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## AUHR 4.09 USE OF CITY RESOURCES

### Purpose

Community members expect elected officials and employees to appropriately manage and use City resources. This rule defines City resources and appropriate/inappropriate use of those resources.

Divisions are permitted to have work rules or procedures regarding the use of City resources that are more restrictive, but they must at minimum comply with this standard.

Inappropriate or personal use of City resources, including, but not limited to, tools and equipment, work time, and supplies, is prohibited except as provided in this administrative rule.

### City Resources

City resources include, but are not limited to, the following:

1. **Any hand tool, power tool, or piece of equipment** – whether new or used, regardless of value and/or the City's intent to retain (e.g., use of copier equipment).
2. **Any work materials or supplies** – new or used, regardless of value and/or City's intent to retain (e.g., furniture, paper, program supplies, printers).
3. **Vehicles** (See [Administrative Rule on Vehicle Loss Control](#)).
4. **Facilities or grounds** – including but not limited to buildings, parking lots, improved or unimproved real property, regardless of assignment and or current use.
5. **Time and/or Personnel** – personnel services time of employees on paid status.
6. **Information** – any confidential information gained in the course of or by reason of the official position or activities of the employee.
7. **Inter/Intra Office Mail**
8. **Records** – any original City records, regardless of physical or electronic form or media, including but not limited to, documents, maps, photographs, negatives, slides, drawings, plans, blueprints, electronic files, e-mails, compact discs, external thumb, hard or portable hard drives or devices, audio, video or moving picture recordings.

9. **Information and Telecommunications Technologies** – includes hardware and software associated with computers, image/voice/data capture and transmission technologies.

### **Appropriate Use of City Resources**

An example of appropriate use of City resources is that which is:

1. Directly related to the activities that the employee was hired to perform or authorized training for the employee;
2. Of benefit to community members as a whole rather than an individual(s); or
3. Authorized by the appropriate authority and such use is not in conflict with local, state or federal laws or regulations, City Charter, City Code, City Administrative Rules, and any Auditor's Office specific procedure, or regulation.

### **Examples of Inappropriate Use of City Resources**

Examples of inappropriate use of City resources include:

1. Theft, regardless of the item's value and/or the City's intent to retain.
2. Borrowing of any City resource, including but not limited to copying or downloading in any physical or electronic form or media and/or use, transfer, or sale for any non-work related purpose of benefit, monetary or otherwise, to the employee, any one individual or group of individuals.
3. Disposal of City resources and/or assets without proper authorization.
4. Using work time to support or oppose a candidate or ballot measure. However, providing factual information about a ballot measure is not prohibited.
5. Negligence, which results in damage, loss and/or personal injury.
6. Willful destruction.
7. Misuse of City-paid time.
8. Any use which fails to meet the criteria under Appropriate Use of City Resources Section of this administrative rule.

## **Searches in Areas and Property in which the City Maintains Joint Control or Full Control**

The Auditor's Office reserves the right to search, without employee consent, all areas and property over which the City maintains joint or full control. All City vehicles, equipment, offices, desks, files, and lockers are subject to search by management. Searches shall be conducted in the presence of the employee, if practical. If the employee is not available, or if the employee so requests, a reasonable time will be allowed for a representative to be present before a search is conducted. The limitation on the City's right to examine City property contained in this paragraph does not apply to property used jointly by more than one (1) employee.

## **Inter-Office Mail**

Correspondence between a union and the City which relates to the current business of the City can lawfully be sent through the City's internal mail system. Use of the City's interoffice mail system for the distribution of materials related solely to the union's business, such as, but not limited to, campaign materials, meeting notices, newsletters and general union postings is prohibited.

## **Information Technologies**

See [Administrative Rule on Information Technologies](#).

## **Mobile Telephones**

It is the intent of the Auditor's Office to minimize the distribution and use of mobile telephones. Mobile telephones should be provided and used only when no other reasonable means of communication are available.

Mobile telephones shall be assigned at the discretion of the City Auditor, manager or supervisor under the following criteria:

1. Employees who have duties away from the office, and need to remain in contact with voicemail, other employees, or the public to conduct Auditor's Office business.
2. Employees who are required to respond to after-hour emergencies or be on call.

The Auditor's Office may choose to offer mobile telephones as a resource for specific areas or employee pools on a temporary assignment basis.

There shall be no personal use of City mobile telephones except in response to family emergencies or unforeseen work schedule changes, and even under these

circumstances, only when it is impossible or unreasonable to use a City landline or personal phone.

### **Landline Phones**

Use of landline telephones for brief, important, local, non-toll personal calls is authorized providing it is reasonable and kept to a minimum and is done on employee's own time. No personal long-distance calls are permitted unless charged to the employee's personal credit card or billed to a non-city phone.

### **References**

#### **Oregon Ethics Law, Oregon Revised Statutes 244.010- 244.045, in relevant part:**

244.040 (1) (a) No public official [or employee] shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's [or employee's] holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's or employee's relative, or for any business with which the public official [or employee] or a relative of the public official [or employee] is associated.

244.040 (4) No public official [or employee] shall attempt to further or further the personal gain of the public official [or employee] through the use of confidential information gained in the course of or by reason of the official position or activities of the public official [or employee] in any way.

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### **Human Resources Rule Information and History**

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 4.09 Use of City Resources.

Adopted by Council March 6, 2002, Ordinance No. 176302.

Last revised April 25, 2016.