

From: [Sims, James A II NFG NG OHARNG \(US\)](#)
To: [Lyon, William H NFG NG OHARNG \(US\)](#)
Subject: Any chance I can get this printed and tape bound? (UNCLASSIFIED)
Date: Tuesday, August 13, 2013 8:59:00 AM
Attachments: [CaldiniInstManual.pdf](#)

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Exhibit 1

Page 2 of 3

From: [Sims, James A II NFG NG OHARNG \(US\)](#)
To: [Lyon, William H NFG NG OHARNG \(US\)](#)
Subject: One more please (UNCLASSIFIED)
Date: Tuesday, August 13, 2013 9:00:00 AM
Attachments: [StratWritingInstManual.pdf](#)

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [Sims, James A II NFG NG OHARNG \(US\)](#)
To: [Lyon, William H NFG NG OHARNG \(US\)](#)
Subject: (UNCLASSIFIED)
Date: Monday, September 23, 2013 4:57:00 PM
Attachments: [mba707-usa-any-franklin-f2f-6wk-working_designer.pdf](#)

Classification: UNCLASSIFIED

Caveats: NONE

Can you print one copy for me? Tape bind?

Classification: UNCLASSIFIED

Caveats: NONE

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

AGOH-SHRD

7 November 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY - *State Employee Procedure Letter #22 and State Employee Discipline and Work Rules

1. **REFERENCES.**

- a. Chapter 124, Ohio Revised Code (Personnel Exempt from Collective Bargaining).
- b. Ohio Administrative Code, Section 123:1-47-01.
- c. Article 24, OCSEA Contract (Collective Bargaining Personnel).
- d. Enclosure with this letter, Table of Penalties for State Employees.

2. **PURPOSE.** This letter outlines the discipline policy of the Adjutant General's Department when dealing with state employees. The principles of progressive, corrective action shall be followed as a means of modifying behavior or correcting inappropriate actions. Actions taken shall be reasonable, consistent with the offense, and commensurate with the individual employee's disciplinary record.

3. **SCOPE.** This policy applies to all state employees of this department as listed:

- a. Classified State of Ohio positions (exempt and collective bargaining).
- b. Unclassified State of Ohio positions must meet the same expectations and follow the same policies as Classified State of Ohio positions. However, unclassified service appointments are made at the discretion of the Appointing Authority and the incumbent may be removed, suspended or reduced at the pleasure of the same authority. Pre-discipline meetings and State Personnel Board of Review appeals do not apply to unclassified positions.

4. **GENERAL.** Employees shall abide by all directives, rules and policies of the Adjutant General's Department as well as all local, state, and federal laws.

Disciplining an employee who violates rules, policies, and directives of the Adjutant General's Department or the Ohio Revised Code, is necessary, if order and efficiency are to prevail in the work place. The objective of imposing discipline is to correct undesirable behavior that adversely impacts the mission of the Adjutant General's Department.

*This letter supersedes State Employee Procedure Letter #22, dated 1 December 1996.

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It is of equal importance that disciplinary action shall be for just cause and shall be administered fairly and consistently throughout the organization within the guidelines set herein. The suggested discipline outlined shall also be commensurate with the offense taking into account the severity of the violation, mitigating circumstances, as well as previous discipline. The Ohio National Guard is dedicated to the policy of corrective progressive discipline. Disciplinary action should be imposed with the intent of giving the employee the opportunity to correct his/her behavior so long as the discipline is commensurate with the offense. If the behavior is not corrected, discipline should become increasingly more severe, up to and including removal. Certain offenses warrant severe discipline to include removal on the first offense.

The infractions included in this directive and the enclosed Table of Penalties are not intended to be all-inclusive. It is likely that there are many other types of infractions that may occur. The infractions listed are intended to be representative examples of activities that will warrant immediate corrective action. Informal counseling and work instruction are not considered disciplinary action and are to be used to direct the work force, as well as place employees on notice of improper behavior.

In general, it is the philosophy of the Adjutant General's Department to offer and encourage the use of the Employee Assistance Program (EAP), where appropriate. The EAP is not considered disciplinary action.

5. **RESPONSIBILITIES.** Supervisors are responsible for the appropriate and consistent application of the work rules, policies, procedures, and directives of the Ohio National Guard and/or laws of the State of Ohio. Supervisors are also responsible for initiating the request for disciplinary action as soon as they are aware of a potential situation.

Employees are responsible for complying with and adhering to all work rules, policies, procedures and directives of the Adjutant General's Department and/or laws of the State of Ohio. Employees are expected to conduct themselves in such a manner that their activities both on and off duty will not adversely affect their ability to perform their duties.

Employees are expected to report to their immediate supervisor violations of policy, procedure and/or law particularly when such violations would adversely impact the mission, public trust or safety of the Adjutant General's Department.

Employees must obtain and maintain all requirements for their position. This requirement includes but is not limited to a valid driver's license, CAC Access, a favorable background check and/or security clearance (NAC or NACI) as required by the Adjutant General, classification specification or the Federal government.

