

## Electronic and Social Media

This policy is intended to protect the Company's computer systems and electronic information.

For purposes of these policies, the following definitions apply: "Computers" are defined as desktop computers, laptops, handheld devices (including but not limited to iPhones, Blackberries, smart phones, iPads, and other electronic tablets and cell phones), computer software/hardware and servers, and all other Company-owned or company-provided electronic devices.

EMPLOYER also uses various forms of "electronic communication." "Electronic communications" includes communications made via e-mail, text message, telephone, cell phone and other handheld device (such as Droid, Blackberry, iPhone, or other smart phone, writing tablet, or iPad), fax machine, and any Internet-based communication program or device.

"Electronic information" is any information created by an employee using computers or any means of electronic communication, including but not limited to, data, messages, multimedia data, and files.

The following general policies apply:

- Computers, electronic communications, electronic information, and all data transmitted through EMPLOYER servers are Company property owned by the Company for the purpose of conducting Company business. These items must be maintained according to
- EMPLOYER rules and regulations. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any Company property may be removed from the premises.
- All electronic communications and electronic information remain the sole property of EMPLOYER and are to be used for Company business. For example, email messages are considered Company records. EMPLOYEES SHOULD HAVE NO EXPECTATION OF PRIVACY FOR ANY ELECTRONIC COMMUNICATIONS OR ELECTRONIC INFORMATION THAT IS CREATED, ACCESSED, SENT, STORED, OR RECEIVED ON COMPANY-OWNED COMPUTERS OR SERVERS.
- Confidential information and/or trade secrets stored in EMPLOYER computers and file servers, including without limitation \_\_\_\_\_ [list Company owned information such as customer lists, vendor lists, research data] is the property of the Company and may not be distributed outside the Company in any form whatsoever without the written permission of the \_\_\_\_\_ [Insert title of Company official].

- Violation of any of the provisions of this policy, whether intentional or not, is grounds for disciplinary action, up to and including termination.

Monitoring of Company Property EMPLOYER reserves the right to inspect all Company property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. EMPLOYER computers and all electronic communications and electronic information are all subject to monitoring and no employee should expect privacy regarding such use. The Company reserves the right to access, review and monitor electronic files, information, messages, text messages, e-mail, Internet history, browser-based webmail systems and other digital archives and to access, review and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of Company policy or any law occurs. Employees should assume that electronic communication and electronic information will be monitored by the Company, such that there is no expectation of privacy because that information may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security but the use of a password does not affect the Company's ownership of the electronic communication or electronic information, nor does it in any way limit the Company's ability to monitor such information. The Company may override an employee's password for any reason, with or without notice to the employee.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by EMPLOYER management.

### **Prohibited Use**

All existing Company policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies that deal with misuse of Company assets or resources. It is a violation of EMPLOYER policy to use computers, electronic communications, electronic information, or the Internet, in a manner that:

- is discriminatory, harassing, threatening, or illegal;
- involves sexually explicit content of any kind in violation of the Company's policy against sexual harassment;
- constitutes copyright or trademark infringement or which discloses confidential or trade secret information;
- violates software licensing rules; or
- violates EMPLOYER policy, including but not limited to policies related to discrimination, harassment, retaliation, conflict of interest, privacy, and off-duty conduct.

This description of prohibited usage is not exhaustive and it is within the discretion of

EMPLOYER to determine if there has been a violation of this policy. Employees that engage in prohibited use will be subject to discipline and/or immediate termination.

Nothing in this Electronic and Social Media policy limits or in any way infringes on an employee's right to engage in concerted activity to further better working conditions, nor does this policy otherwise limit any rights protected by the National Labor Relations Act or by any other federal or state law. Employees are free to engage in discussions with other co-workers about any matter concerning the terms and conditions of employment (including topics such as wages, job performance, workload, staffing, etc.).

**Permissible Use** (The following options apply to Company provided property. Choose the one that best fits your Company's needs. The options range from most restrictive to least restrictive.)

Option A: EMPLOYER provides computers, electronic communications, electronic information and information technology resources, including the Internet, to its employees to help them do their job. Company-provided computers, electronic communications, electronic information and the Internet are only to be used only for work-related purposes. No personal use of this Company property is permitted at any time. Violation of this policy may result in discipline and/or immediate termination.

Option B: EMPLOYER provides computers, electronic communications, electronic information and information technology resources, including the Internet, to its employees to help them do their job. Generally, these Company resources and property should be used only for business related purposes; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications;
- To use the telephone system, cell phones or smart phones for brief and necessary personal calls or messages; and
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, [optional: or outside of work hours] provided that employees adhere to all other usage policies.

Any personal usage of Company property must not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any Company policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of Company property apply, and employees are reminded that they should not have any expectation of privacy for electronic communications or electronic information that is created, stored, accessed, sent, or received on Company-provided computers or servers.

