

HUMAN RESOURCE POLICY

#40 (ADMIN)

PRIVACY

Approved by: **Personnel Board** 3/28/2013

City Council 2/25/2014

Mayor of Omaha: Jean Stothert
City Council President: Pete Festersen
Human Resource Director: Michele Frost

Pursuant to the Omaha Municipal Code, Section 23-65, this document is a Human Resource policy of the City of Omaha. Please check the City's website, <http://www.cityofomaha.org/humanresources/public-documents/hr-policies> for the latest version of this policy. Where no policy or guideline exists or if there are questions on this policy, please contact the Assistant Human Resources Director/Labor Relations Director in the Human Resources Department.

Purpose:

The purpose of this policy is to demonstrate that the City recognizes that privacy is important, and in doing so strives to safeguard personal information in its possession to ensure the confidentiality of the information. This policy will set the minimum guidelines and rules on how the City collects, stores and uses any and all private information collected from job applicants, employees, supervisors, retirees, and the public. Nothing in this policy should be construed as to circumvent any relevant privacy guidelines set forth in federal, state, or law laws or other relevant City of Omaha Human Resource Policies.

Policy:

A. Job Applicants

Any person using a recognized City of Omaha job application computer tracking system shall be governed by this policy, any relevant privacy policies of any third-party applicant tracking system vendor, and by applicable federal, state, and local law. All application information submitted to the City of Omaha is collected and may be shared with departments, divisions, other governmental agencies, outside contractors, affiliates, or joint ventures in other jurisdictions for employment consideration, legitimate City purposes, and as required by law. Such information shall include, but not be limited to, such information as:

- Name, address, email address, telephone number, or other contact information;
- Resume or CV, cover letter, previous work experience, education, transcripts, or other information the applicant provides in connection with the application process;

- Type of employment sought, desired salary, willingness to relocate, or other job preferences;
- How the applicant heard or received notice about the position;
- Sensitive information (race, ethnic origin, etc.) if the applicant chooses to submit this as part of the applications process, and;
- Names and contact information for referrals.

Submission of application information to the City of Omaha does not establish any obligation not listed in this Policy.

Any application information submitted to the City shall be used for various reasons, including, but not limited to:

- To assess an applicant's skills, qualifications and interests against City of Omaha class specifications and position qualifications;
- To verify an applicant's information and conduct reference checks;
- To conduct background checks if an applicant is offered a job;
- To communicate with the applicant and inform him/her of relevant career opportunities;
- To create and submit reports as required by law or regulation;
- To improve the City's recruitment process; and
- Legal defense as necessary.

Any job applicant who accepts employment with the City of Omaha, or current employee accepting a promotion, shall have all of their application information collected to become part of the employment record and used strictly for employment purposes.

The City of Omaha may, depending upon the position, require an applicant to submit themselves to other employment checks, including a criminal backgrounds, reference, medical testing, drug testing, and credit reporting. These tests shall be conducted pursuant to federal, state, and local law, with the City asking applicants to provide proper consent before obtaining additional information from third party agencies, and will, where required by law, notify applicants of the information received from those third parties.

The City will take all reasonable steps to protect and maintain application information. All City departments, City divisions, other governmental agencies, outside contractors, affiliates, or any entities acting on behalf of the City of Omaha with whom the City might share such application information are bound by terms of confidentiality and this policy. All application information shall be retained in accordance with appropriate law.

B. Employees

City of Omaha policy dictates that every effort will be made to protect the confidentiality of all personal employee information in its possession. The City will only collect personal information that is required to pursue its legitimate government functions and operations and to comply with government reporting and disclosure requirements. Personal information collected by the company includes, but is not limited to, employee names, addresses, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials.

Department Directors shall be responsible for identifying within their respective departments, how and where employee personal information is being stored. Additionally, such Directors are charged with providing the proper security and safe handling of such personal employee information, including creating written interdepartmental or interdivisional policies. The Human Resources Director and the Law Department shall cooperate with the respective Departments on the creation and approval of written departmental/divisional privacy policies.

Sometimes, departments may have information that could be considered proprietary, confidential, or private. If a Department has identified such information, they should notify the Human Resources Department Director and the Law Department of such information and create a system to notify their employees of such designation. After notice of such designation, should an employee through either negligence or deliberate action, allow such private information to be improperly shared, such employee shall be subject to disciplinary action, up to and including termination. If an employee becomes aware of a material breach in maintaining the confidentiality of his or her personal information, the employee must report the incident to the Human Resources Department Director. The Human Resources Department Director, with cooperation of the Law Department, shall have the responsibility to investigate the incident and take corrective action. Please be aware that a standard of reasonableness will apply in these circumstances.

Pursuant to other relevant City Human Resource Policies, City employees shall be reminded and are hereby given notice that there is no inherent right to privacy while working for the City and the City retains the right to monitor an employee's computer, telephone, work location, City vehicle, employee's private vehicle while performing official City work duties during employee's working hours, etc. Such monitoring may be done by direct observation or by other means including by computer, telephone, wire, radio, camera, and electromagnetic, photo-electronic, or photo-optical systems.

Such monitoring shall be done evenly and applied to all City employees except in situations where the City has reasonable grounds to believe that an employee is engaged in conduct which violates the law, is violating the legal rights of another employee of the City, is creating a hostile work environment, or is violating relevant City human resource policies, ordinances, or labor agreement. In those cases where monitoring may produce evidence of an employee's misconduct, the City may conduct such monitoring without notice to the employee. If an employee believes the City is improperly monitoring him/her, the employee may contact the Human Resources Director, the City Law Department, and/or a relevant government entity (including the State of Nebraska Department of Labor).