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**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL VETERANS AFFAIRS COUNCIL #53
Affiliated with the AFL - CIO
Mid-Term Bargaining Committee**

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January 14, 2000

Norman E. Jacobs
Customer Advisory & Consulting Group (051A2)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Subject: Demand to Bargain – VA Directive 6001 "Limited Personal Use of Government Office Equipment Including Information Technology"

Dear Mr. Jacobs:

The National VA Council is formally demanding to bargain over VA Directive 6001 in the Department of Veterans Affairs. Please provide the above named bargaining committee with any information and/or data concerning the cited subject above.

Please cease and desist any implementation until the bargaining obligation has been met. The named bargaining committee may request a briefing over the cited subject above, before sending any proposals. If you have any questions please contact me at (217) 477-4866.

Sincerely,



Oscar L. Williams, Jr.
Chairperson, Mid-Term Bargaining Committee
National VA Council #53

cc: Alma L. Lee, President, National VA Council #53
Mid-Term Bargaining Committee

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**LIMITED PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT
INCLUDING INFORMATION TECHNOLOGY**

1. REASON FOR ISSUE: This directive defines acceptable, limited conditions for Department of Veterans Affairs (VA) employees' personal use of Government office equipment, including information technology.

1. SUMMARY OF CONTENTS:

a. This directive establishes new privileges and additional responsibilities for VA employees. It recognizes these employees as responsible individuals who are the key to making VA more responsive to its customers. It allows employees to use Government office equipment, including information technology, for non-Government purposes when such use:

- (1) involves minimal additional expense to the Government;
- (2) is performed on the employee's non-work time;
- (3) does not interfere with VA's mission or operations; and,
- (4) does not violate standards of ethical conduct for Executive branch employees.

b. Employees have no inherent right to use Government office equipment for other than official activities. Therefore, VA Administrations and Staff Offices will establish necessary controls to ensure that the equipment is used appropriately.

c. This directive does not supersede any other applicable law or higher level Government-wide policy guidance, but does supersede any other Department, Administration or Staff Office policy, or policy sections, that deal specifically with employee personal use of Government equipment and information technology.

2. RESPONSIBLE OFFICE: The Technology Integration Service (045A2), Office of the Assistant Secretary for Information and Technology, is responsible for the material contained in this directive.

3. RELATED HANDBOOK: None.

4. RESCISSION:

a. Office of Information and Technology (005) memorandum dated June 2, 1999, Guidelines for Internet Usage.

b. MP 6, Part VIII, Appendix B, VA Telephone Policy.

CERTIFIED BY:

/s/
Acting Principal Deputy Assistant Secretary
for Information and Technology

Distribution: RPC 6006
FD

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Robert P. Bubniak
Acting Principal Deputy Assistant
Secretary for Information and Technology

**LIMITED PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT
INCLUDING INFORMATION TECHNOLOGY**

1. PURPOSE AND SCOPE. This directive establishes policy and responsibilities for VA employees' limited personal use of Government office equipment, including information technology. It establishes that limited personal use of Government office equipment, including information technology, is considered "authorized use;" and it defines specific provisions for such use of Government office equipment, including use of the Internet. This directive applies to all VA organizational elements, and all VA employees using VA office equipment, including information technology.

2. POLICY

a. VA employees are permitted limited use of Government office equipment for personal needs if the use does not interfere with official business and involves minimal additional expense to the Government. This limited personal use of Government office equipment should take place during the employee's non-work time. This privilege to use Government office equipment for non-Government purposes may be revoked or limited at any time by appropriate VA Administration and Staff Office officials.

b. This personal use must not result in loss of employee productivity or interference with official duties. Moreover, such use must result in only minimal additional expense to the Government in areas such as:

(1) Communications infrastructure costs, e.g., telephone charges, telecommunications traffic;

(2) Use of consumables, e.g., paper, ink, or toner, in limited amounts;

(3) General wear and tear on equipment;

(4) Data storage on storage devices; or,

(5) Transmission impacts, e.g., moderate electronic mail message sizes with only small attachments.

c. Employees are expected to conduct themselves professionally in the workplace and are required under the Standards of Conduct to refrain from using Government office equipment for activities that are inappropriate. Misuse or inappropriate personal use of Government office equipment includes:

(1) Any personal use that could cause congestion, delay, or disruption of service to any Government system or equipment. For example, continuous data streams, video, sound, or other large file attachments can degrade the performance of the network.