Illegal conduct on the part of any employee, whether on or off duty, is not only unlawful but reflects on the integrity of the Adjutant General and betrays the public trust. In the event any Adjutant General employee is convicted of any felony or degreed misdemeanor, or is required to be a defendant in any court action, that employee must notify his chain of command immediately. Failure to notify the chain of command will subject the employee to potential disciplinary action. Conviction of a felony is cause for removal from employment with the Adjutant General's Department.

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SUBJECT: Policy - State Employee Procedure Letter #22 and State Employee Discipline and Work Rules

6. **PROCEDURES.** Discipline shall be progressive in nature. Each violation of policy or procedure will move the disciplinary process to the next step. Discipline shall be imposed per the Table of Penalties attached, beginning with a reprimand for minor offenses and progressing with each offense. Disciplinary action need not begin at an oral reprimand for a major offense.

The determination of whether an offense is minor or major is a management decision and based upon the circumstances surrounding the offense, as well as the nature of the offense.

7. **DEFINITIONS.**

a. **Counseling:** A discussion with the employee to notify him/her of a potential disciplinary situation. The supervisor should discuss the problem with the employee, offer advice and assistance/suggestions on how to best resolve the problem. Supervisors may document the counseling session through memoranda, email or notation in the employee's file.

b. **Formal Disciplinary Action:** Consists of verbal reprimands, written reprimands, suspensions, working suspension, and removals. Exempt employees may also be demoted. No such action will be taken regarding suspension, removals or reductions without review and coordination with the State Human Resources Administrator. Any action involving removal, suspension, or reduction will be processed in accordance with Section 124:34, Ohio Revised Code, or Article 24, OCSEA Contract.

1. **Oral Reprimand:** An oral reprimand, noted in the employee's file, from the employee's supervisor. The supervisor will identify the offense, the proper course of behavior, and the consequences of future actions.

2. **Written Reprimand:** A written reprimand for violation of rules and regulations of the Adjutant General's Department. The reprimand is prepared and signed by the immediate supervisor and presented to the employee. The supervisor will identify the offense, the proper course of behavior, and the consequences of future actions. The employee is required to acknowledge receipt of the written reprimand with their signature.

3. **Suspension:** A temporary removal from duty, without pay, imposed by the Appointing Authority for violation of rules and regulations of the Adjutant General's Department.

4. **Working Suspension:** Used in lieu of suspension for violation of rules and regulations of the Adjutant General's Department. A working suspension has the same force and effect as a suspension without pay for purposes of progressive discipline, however, the employee is required to report to work as scheduled and is paid for hours worked.

5. **Demotion:** Non-bargaining unit employees may be reduced in pay and position for violations of Ohio Revised Code 124.34.

6. **Last Chance Agreement:** In some cases it may be appropriate to offer the employee a last chance. This agreement may accompany disciplinary action and is intended to make employees aware that any subsequent violations of the Adjutant General's Department policy, procedure, and/or directives will result in the removal of the employee from his/her position. Most last chance agreements will be in

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effect for a period of two (2) years from the date the notice was signed. The last chance agreement is not a mandatory nor is it an additional step required prior to an employee being removed from service. Last Chance Agreements may be offered and/or developed by management, the employee or the employee representative.

7. Removal: A involuntary termination from duty with the Adjutant General's Department imposed by the Appointing Authority for reoccurring infractions or a serious breach of the rules and regulations or a combination of both.

8. General Provisions: Bargaining unit employees are entitled to union representation during all phases of the disciplinary process. Exempt employees are entitled to representation of their choice, if requested, during all phases of the disciplinary process.

For major breaches in proper behavior, policy or procedure, the principles of progressive corrective disciplinary action may not be appropriate. An employee may be disciplined immediately, without progression, based on the seriousness of the offense. Due process shall always be provided except for those serving in unclassified positions. Disciplinary action shall be commensurate with the offense.

9. Administration Disciplinary Action: For purposes of consistency and to assure the policies of the Adjutant General's Department are being implemented properly, supervisors who are contemplating disciplinary action must first contact the State Human Resource Office for guidance.

Timely discipline is a key to the corrective effect of disciplinary action. All efforts should be made to issue disciplinary action within a reasonable timeframe when an employee has violated policy/procedure/directives.

a. Oral Reprimands: This reprimand is administered verbally, however, a notation of record must be prepared. This may take the form of a memorandum; follow up email or notation in the supervisory record. This must be completed and forwarded to the Adjutant General's Department, State Human Resources Division (AGOH-SHRD). Reprimands not on file at AGOH-SHRD may be determined to be unusable for progressive disciplinary purposes. A copy of this notation record must be provided to the employee.

b. Written Reprimands: Notices of written reprimands must be delivered to the employee in memorandum form and a copy provided to the State Human Resources Division (AGOH-SHRD) for inclusion in the individual's official personnel file. Again, any written reprimands not on file at AGOH-SHRD may be determined to be unusable for future discipline cases. At the time the individual is presented a written reprimand, he/she must be asked to sign the following statement which must appear at the bottom of the letter:

"I _____ have received a copy of this
(Employee's Name)

written reprimand on _____
(Date)

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My signature does not imply that I agree with the content, it only verifies receipt of the letter."

