi hotspots exist at City Hall, Police, Fire Station 1, Municipal Court, Library, Eagle Park, and Harvey House.*

This document, is prepared by the *Office of Information & Communications Technology* under the direction of Lawrence Kaneshiro, ICT Director. This overview handbook is a summary of the complete ISPS adopted by resolutions 2010-19, August 16, 2010, and 2013-17, August 19, 2013. The complete policy can be downloaded at [www.belen-nm.gov/departments/administration/iTechnology.htm](http://www.belen-nm.gov/departments/administration/iTechnology.htm)

The following three pages are re-printed from the State of New Mexico, electronic retention policy.

## **Frequently Asked Questions *About E-Mail Retention***

### **Can I Print Messages, then Delete Them?**

Yes, provided you print the following information with the message: name of sender, name of recipient, date and time of transmission and/or receipt. You then retain the printed message according to the appropriate records retention schedule, file them according to agency policy.

### **What about draft documents that undergo several revisions?**

Draft documents or working papers that are circulated via e-mail, that propose or evaluate high-level policies or decisions and provide unique information that contributes to the understanding of major decisions of the agency should be retained for reference and destroyed when no longer needed.

Other drafts circulated for comment, which demonstrate significant revisions in the view of the author may be destroyed at will by the author.

### **What do I do with attachments I receive with e-mail?**

File them with the e-mail message either electronically on your PC or network or if you are maintaining files in paper, print and file with the e-mail message and apply the appropriate retention schedule.

### **What about multiple copies of the same document?**

If another agency has responsibility for keeping a record copy, and if you have no business need to retain it, the document is simply a duplicate copy and subject to deletion/destruction at will. So, minutes of meetings you attend may be destroyed at will. The secretary or other responsible person in the organization, committee or task force must retain the minutes permanently.

### **Where can I get help to manage my e-mail?**

The State Records Center and Archives, Records Management Division offers general training as part of its ongoing records management training.

### **What is a record copy?**

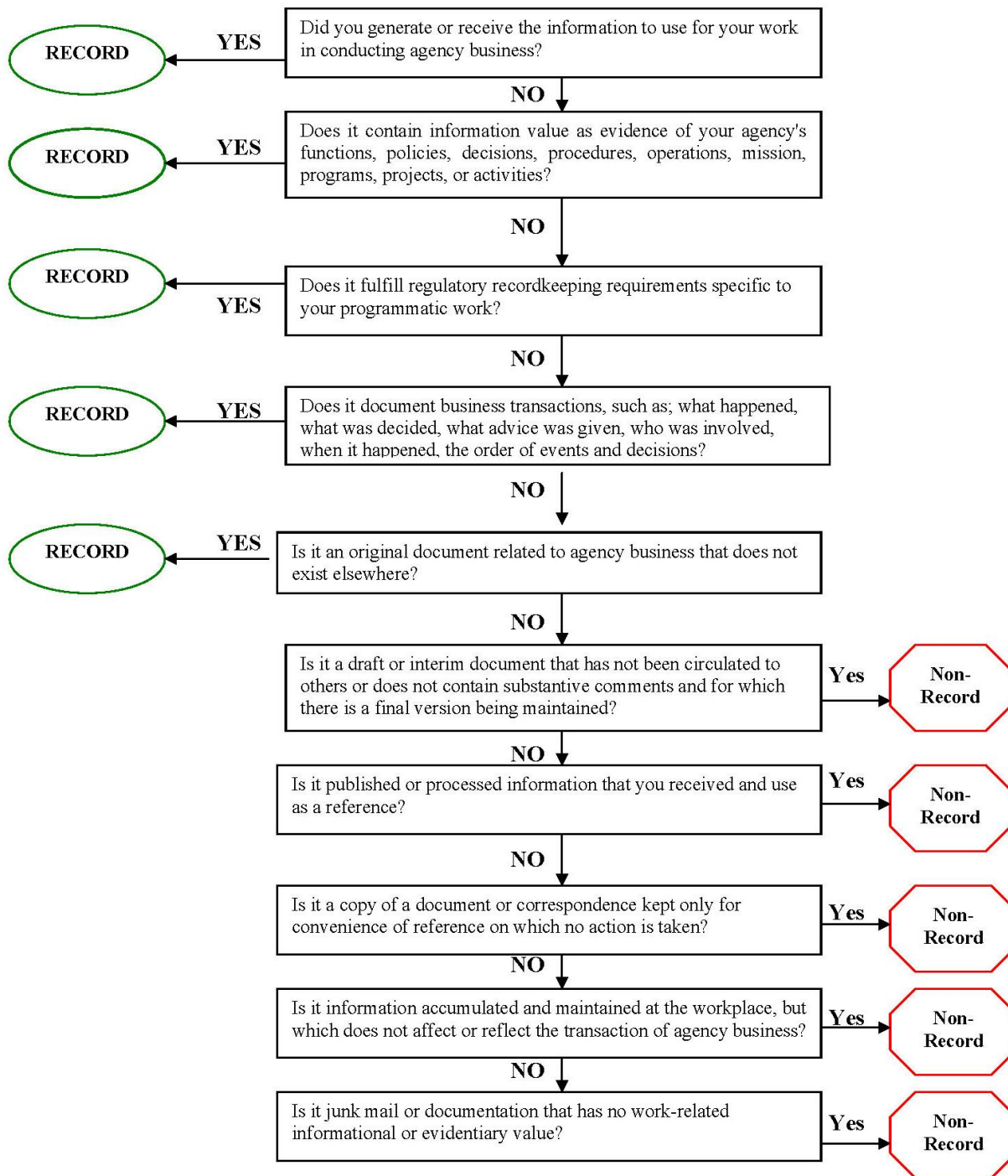
A **Record Copy** is a single copy of a record retained by its custodian as the official record of a government transaction and in accordance with the appropriate records schedule. All other copies are duplicate copies, held for convenience, and may be destroyed.

### **Do I need to keep every email message?**

No. Just as a large percentage of paper documents are created purely for administrative convenience, a large percentage of email messages may be transitory.

***If you would like more information on your records, please contact your agency's records liaison officer.***

## Is It A Record?



## **TIPS FOR USING AND MANAGING E-MAIL**

### **Reducing E-Mail Box Account Size**

- **Keep It Clean:** Make retention decisions right away. The longer you wait to clean out messages, the harder it will be to remember which messages are important.
- **Message Strings:** Retain only the last message in the conversation, if it includes the content of all previous messages.
- **Calendars:** Retain appointments for 2 years.
- **Trash:** Empty trash bin daily, including deleted messages in the *Recover Bin*.

### **E-mail Retention Checklist**

Ask yourself the following questions:

- Do I need to keep this message to document my work? Is it evidence?
- Is the message string completed, or could additional messages follow that I will want to retain?
- Are the other records about this topic/issue/case kept in hardcopy file or an electronic file?
- Is this a message that my co-workers are receiving too? Am I responsible for retention or is someone else responsible?
- Should this message be stored in a shared file? Do my co-workers need to access it?

### **E-mail Etiquette**

- Regardless of the intended reader, write your message as though your boss were reading.
- If confidentiality is an issue, don't use unsecured e-mail.
- Don't use e-mail to let off steam.
- Don't use the state e-mail system to respond to spam.
- Send e-mail messages only to the readers with a legitimate need for your information.
- Do not reply to a message unless you have something to contribute.
- Ask permission to forward material. Forwarding copyright-protected material or confidential information without permission could get you in trouble.
- Request a receipt notification only when necessary.
- Subject lines should include descriptive information that tell the reader what your e-mail message is about.

## NOTES