Option C: EMPLOYER provides computers, electronic communications, electronic information, and information technology resources, including the Internet, to its

employees to help them do their job. Generally, these Company resources should be used for business related purposes. However, the Company recognizes that occasional personal use of these Company resources and property may occur during working time. The Company allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any Company policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of Company property apply. Employees are reminded that they should not have any expectation of privacy for electronic communications or electronic information that is created, stored, accessed, sent, or received on Company-provided computers or servers. EMPLOYER reserves the right to adjust this policy as it deems appropriate in its sole discretion.

Social Media (The following options apply to your Company's social media policy, if any. Choose the one that best fits your Company's needs. Option A is the most restrictive policy. Option B is to be used when your Company uses social media for work purposes but wishes to restrict unauthorized use of Company social media pages or restrict personal use of company social media tools; Option C is the least restrictive policy regarding social media usage.)

**Option A:** EMPLOYER does not use nor does it condone the use of social media in the workplace for any purpose. Social media is a set of Internet tools that aid in the facilitation of interaction between people online and includes programs such as Facebook, LinkedIn, Twitter, MySpace, and other similar websites and/or Internet-based programs. This list is not exhaustive. If you have specific questions about which programs the Company deems to be social media, consult with \_\_\_\_\_ [insert title, e.g., your supervisor or HR].

Use of social media during working hours on work premises (via either Company-provided equipment or employee-owned devices) is a violation of Company policy that can result in discipline up to and including termination. [Option: The Company uses filtering software to block access to all social media sites.]

Although employees may use personal devices and/or equipment to access social media during non-working times (such as breaks, meal periods, or other off-duty time), certain off-duty conduct may interfere with the Company's legitimate business interests. For this reason, employees who use personal devices to engage in social media during non-working times are specifically prohibited from engaging in behavior that is discriminatory, harassing, threatening, or illegal; behavior that results in the disclosure of confidential or trade secret information; behavior that constitutes copyright or trademark infringement; or behavior that otherwise interferes with the Company's business operations. In addition, company policies, including zero tolerance for discrimination, harassment, or retaliation in the workplace, apply to any such use of social media.

**Option B:** EMPLOYER uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between

people online and includes programs such as Facebook, LinkedIn, Twitter, MySpace, and other similar websites and/or Internet-based programs. This list is not exhaustive. If you have specific questions about which programs the Company deems to be social media, consult with \_\_\_\_\_ [insert title, e.g., your supervisor or HR].

Use of social media is only allowed in furtherance of Company goals. For example, authorized individuals are allowed to communicate on behalf of the Company using authorized social media tools (such as the Company Facebook page, the Company blog, the Company Twitter account, etc.). Your \_\_\_\_\_ [insert title of appropriate supervisor or company official] will authorize you in writing if you can use these Company social media tools to perform your job duties. Authorized individuals using the Company social media tools shall identify themselves honestly, accurately and completely. Your authorization is limited to business purposes and personal use of these Company social media tools or programs is prohibited and can result in discipline up to and including termination. All policies relating to monitoring usage of Company property apply. Employees are reminded that they should not have any expectation of privacy for social media communications.

Although employees may use personal devices and/or equipment to access social media during non-working times (such as breaks, meal periods, or other off-duty time), certain off-duty conduct may interfere with the Company's legitimate business interests. For this reason, employees who use personal devices to engage in social media during non-working times are specifically prohibited from engaging in behavior that is discriminatory, harassing, threatening, or illegal; behavior that results in the disclosure of confidential or trade secret information; behavior that constitutes copyright or trademark infringement; or behavior that otherwise interferes with the Company's business operations. In addition, company policies, including zero tolerance for discrimination, harassment, or retaliation in the workplace, apply to any such use of social media.

**Option C:** Social media is a set of Internet tools that aid in the facilitation of interaction between people online and includes programs such as Facebook, LinkedIn, Twitter, MySpace, and other similar websites and/or Internet-based programs. This list is not exhaustive. If you have specific questions about which programs the Company deems to be social media, consult with \_\_\_\_\_ [insert title, e.g., your supervisor or HR]. The Company recognizes that occasional personal use of social media using Company resources may occur during working hours. The Company allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other

users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any Company policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of Company property apply and employees are reminded that they should not have any expectation of privacy for social media communications made during working hours on work premises and/or created, stored, accessed, received, or maintained on Company- provided computers or servers. EMPLOYER reserves the right to adjust this policy in its sole discretion.

EMPLOYER also recognizes that occasional use of the employee's own computers (including hand held devices) and electronic communications may occur during working. The Company allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time or violate any Company policy. All other company policies, including the Company's no tolerance for discrimination, harassment or retaliation in the workplace apply. EMPLOYER reserves the right to adjust this policy in its sole discretion.

Although employees may use personal devices and/or equipment to access social media during non-working times (such as breaks, meal periods, or other off-duty time), certain off-duty conduct may interfere with the Company's legitimate business interests. For this reason, employees who use personal devices to engage in social media during non-working times are specifically prohibited from engaging in behavior that is discriminatory, harassing, threatening, or illegal; behavior that results in the disclosure of confidential or trade secret information; behavior that constitutes copyright or trademark infringement; or behavior that otherwise interferes with the Company's business operations. In addition, company policies, including zero tolerance for discrimination, harassment, or retaliation in the workplace, apply to any such use of social media.