If the employee refuses to sign for the reprimand, another exempt employee may be called in to witness the fact that the employee refused to sign the reprimand, but was provided a copy.

c. Suspensions: See OCSEA Contract for collective bargaining employees. For exempt employees, while no limit is set by statute on the length of suspensions, first time suspensions are normally for three days or less, subsequent suspensions are normally in excess of three days. For all suspensions the following procedure applies except for unclassified employees:

1. Supervisors must first contact the State Human Resources Office for guidance. Prior to disciplinary charges being determined, it may be necessary to conduct an investigation into the event leading up to the violation. Bargaining Unit employees have a right to be represented by a union steward during this investigation. Once the facts have been gathered and documented, the supervisor must forward a copy of the charges and requested discipline, through channels, to the State Human Resources Administrator requesting that a pre-discipline meeting be scheduled before a hearing officer. The hearing officer is often outside of the employee's chain of command.

The person charged with the offense will be directed to appear before the pre-discipline hearing officer. Exempt employees may be accompanied and assisted by anyone of his/her choice, collective bargaining employees may be accompanied by a union steward or officer. The Union and/or the employee shall be given the opportunity to ask questions, comment, refute, or rebut the charges.

2. The employee may, in writing, waive the pre-discipline meeting, which shall be scheduled no earlier than three (3) days following the notification to the employee.

3. The reasons for requested discipline and the possible form of discipline must be identified in the pre-discipline notice letter.

4. The pre-discipline officer will submit a timely, written recommendation with supporting rationale and documents to the Adjutant General or his/her designee through the State Human Resources Division (AGOH-SHRD) for action.

5. The State Human Resources Administrator will review the recommendation for completeness and compliance with Chapter 124, Ohio Revised Code and Article 24 of the OCSEA Contract and then forward to the Adjutant General or his/her designee for final decisions.

d. Removals: Same sequence of events as described above for suspension.

8. APPEALS.

a. Personnel exempt from collective bargaining:

1. Verbal Reprimands: Non-appealable.

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2. Written Reprimands: Non-appealable.
3. Suspensions: (three days or less) Non appealable.
4. Reductions: Appealable to State Personnel Board of Review.
5. Suspensions: (four days or more) Appealable to State Personnel Board of Review for classified employees.
6. Removals: Appealable to State Personnel Board of Review for classified employees.

b. Collective bargaining employees: See OCSEA Contract Article 25.

9. **DISCIPLINE RECORDS.**

a. All records relating to verbal and/or written reprimands will cease to have any force and effect after twelve (12) months and will be removed from the file if there is no other discipline imposed during the twelve (12) month period.

b. Records of suspensions and removals will be removed from the file after twenty-four (24) months if there is no other discipline imposed during the twenty-four (24) month period.

c. Prior disciplinary action remains active in the employee's file until the expiration of the last action received, based on the schedule outlined above.

10. Point of contact for the above information is Kathy Gulla, Labor Relations Specialist at 614-336-7475/DSN 346-7475 or kathleen.s.gulla@ng.army.mil.

FOR THE ADJUTANT GENERAL:



HOMER C. ROGERS, JR.
COL, FA, OHARNG
Director of Human Resources

DISTRIBUTION:

A, D

Adjutant General's Department
Progressive Disciplinary Guidelines
For State Employees

7 November 2011

The following is a list of specific infractions which constitute unacceptable behavior or inefficient service for employees of the Adjutant General's Department. These infractions are violations of departmental policy, the Ohio Revised Code, the Ohio Administrative Code, or other laws governing civil service employees and/or citizens of the State of Ohio. An employee who commits such infraction(s) shall be subject to the appropriate disciplinary action(s). **This list is not all inclusive nor are the recommended actions herein absolutely mandated.** They will serve as guidelines only. The agency and the collective bargaining agreement state that discipline must be progressive. Each time an employee commits any infraction, discipline is to be imposed at the next higher level. The supervisor should consider offering the Employee Assistance Program (EAP) for employees who are consistently unable to abide by these guidelines. Before any removal, EAP may be offered to the employee and discipline held in abeyance pending successful completion of the EAP program unless the infraction is so serious that removal is necessary. When the employee agrees, a written last chance agreement shall be signed by the employee, his/her union representative and the supervisor. The administration reserves the right to determine the recommended discipline at any step depending on the severity of the infraction. Finally, the Department will comply with the Governor's Illegal Activities policy, requiring that illegal activities be appropriately reported and criminally investigated if outside authorities so determine. Employees have no right to personnel actions in lieu of criminal prosecution.

