

# OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE



## REPORT OF INVESTIGATION 2017-0010

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INVESTIGATION FINDS JEA POLICY VIOLATIONS, PROMPTS  
FURTHER REVIEW OF JEA EMPLOYEE- OWNED GYMS

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LISA A. GREEN  
INSPECTOR GENERAL

NOVEMBER 16, 2018

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DATE ISSUED

*“Enhancing Public Trust in Government Through Independent and Responsible Oversight”*

## EXECUTIVE SUMMARY

In April of 2017, the Office of Inspector General (OIG) received information concerning both Eric Petty (Petty), Operations Analyst (civil service position)<sup>1</sup>, Facilities, Shared Services, JEA, and his wife, Michelle Petty (M. Petty), Community Engagement Associate (an appointed position), Customer and Community Engagement, JEA. In part, the complaint expressed concerns related to the management of the JEA Fitness Association, Downtown Facility, Inc. (Gym) and the amount of work time the Pettys spent managing the Gym. Based on this complaint, the OIG initiated an investigation into possible violations of JEA policy related to time and attendance concerning Petty.<sup>2</sup>

In May of 2017, after a preliminary review and pursuant to Section 602.303(j), *Ordinance Code*, the OIG referred the complaint to the JEA Interagency Detective, Jacksonville Sheriff's Office, for a criminal investigation relating to Florida Statutes § 812.014, Theft, and § 838.022, Official Misconduct. In June of 2017, the JEA Interagency Detective notified the OIG the criminal investigation had concluded and that no criminal violations would be pursued. The matter was referred back to the OIG for administrative investigation.

During the investigation, the OIG confirmed since approximately 2012, Petty and M. Petty voluntarily managed the JEA employee-owned Gym (incorporated in the State of Florida), located at 421 Laura Street, Jacksonville, Florida. The investigation determined that Petty had a flexible work schedule and that Petty's responsibilities related to the management of the Gym were not included in his job specifications. As such, the investigation determined there was no accountability or oversight by any JEA manager related to the amount of time Petty spent during his work hours managing the Gym. Based upon records reviewed and statements obtained during this investigation, the OIG could **not substantiate** that Petty was not working his required hours.

However, Petty admitted he did not pay for Gym membership dues, which the OIG estimated Petty benefited approximately **\$755**. According to JEA's *Secondary Employment Policy*, voluntary employment in return for a benefit would be a violation of the policy. Based on the OIG investigation, JEA has determined that Petty received a benefit of free gym membership and therefore was in violation of the *Secondary Employment Policy*.

Based on records and testimony, the OIG **substantiated** that Petty used JEA resources, including his assigned JEA computer and JEA e-mail account, for personal use unrelated to JEA business activity in violation of JEA's *Acceptable Use Policy 2016*. Petty testified he was aware of and had received training; however, he testified he *never* read the policy.

Based on OIG's recommendation, JEA has recently reviewed this policy with Petty and also updated the *Acceptable Use Policy 2016*, to further clarify what JEA considers "limited personal use."

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<sup>1</sup> Petty currently holds the position of Operations Analyst Senior, Substation Maintenance, Electric Transmission and Substation Maintenance, JEA.

<sup>2</sup> Allegations concerning M. Petty were addressed separately in OIG Report of Investigation 2017-0009, <http://www.coj.net/departments/inspector-general/docs/reports/final-2017-0009-roi-for-distribution.aspx> .

Based upon this investigation and OIG Report of Investigation 2017-0009, the OIG concluded that within JEA there is an inconsistent understanding by both JEA managers and employees as to whether the Gym is part of the JEA Wellness Program and whether the activities associated with managing the Gym are considered official duties. Additionally, these investigations concluded that the duties and responsibilities of the JEA employees managing the Gym had not been included in any of their official job specifications; however, JEA employees managed the Gym during the course of their official work hours. As a result, the OIG is conducting a review of all known gym organizations within JEA facilities. Results of this review will be forthcoming.