(2) Using Government systems as a staging ground or platform to gain unauthorized access to other systems.

(3) The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter.

(4) Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public. Such activities include hate speech, or material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.

(5) The creation, downloading, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials.

(6) The creation, downloading, viewing, storage, copying, or transmission of materials related to gambling, illegal weapons, terrorist activities, and any illegal activities, or activities otherwise prohibited.

(7) Use for commercial purposes or in support of "for profit" activities or in support of other outside employment or business activity (e.g. consulting for pay, sales or administration of business transactions, sale of goods or services).

(8) Engaging in any outside fund-raising activity, endorsing any product or service, or engaging in any prohibited partisan political activity.

(9) Participating in any lobbying activity, without authority.

(10) Use for posting agency information to external news groups, bulletin boards, or other public forums without authority. This includes any use that could create the perception that the communication was made in one's official capacity as a Federal Government employee (unless appropriate agency approval has been obtained), or uses that are at odds with the Agency's mission or positions.

(11) Any use that could generate more than minimal additional expense to the Government. See limitations on the use of telephones in paragraph d, below.

(12) The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data, that includes privacy information; copyrighted, trademarked, or material with other intellectual property rights (beyond fair use); proprietary data; or export-controlled software or data.

d. Personal local (non-toll) telephone calls are authorized when they meet the following criteria:

(1) They do not adversely affect the performance of official duties by the employee or the employee's organization;

(2) They are of reasonable duration and frequency;

(3) They could not reasonably have been made at another time;

(4) They are made in response to an emergency, as provided for in 41 C.F.R. section 101-35.201(d), or;

(5) They are provided for in a collective bargaining agreement that is consistent with this policy.

Personal long distance (toll) calls that must be made during working hours may be made on Government telephone systems if consistent with the criteria listed above, and if the Government does not incur the long distance charges, i.e., the calls are placed to toll free numbers, or charged to the employee's home phone number, or to the call recipient.

e. It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in an official capacity when they are using Government office equipment for non-Government purposes. If there is expectation that such a personal use could be interpreted to represent an agency, then an adequate disclaimer must be used. One acceptable disclaimer is –*"The contents of this message are mine personally and do not reflect any position of the Government or the Department of Veterans Affairs."* The Standards of Conduct state, "...an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities..." (5 C.F.R., Section 2635.702(a)).

f. VA management may apply this policy to contractor personnel, and other non-Government employees through incorporation by reference in contracts or memorandums of agreement as conditions for using Government office equipment and space.

g. Unauthorized or improper use of Government office equipment, including those misuses outlined in Paragraph 2.c, of this directive, could result in loss of use or limitations on use of equipment, disciplinary or adverse actions, criminal penalties, and/or employees being held financially liable for the cost of improper use.

h. This policy does not give employees the privilege to modify Government equipment, e.g., loading personal software or making configuration changes to hardware or software for personal use.

i. Employees have no inherent right to use Government office equipment for other than official activities. Therefore, VA Administrations and Staff Offices will establish necessary controls to ensure that the equipment is used appropriately.

j. VA employees do not have a right, nor should they have an expectation of privacy while using any Government office equipment at any time, including accessing the World Wide Web or using E-mail. By using Government office equipment, VA employees imply their consent to disclosing the contents of any files or information maintained or passed through Government office equipment, and to management monitoring and recording with or without cause by authorized officials, e.g., VA managers, supervisors, or systems administrators. Any use of Government communications resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous. To the extent that employees wish

that their private activities remain private, they should avoid using any Government office equipment including their computer, the World Wide Web, and E-mail.

k. System managers do employ monitoring tools to detect improper use. Electronic communications may be disclosed within the Department to employees who have a need to know in the performance of their duties. VA management officials may access any electronic communications.

l. This policy in no way limits VA personnel in the use of Government office equipment, including information technology, for official activities.

m. This policy does not supersede any other applicable law or higher level Government-wide policy guidance; but it does supersede any other Department, Administration or Staff Office policy, or policy sections, that deal specifically with employee personal use of Government equipment and technology.