Note: These guidelines are provided as an aid to supervisors in order to assure proper implementation of discipline. It may be appropriate to impose greater or lesser levels of discipline in specific cases depending on the severity of the offense. Supervisors may issue one or more verbal and written reprimands before progressing to suspension/removal. Progressive discipline may be used for unrelated violations.

TABLE OF PENALTIES FOR STATE EMPLOYEES

		1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
A	Insubordination				
	1. Failure to carry out a work assignment	Oral/Written Reprimand	1-2 Day Suspension	3-5 Day Suspension	Removal
	2. Willful Disobedience – Failure to comply with a direct order	5 Day Suspension to Removal	Removal		
B	Dishonesty				
	1. Using state or federal time/resources for personal reasons; for non work matters; or misuse of state/federal property.	Written Reprimand to 5 Day Suspension	1 Day Suspension to Removal	5 Day Suspension to Removal	Removal
	2. Theft of employer/ employee property at work site. Includes theft by fraud or deception.	Removal			
	3. Falsification of employment application	Removal			
	4. Falsification of time records resulting in payment for time not worked	2-5 Day suspension to Removal	Removal		
	5. Falsification/Unauthorized Altering/Unauthorized Removal of Official Documents	Written Reprimand to 5 day suspension	2-5 day Suspension to Removal	Removal	
	6. Using a position for personal gain in the course of carrying out assigned duties.	Written Reprimand to 5 day suspension	2-5 day Suspension to Removal	Removal	
C	Failure of Good Behavior				
	1. Deliberate destruction or damage to State/Federal property or the property of other employees.	Written Reprimand to Removal	2-5 day Suspension to Removal	Removal	
	2. Threatening, fighting or intimidating another while on duty or on State/Federal Property	5 day Suspension to Removal	Removal		
	3. Striking another while on duty or on State/Federal Property	Removal			
	4. Rude, unmannerly, impolite acts or remarks	Oral/Written Reprimand	1-3 Day Suspension	4-5 Day Suspension	Removal

	5. Use of obscene, abusive or insulting language or gestures, to include being disrespectful and/or engaging in heated arguments	Oral/Written Reprimand to 5 day Suspension	1-5 Day Suspension to Removal	4-5 Day Suspension to Removal	Removal
	6. Acts of discrimination or insult on the basis of race, sex, color, age, religion, national origin, disability or sexual orientation	2 day suspension to Removal	Removal		
	7. Engaging in horseplay or practical jokes during work time or on State/Federal property. If another is injured stricter penalty will result.	Oral/Written Reprimand to 1 day Suspension	1-3 Day Suspension	4-5 Day Suspension	Removal
	8. Possession, use or sale of illegal drugs while on duty and/or on State/Federal property.	Removal			
	9. Possession/consumption of alcoholic beverages while on duty and/or on State/Federal property.	1-5 day Suspension to Removal	Suspension to Removal		
	10. Immoral or indecent conduct.	Determination of Discipline Based on Severity of Offense			
D	Neglect of Duty				
	1. Sleeping while on Duty	Oral-Written Reprimand	1-3 Day Suspension	4-5 Day Suspension	Removal
	2. Failure to perform the duties of the position or performance at sub-standard levels	Oral-Written reprimand to 2 Day Suspension	1-4 Day Suspension	5 Day Suspension	Removal
	3. Failure to follow the policies, procedures and/or directives of The Adjutant General.	Oral-Written reprimand to 2 Day Suspension	1-4 Day Suspension	5 Day Suspension	Removal
	4. Reporting to duty or the workplace under the influence of any intoxicant.	1-5 day Suspension to Removal	Suspension to Removal		
	5. Failure to immediately report a violation of any work rule, policy, law, and/or directive that could jeopardize the health, safety, security and/or good working order of The Adjutant General	Oral/Written Reprimand to Removal	1-5 Day Suspension to Removal	5 Day Suspension to Removal	Removal

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	6. Carelessness with tools, keys, equipment, etc.	Oral-Written reprimand to 2 Day Suspension	1-4 Day Suspension	5 Day Suspension	Removal
	7. Failure of supervisor to discipline employee(s) as provided in departmental rules.	Written Reprimand to 5 day suspension	2-5 day Suspension to Removal	Removal	
	8. Suspension/Loss of Driver's License (when license is required for position).	Removal			
	9. Failure to notify supervisor of suspension or loss of Drivers' License (when license is required for position).	Removal			
	10. Failure to obtain/maintain security clearance and/or a favorable determination on a background check (NAC/NACI) and/or CAC access (when required for the position)	Removal			
	11. Damage or unauthorized destruction of State/Federal goods/ property or the goods/property of another employee	Determination of Discipline Based on Severity of Offense			
E.	Interference with an Investigation				
	1. Failure to comply and/or cooperate with an official administrative investigation	2 day suspension to Removal	Removal		
	2. Interfering with an official investigation including but not limited to: withholding information; coaching, threatening, coercing or intimidating anyone associated with the investigation; giving false statements	2 day suspension to Removal	Removal		
F.	Work Stoppage				
	1. Participating in a work stoppage or other cessation or disruption of services whether in full or in part (e.g. sick out, slowdown, refusal to work) in violation of 4117.11(B) 1-8	2 day suspension to Removal	Removal		

