



General Rules
Policy No. 13
Approved: 06/11/97

THE CITY OF POMONA

ADMINISTRATIVE POLICIES AND PROCEDURES

INSPECTION, SEARCH AND MONITORING POLICY

I. PURPOSE

To safeguard the City's property and ensure the City's right to retrieve its property in the event an employee entrusted with property is not available; and to ensure that the City operates in an effective and efficient manner. This policy shall also serve to eliminate any expectation of privacy employees may have in relation to City equipment, including, but not limited to, desks, file cabinets, credenzas, computers, computer files, closets, lockers, and city vehicles.

II. APPLICABILITY

This policy applies to all full-time and hourly/part-time City employees.

III. POLICY

The City intends to protect against the unauthorized use and removal of City property, and to ensure access at all times to City facilities, equipment, records, documents, and files. The City further intends to ensure that it operates in an effective and efficient manner by identifying, discovering and eliminating inefficiency, incompetence, mismanagement and other work related misfeasance. Accordingly, the City of Pomona has established this policy concerning inspections, searches, and monitoring of City facilities and equipment. Computer systems and hardware, telephones, fax machines, City vehicles, and other equipment are the sole property of the City and may only be used for business purposes. This policy applies to all employees of the City of Pomona.

With regard to Police Officers who are covered by the California Public Safety Officers Procedural Bill of Rights Act (Cal. Gov. Code §§3300 et. seq.), the Act shall supersede the herein policy to the extent that there is a conflict between the two.

The City of Pomona reserves the absolute right to search for any legitimate, nondiscriminatory business reason, an employee's desk, locker, City vehicle, and individual's work area at any time. The City shall provide all necessary locks, combination locks, and/or keys and maintain duplicate keys and/or combinations to all locks. Employees are not permitted to use personal locks or combination locks (unless allowed by the Department).

INSPECTION, SEARCH AND MONITORING POLICY (Continued)

Employees who violate any of these provisions, may be denied access to the resources and disciplinary action may be taken up to and including termination of employment.

A. Access to City property

In order to ensure access at all times to City property, since an employee may not always be available to produce City property or information related to City business, the City reserves the right to conduct a routine inspection or search, at any time, of City facilities or City-related property. In addition, the City reserves the right to access, review, audit and disclose, at all times, information and communication stored in City computer files, voice mail, e-mail, city vehicles, and telephone calls.

Routine search and/or inspections of City property may include but is not limited to an office, desk, file cabinet, closet, computer files, voice mail, e-mail or similar areas where property is stored (whether or not such areas are locked or protected by access codes).

Since a routine search of City property may result in the discovery of personal possessions, employees are encouraged not to store any personal articles in the work place which may be personal and confidential.

B. Inspections or Search for Prohibited Materials

Inspections or searches conducted for prohibited material on City premises will take place whenever the City has reasonable belief that an employee may be in possession of such materials that violate this policy.

Inspections or searches for prohibited materials may be conducted by an independent security service, the City's Police Department, or by an authorized City staff member.

C. Monitoring

The City reserves the right to monitor, for any reason, the use of City telephones, including the right to review, audit, and disclose all matters sent over and/or stored in the computer systems, computer networks, fax machines, and electronic mail systems. Monitoring may be performed by observation, aural, mechanical, electronic, or other means. Monitoring may take place on a random basis and may be used to monitor job performance for training or quality control purposes. Direct monitoring will occur when the City has reasonable belief that an employee is using City property in an unauthorized manner.

INSPECTION, SEARCH AND MONITORING POLICY (Continued)

D. Electronic Mail (E-mail)/Voice-Mail/Internet

The City's Electronic Mail (E-mail) and other information systems are for City business only. The e-mail/voice-mail/Internet system are not to be used in a way that may be disruptive, derogatory, defamatory, obscene, offensive, harmful to morale or otherwise inappropriate or unrelated to business. In general, employees should use the information system for City business only. The e-mail system should not be used to solicit or proselytize others for commercial ventures, religious or political causes or other non-work related solicitations. The City reserves the right to access and disclose all messages sent over its e-mail system, for any purpose. The City may be required, under some circumstances, to disclose communications sent by e-mail under the Public Records Act or litigation. **WARNING:** Deletions of a message or file may not fully eliminate the message from the system.

III. DEFINITION OF TERMS

The following terms have been defined for the purpose of this policy only.

“Prohibited materials” means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances; drug-related paraphernalia; obscene, defamatory, derogatory and/or offensive materials; and alcoholic beverages or City property not authorized for possession.

“City property” includes all documents, records, software data, files related to business; and all equipment, hardware, and other property of any kind, whether owned, leased, rented or used by the City.

“City premises” includes all premises and locations owned or leased by the City or under the control of the City, including parking lots, lockers, City vehicles, and storage areas.

“Possession” means having the substance or City property on one's person or otherwise under one's control.

IV. PROCEDURE

- A. Upon adoption of this policy, all employees will be given a copy of this policy and required to sign the acknowledgement form.
- B. Upon hire, all employees will be given a copy of this policy and required to sign the

INSPECTION, SEARCH AND MONITORING POLICY (Continued)

acknowledgement form.

1. Acknowledgement form will be filed in the employee's personnel file.
- C. Department Heads and/or supervisors have the right to search the City's property as stated above on a regular basis or whenever the City has reasonable belief that an employee may be in possession of prohibited materials or using city property in an unauthorized manner.
1. Searches shall be done at random and shall be conducted by the Department Head or designee. The Department Head or designee should follow the progressive discipline process, if unauthorized materials are found during the search. It is recommended that searches be performed by two (2) individuals.
- D. Department Heads and/or supervisors shall monitor employee's telephone usage on a regular basis. A telephone print-out is provided for each telephone extension. The supervisor has the right to inquire about questionable telephone calls, i.e., length of call, number or location.
1. A supervisor is not permitted to listen to employee's personal telephone conversations. However, the supervisor may require the employee to report who the caller is and the reasons for the telephone call.
- E. Employees who violate any of these provisions, may be denied access to the resources and disciplinary action may be taken up to and including termination of employment.

CITY OF POMONA

INSPECTION, SEARCHES AND MONITORING POLICY
ACKNOWLEDGEMENT FORM

I _____, acknowledge that I have received the Inspection, Searches and Monitoring Policy. I understand after reading this policy that the City has reserved the right to search and/or inspect my office, desk, file cabinet, closet, computer files, voice mail, e-mail, city vehicles, or similar areas or containers where property is stored and/or transported (whether or not such area or container is locked or protected by access code). I further understand that records may be obtainable by the public through a public records request or subpoena. In addition, I understand that the City encourages me not to store personal possessions and articles in the work place which may be personal or confidential.

Employee Signature

Date

Print Name

Department