3. RESPONSIBILITIES

a. **Secretary of Veterans Affairs.** The Secretary has designated the Department's Chief Information Officer as the senior agency official responsible for the Department's information technology programs.

b. **Chief Information Officer.** The Department's Chief Information Officer (CIO) is responsible for the effective use by VA of the Internet and other information technology resources, and for policies governing the use and implementation of the Internet and other information technology resources. The CIO, having established this policy for the limited personal use of Government office equipment, including information technology, will monitor, review, and evaluate compliance with this policy.

c. **Administration Heads, Assistant Secretaries and Other Key Officials.** These officials will ensure the implementation of this policy within their respective Administrations and offices. These officials will establish necessary controls to ensure that Government equipment is used appropriately, and also will ensure that VA information and information resources are protected from inappropriate use, access, tampering, destruction, and unauthorized release of sensitive information. These officials will provide for penalties for abuses of this policy, and will ensure that funds for personal long distance calls are collected, if cost-effective to do so.

4. REFERENCES

- a. Executive Order 13011, Federal Information Technology, section 3(a)(1).
- b. Part 1 of Executive Order 12674.
- c. VA Directive 6210 – "Automated Information Systems Security."
- d. 5 C.F.R., part 2635 -- Standards of Ethical Conduct for Employees of the Executive Branch.

e. 5 C.F.R., section 2635.101 (b) (5) – Standards of Ethical Conduct for Employees of the Executive Branch.

f. 5 C.F.R., section 2635.704 – Use of Government Property.

g. 41 C.F.R., section 101-35. 201 – Telecommunications Management Policy.

h. 41 C.F.R., section 101-35. 202 – Collection for Unauthorized Use.

i. 5 U.S.C., section 301.

5. DEFINITIONS

a. **Employee Non-Work Time.** Employee non-work time is that time when the employee is not otherwise expected to be addressing official business. Employees may, for example, use Government office equipment during their own off-duty hours such as before or after a workday (subject to local office hours), lunch periods, authorized breaks, or weekends or holidays (if their duty station is normally available at such times).

b. **Government Office Equipment Including Information Technology.** Government office equipment, including information technology, encompasses, but is not limited to: personal computers and related peripheral equipment and software, library resources, telephones, facsimile machines, photocopiers, office supplies, Internet connectivity, and access to Internet services and E-mail. This list is provided to show examples of office equipment as envisioned by this policy.

c. **Information Technology.** Information technology means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement control, display, switching, interchange, transmission, or reception of data or information.

d. **Minimal Additional Expense.** Minimal additional expense is that cost which results when small amounts of electricity, ink, toner, or paper are used. The cost resulting from brief personal telephone calls, electronic mail messages, or internet sessions are also examples of minimal additional expense. The cost involved in downloading large files, such as motion picture video, or the contents of an entire compact disc, or personal electronic mail messages, holiday greetings, and chain letters forwarded throughout the network, is not minimal additional expense.

e. **Personal Use.** Personal use means activity that is conducted for purposes other than accomplishing official or otherwise authorized activity. Examples of authorized personal use would include employees checking their Thrift Savings Plan or other personal investments, or seeking employment, or communicating with a volunteer charity organization, or scheduling a medical appointment.

f. **Privilege.** A privilege is an opportunity extended to employees, not as a matter of right, but instead, as a matter of management's recognition of employees' personal and family needs.