	2. Organizing, leading, coordinating, promoting or planning a work stoppage or other cessation of services in violation of 4117.11 (B) 1-8	Removal				
G.	Illegal Activity					
	1. Conviction of any criminal offenses related to the ability to perform the job duties	Reprimand to Removal				
	2. Any felony conviction and/or failure to notify supervisor of conviction.	Removal				
	3. Engaging in political activity as prohibited by O.R.C. 124.57	Reprimand to Removal				
	4. Engaging in conduct that violates the Ethics Act Chapter 102.	Reprimand to Removal				
	5. Possession of a firearm in violation of department policy	Removal				
H.	Attendance					
	1. Failure to report to duty – more than one hour but less than 8 hours	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal	
	2. Failure to report to duty – less than one hour	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	3. Late call-in, extending a break or lunch period without approval and/or leaving early	Oral-Written reprimand to 2 Day Suspension	1-4 Day Suspension	5 Day Suspension	Removal	
	4. Tardiness	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	5. Excessive Absenteeism	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	6. Pattern Abuse	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	7. Abuse or misuse of sick leave	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	8. Failure to provide physician's verification when required.	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	9. Failure to complete appropriate Request for Leave Forms	Oral Reprimand	Written Reprimand	2 Day Suspension	5 Day Suspension	Removal
	10. No call/no show or absent without proper authorization (less than three (3) consecutive days)	2 Day Suspension	5 Day Suspension	Removal		

Exhibit 2

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	11. Job Abandonment – no call/no show or absent without authorization (AWOL) for three (3) consecutive work days.	Removal				
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<h2>State of Ohio IT Policy</h2> <p>Use of Internet, E-mail and Other IT Resources</p>	No: <h3 style="text-align: center;">ITP-E.8</h3>
	Effective: <h3 style="text-align: center;">03/19/2008</h3>
	Issued By: R. Steve Edmonson Director, Office of Information Technology State Chief Information Officer Published By: Statewide IT Policy Investment and Governance Division Original Publication Date: 01/01/1996

1.0 Purpose

This state policy establishes controls on the use of state-provided information technology (IT) resources to ensure that they are appropriately used for the purposes for which they were acquired.

2.0 Scope

Pursuant to Ohio IT Policy ITP-A.1, "Authority of the State Chief Information Officer to Establish Policy Regarding the Acquisition and Use of Computer and Telecommunications Products and Services," this state policy applies to every organized body, office, or agency established by the laws of the state for the exercise of any function of state government except for those specifically exempted.

The scope of this information technology policy includes state computer and telecommunications systems and the employees, contractors, temporary personnel and other agents of the state who use and administer such systems.

3.0 Background

The State of Ohio furnishes a variety of **IT resources** to employees, contractors, temporary personnel and other agents of the state to conduct the business of the state. These resources include equipment such as desktop and notebook computers, tablet PCs, printers, digital copiers, facsimile machines, personal digital assistants, digital audio and video recorders; applications and services such as software, subscription services, e-mail, **instant messaging**, and **Internet** access; and supplies such as paper, toner, and ink. With such a proliferation of devices, services and software, greater care is required to prevent misappropriation of publicly owned IT resources.

Just as important, the people of Ohio expect their **public servants** to devote their time to conduct the state's business and compensate them for that time. In the use of their time and IT resources, public servants must be mindful of the public trust that they

STATE OF OHIO IT POLICY
USE OF INTERNET, E-MAIL AND OTHER IT RESOURCES

discharge, of the necessity for conducting themselves according to the highest ethical principles, and of avoiding any action that may be viewed as a violation of the public trust. As custodians of resources entrusted to them by the public, public servants must be mindful of how these resources are used.

4.0 References

- 4.1 Ohio IT Policy ITP-A.1, "Authority of the State Chief Information Officer to Establish Policy Regarding the Acquisition and Use of Computer and Telecommunications Products and Services," defines the authority of the state chief information officer to establish State of Ohio IT policies as they relate to state agencies' acquisition and use of information technology, including, but not limited to, hardware, software, technology services and security.
- 4.2 Chapter 2909 of the Ohio Revised Code includes companion provisions to this policy with regard to criminal offenses. Section 2909.04 of the Ohio Revised Code specifically addresses knowingly using a computer system, network or the Internet to disrupt or impair a government operation. Section 2909.05 of the Ohio Revised Code specifically addresses causing serious physical harm to property that is owned, leased, or controlled by a government entity.
- 4.3 Chapter 2913 of the Ohio Revised Code includes companion provisions to this policy with regard to theft and fraud. Section 2913.04 of the Ohio Revised Code specifically addresses accessing without authorization any computer, computer system, or computer network without consent of the owner.
- 4.4 Chapter 2921 of the Ohio Revised Code includes companion provisions to this policy with regard to offenses against justice and public administration. Section 2921.41 of the Ohio Revised Code specifically addresses using a public office to commit theft which includes fraud and unauthorized use of government computer systems.
- 4.5 Ohio IT Policy ITP-H.2, "Use of State Telephones," provides requirements regarding the use of both wired and wireless state **telephone service**.
- 4.6 A glossary of terms found in this policy is located in section 9.0 - Definitions. The first occurrence of a defined term is in **bold italics**.

5.0 Policy

Agencies shall establish an Internet, e-mail and IT resources use policy in compliance with this state policy and ensure that public servants adhere to that policy. Agencies shall define and implement such a policy based on the business requirements of the agency. Agency policy shall describe the extent to which personal use is allowed. Agencies may adopt or endorse this state policy as agency policy or may further restrict the duration, frequency and nature of personal use.

- 5.1 Use of State-Provided IT Resources. The State of Ohio provides computers, services, software, supplies and other IT resources to employees, contractors,

STATE OF OHIO IT POLICY
USE OF INTERNET, E-MAIL AND OTHER IT RESOURCES

temporary personnel and other agents of the state for supporting the work and conducting the affairs of Ohio government. Personal use, if permitted by an agency, shall be strictly limited and can be restricted or revoked at an agency's discretion at any time.

- 5.1.1 Use of State-Provided Telephones and Services. Restrictions on the use of IT resources outlined in this policy apply to wired and wireless telephone devices and services, including facsimile machines connected to the state's telephone service. Additional restrictions on the use of state telephones and services are covered by Ohio IT Policy ITP-H.2, "Use of State Telephones."
- 5.1.2 Use for Collective Bargaining Purposes. In addition to this state policy, collective bargaining contract provisions control the use of state-provided IT resources for contract enforcement, interpretation and grievance processing.
- 5.2 Unacceptable Personal Use. Any personal use of IT resources that disrupts or interferes with government business, incurs an undue cost to the state, could potentially embarrass or harm the state, or has the appearance of impropriety is strictly prohibited. Personal use that is strictly prohibited includes, but is not limited to, the following:
 - 5.2.1 Violation of Law. Violating or supporting and encouraging the violation of local, state or federal law is strictly prohibited.
 - 5.2.2 Illegal Copying. Downloading, duplicating, disseminating, printing or otherwise using copyrighted materials, such as software, texts, music and graphics, in violation of copyright laws is strictly prohibited.
 - 5.2.3 Operating a Business. Operating a business, directly or indirectly, for personal gain is strictly prohibited.
 - 5.2.4 Accessing Personals Services. Accessing or participating in any type of personals ads or services, such as or similar to dating services, matchmaking services, companion finding services, pen pal services, escort services, or personals ads is strictly prohibited.
 - 5.2.5 Accessing Sexually Explicit Material. Downloading, displaying, transmitting, duplicating, storing or printing sexually explicit material is strictly prohibited.
 - 5.2.6 Harassment. Downloading, displaying, transmitting, duplicating, storing or printing material that is offensive, obscene, threatening or harassing is strictly prohibited.
 - 5.2.7 Gambling or Wagering. Organizing, wagering on, participating in or observing any type of gambling event or activity is strictly prohibited.
 - 5.2.8 Mass E-mailing. Sending unsolicited e-mails or facsimiles in bulk or forwarding electronic chain letters in bulk to recipients inside or outside of the state environment is strictly prohibited.

STATE OF OHIO IT POLICY
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- 5.2.9 Solicitation. Except for agency-approved efforts, soliciting for money or support on behalf of charities, religious entities or political causes is strictly prohibited.
- 5.3 Participation in Online Communities. Any use of state-provided IT resources to operate, participate in, or contribute to an online community including, but not limited to, **online forums, chat rooms, instant messaging, listservs, blogs, wikis, peer-to-peer file sharing**, and **social networks**, is strictly prohibited unless organized or approved by the agency. If an individual is approved to participate in any of these forms of communication as part of state business, that person shall fulfill agency-defined security education and awareness requirements for proper use before participating. The content of the education and awareness requirements shall include methods to avoid inadvertent disclosure of sensitive information and practices to avoid that could harm the security of state computer systems and networks.
- 5.4 Unauthorized Installation or Use of Software. Installing or using software including, but not limited to, instant messaging clients and peer-to-peer file sharing software, or personally owned software, without proper agency approval is strictly prohibited. Installation and use of unlicensed software is strictly prohibited.
- 5.5 Unauthorized Installation or Use of Hardware. Installing, attaching, or physically or wirelessly connecting any kind of hardware device to any state-provided IT resource, including computers and network services, without prior authorization is strictly prohibited. Connecting or attempting to connect a **wireless** device to the state's wireless service without proper agency approval is strictly prohibited.
- 5.6 No Expectation of Privacy. This policy serves as notice to public servants that they shall have no reasonable expectation of privacy in conjunction with their use of state-provided IT resources. Contents of state computers may be subject to review, investigation and public disclosure. Access and use of the Internet, including communication by e-mail and instant messaging and the content thereof, are not confidential, except in certain limited cases recognized by state or federal law. The state reserves the right to view any files and electronic communications on state computers, monitor and log all electronic activities, and report findings to appropriate supervisors and authorities.
- 5.6.1 Impeding Access. Impeding the state's ability to access, inspect and monitor IT resources is strictly prohibited. A public servant shall not encrypt or conceal the contents of any file or electronic communication on state computers without proper authorization. A public servant shall not set or manipulate a password on any state computer, program, file or electronic communication without proper authorization.
- 5.7 Misrepresentation. Concealing or misrepresenting one's name or affiliation to mask unauthorized, fraudulent, irresponsible or offensive behavior in electronic communications is strictly prohibited.

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- 5.8 Restrictions on the Use of State E-mail Addresses. Public servants shall avoid the appearance of impropriety and avoid the appearance of leveraging the stature of the state in the use of their assigned state e-mail address. State e-mail addresses, such as “firstname.lastname@ohio.gov” or “firstname.lastname@agency.state.oh.us,” shall not be used for personal communication in public forums such as, or similar to, listservs, discussion boards, discussion threads, comment forums, or blogs.
- 5.9 Violations of Systems Security Measures. Any use of state-provided IT resources that interferes with or compromises the security or operations of any computer system, or compromises public trust, is strictly prohibited.
- 5.9.1 **Confidentiality** Procedures. Using IT resources to violate or attempt to circumvent confidentiality procedures is strictly prohibited.
- 5.9.2 Accessing or Disseminating Confidential Information. Accessing or disseminating confidential information or information about another person without authorization is strictly prohibited.
- 5.9.3 Accessing Systems without Authorization. Accessing networks, files or systems or an account of another person without proper authorization is strictly prohibited. Public servants are individually responsible for safeguarding their passwords.
- 5.9.4 Distributing **Malicious Code**. Distributing malicious code or circumventing malicious code security is strictly prohibited.
- 5.10 Penalties. Violation of this policy may result in disciplinary action or contractual penalties, and may be cause for termination. In addition, public servants may be subject to a civil action or criminal prosecution as a result of inappropriate use or misuse of IT resources. The Ohio Revised Code (ORC) makes certain misuses of IT resources criminal offenses:
- ORC Section 2909.04 – knowingly using a computer system, network or the Internet to disrupt or impair a government operation.
 - ORC Section 2909.05 – causing serious physical harm to property that is owned, leased, or controlled by a government entity.
 - ORC Section 2913.04 – accessing without authorization any computer, computer system, or computer network without consent of the owner.
 - ORC Section 2921.41 – using a public office to commit theft which includes fraud and unauthorized use of government computer systems.
- 5.11 Compliance. Agencies shall undertake measures to ensure that public servants adhere to agency policy.
- 5.11.1 Education and Awareness. Agencies shall ensure that restrictions and controls on personal use of IT resources are addressed by education and awareness programs. Public servants shall be made aware of their respective agency’s use policy, this state policy, applicable local, state and federal laws, and any applicable collective bargaining agreement provisions. Agencies shall provide employees, contractors, temporary

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personnel and other agents of the state under their employ a copy of the agency's Internet, e-mail and IT resources use policy.

5.12 State Registry. The Ohio Office of Information Technology Investment and Governance Division Statewide IT Policy Program Area ("Statewide IT Policy") shall maintain a registry of the Internet, e-mail and IT resources use policies of state agencies.

5.12.1 Statewide IT Policy shall establish a procedure for the submission of agency Internet, e-mail and IT resources use policies and shall instruct agencies as to the requirements of the procedure. Agencies shall be notified of any relevant changes in the procedure.

5.12.2 Upon request, Statewide IT Policy shall make the registry available for inspection in a timely manner to any interested party.

6.0 Procedures

6.1 Agencies shall submit a copy of their Internet, e-mail and IT resources use policy to the Office of Information Technology, Statewide IT Policy.

6.1.1 If at any time an agency should make a change of substance in their Internet, e-mail and IT resource use policy, a copy of the revised policy shall be submitted to Statewide IT Policy.

6.1.2 Copies of policies shall be submitted using one of the following forms and methods.

- For hardcopy documents or for documents in .pdf or .doc formats on optical media, submit via interagency mail to OIT, Statewide IT Policy, 30 East Broad Street, 39th Floor
- For facsimile transmission, submit to OIT, Statewide IT Policy at (614) 644-9152
- For documents in .pdf or .doc formats, submit as e-mail attachments to State.ITPolicy.Manager@oit.ohio.gov
- For documents posted to an externally available Web site not requiring authentication, submit the applicable URL via e-mail to State.ITPolicy.Manager@oit.ohio.gov

7.0 Implementation

The requirements of this policy are anticipated to already be established and in practice. The policy has not been substantively revised since March of 2008.

8.0 Revision History

Date	Description of Change
01/01/1996	Ohio IT Policy OPP-008 replaces PB-002 and all previously released memoranda regarding this topic.

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Date	Description of Change
03/20/2006	Revise policy requirements on acceptable and unacceptable personal use of IT resources by public servants.
03/19/2008	Policy requirements concerning participation in online communities were moved from ITP-B.6, "Internet Security," into section 5.3 of this policy.
04/18/2011	References to Ohio IT Policies ITP-B.3, "Password and PIN Security," and ITP-B.4, "Malicious Code Security," were removed from the policy. These policies were rescinded due to the publication of Ohio IT Standard ITS-SEC-02, "Enterprise Security Controls Framework."
03/19/2012	Scheduled policy review.

9.0 Definitions

- 9.1 **Blog.** Web-based content consisting primarily of periodic articles or essays listed with the latest entry and visitor comments at the top. Blog topics can range from personal diaries to political issues, media programs and industry analysis. Blogs are also known as "Weblogs" or "Web logs."
- 9.2 **Chat Room.** An online forum where people can broadcast messages to people connected to the same forum in real time. Sometimes, these forums support audio and video communications, allowing people to converse and to see each other.
- 9.3 **Confidentiality.** The assurance that information is disclosed only to those systems or persons who are intended to receive the information. Areas in which confidentiality may be important include nonpublic customer information, patient records, information about a pending criminal case, or infrastructure specifications. Information systems that must ensure confidentiality will likely deploy techniques such as passwords, and could include encryption.
- 9.4 **Instant Messaging.** A software tool that allows real-time electronic messaging or chatting. Instant messaging services use "presence awareness," indicating whether people on one's list of contacts are currently online and available to chat. Examples of instant messaging services are AOL Instant Messenger, Yahoo! Messenger and MSN Messenger.
- 9.5 **Internet.** A worldwide system of computer networks — a network of networks — in which computer users can get information and access services from other computers. The Internet is generally considered to be public, untrusted and outside the boundary of the state of Ohio enterprise network.
- 9.6 **IT Resources.** Any information technology resource, such as computer hardware and software, IT services, telecommunications equipment and services, digital devices such as digital copiers and facsimile machines, supplies and the Internet, made available to public servants in the course of conducting state government business in support of agency mission and goals.
- 9.7 **Listserv.** An electronic mailing list software application that was originally developed in the 1980s and is also known as "discussion lists." A listserv

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subscriber uses the listserv to send messages to all the other subscribers, who may answer in similar fashion.

- 9.8 Malicious Code. Collective term for program code or data that is intentionally included in or inserted into an information system for unauthorized purposes without the knowledge of the user. Examples include viruses, logic bombs, Trojan horses and worms.
- 9.9 Online Forum. A Web application where people post messages on specific topics. Forums are also known as Web forums, message boards, discussion boards and discussion groups. They were predated by newsgroups and bulletin boards in the 1980s and 1990s.
- 9.10 Peer-to-Peer (P2P) File-Sharing. Directly sharing content like audio, video, data, software or anything in digital format between any two computers connected to the network without the need for a central server. Examples of P2P networks are Kazaa, OpenNap, Grokster, Gnutella, eDonkey and Freenet.
- 9.11 Public Servant. Any employee of the state, whether in a temporary or permanent capacity, and any other person performing a government function, including, but not limited to, a consultant, contractor, advisor or a member of a temporary commission.
- 9.12 Social Networks. Web sites promoting a “circle of friends” or “virtual communities” where participants are connected based on various social commonalities such as familial bonds, hobbies or dating interests. Examples include eHarmony, Facebook, Friendster, LinkedIn, Match.com, MySpace, Plaxo and Yahoo!Groups.
- 9.13 Telephone Service. Unless otherwise stated, telephone service includes both wired telephones and wireless telephones.
- 9.14 Wiki. A Web application that allows one user to add content and any other user to edit the content. The popular software used to implement this type of Web collaboration is known as “Wiki.” A well-known implementation is Wikipedia, an online encyclopedia.
- 9.15 Wireless. Use of various electromagnetic spectrum frequencies, such as radio and infrared, to communicate services, such as data and voice, without relying on a hardwired connection, such as twisted pair, coaxial or fiber optic cable.

10.0 Related Resources

None.

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11.0 Inquiries

Direct inquiries about this policy to:

Enterprise IT Architecture & Policy
Investment and Governance Division
Ohio Office of Information Technology
30 East Broad Street, 39th Floor
Columbus, Ohio 43215

Telephone: 614-644-9352
Facsimile: 614-644-9152
E-mail: State.ITPolicy.Manager@oit.ohio.gov

Ohio IT Policy can be found on the Internet at: www.ohio.gov/itp.

12.0 Attachments

None.