## INVESTIGATIVE REPORT

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**ALLEGATIONS**

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An anonymous complaint was received concerning Eric Petty (Petty), Operations Analyst (civil service position), Facilities, Shared Services, JEA, and his wife, Michelle Petty (M. Petty), Community Engagement Associate (an appointed position), Customer and Community Engagement, JEA. In part, the complaint expressed concerns related to the management of the JEA Fitness Association, Downtown Facility, Inc., (Gym) and the amount of work time the Pettys spent managing the Gym. Based on this complaint, the OIG initiated an investigation into possible violations of JEA policy related to time and attendance concerning Petty.<sup>3</sup>

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**GOVERNING DIRECTIVES**

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***COJ Ordinance Code***

- § 601.101, *Use of Public Property*

***JEA Policies and Procedures***

- *JEA Procedure: EWS A0202 LR607 Secondary Employment, effective May 1, 2013, (referred to hereafter as **Secondary Employment 2013**), and*
- *JEA Procedure: EWS A0210 009 Secondary Employment, effective November 21, 2016, (referred to hereafter as **Secondary Employment 2016**)*

***Bargaining Unit Agreement***

- *Agreement Between JEA and Professional Employees Association (effective October 1, 2016 – September 30, 2019), Article 8, Hours of Work and Overtime*

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**BACKGROUND**

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In April of 2017, the Office of Inspector General (OIG) received information from JEA Audit Services concerning an anonymous complaint (JEA-17-04-0002). The complaint concerned both Petty and M. Petty and in part expressed concerns related to the management of the Gym and the amount of work time the Pettys spent managing the Gym.

A preliminary review confirmed Petty and M. Petty voluntarily managed the downtown JEA employee-owned gym, also known as the JEA Fitness Association, Downtown Facility, Inc. (Gym) located at 421 Laura Street, Jacksonville, FL. A review of JEA access badge records for Petty for the period of November 1, 2016 to April 25, 2017, reflected Petty used his badge to access entry into the Gym and the men's locker room several times during the workday. The records reflected that during this timeframe Petty spent approximately **86** hours at the Gym during work hours (9:00 a.m. to 5:00 p.m.).

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<sup>3</sup> Allegations concerning M. Petty were addressed separately in OIG Report of Investigation 2017-0009.

In May of 2017, based on the OIG's preliminary review and pursuant to Section 602.303(j), *Ordinance Code*, the OIG referred the complaint to the JEA Interagency Detective, Jacksonville Sheriff's Office, for a criminal investigation relating to Florida Statutes § 812.014, Theft and § 838.022, Official Misconduct.

In June of 2017, the JEA Interagency Detective notified the OIG the criminal investigation had concluded and referred the matter back to OIG for administrative investigation. The criminal investigation confirmed Petty was spending time in the Gym during work hours; however, the investigation did not reveal criminal violations of time and attendance fraud. However, the OIG continued with the administrative investigation into the Gym management and possible violations of JEA's *Secondary Employment Policy* pursuant to §602.303, *Ordinance Code*.

## **INVESTIGATIVE FINDINGS**

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### **OIG RECORDS REVIEW**

The OIG reviewed various records, including the applicable JEA Bargaining Agreement; JEA policies and procedures; and other records, as highlighted below:

#### **JEA Time and Attendance Records**

A review of Petty's time and attendance records for the period of September 19, 2016, through April 28, 2017, reflected Petty reported his work hours as Monday through Friday and did not exceed 8-hours in any given workday. Petty's records appeared to be in accordance with the *JEA Bargaining Agreement and Professional Employees Association (effective October 1, 2016 – September 30, 2019)*.

#### **JEA Secondary Employment Policies and Records**

*Secondary Employment 2013*, stated in part:

*Secondary employment refers to a second job held by a full time employee; This secondary employment includes contract, self-employment and part-time work ... ; Secondary employment includes ... operating a business... voluntary employment in return for a benefit ... and employment that generates any taxable income on a W-2 form or a 1099 form ... ; and All fulltime employees have the responsibility for adhering to this policy and procedure.*

*Secondary Employment 2016* was updated to include a "Violation" section, which stated in part:

*Not reporting secondary employment or any violations of the Secondary Employment Directive may result in disciplinary action, up to an (sic) including termination and/or preventing rehire, if deemed appropriate.*

**JEA Policy Acknowledgments, Approved Secondary Employment Lists and other related records**

During the OIG investigation, JEA was unable to provide a copy of Petty's policy acknowledgment form for the JEA *Secondary Employment 2016* policy.

Additionally, the OIG reviewed JEA Secondary Employment List(s) (effective August 28, 2017 and April 12, 2018), and found that Petty was not on either of the lists that reflected JEA employees who had approved secondary employment.

**JEA Fitness Association, Downtown Facility, Inc. (Gym)**

According to the Florida Department of State Division of Corporations records for the Gym, effective January 5, 2012, Eric G. Petty (Petty) was listed as the Vice-President of the corporation. As of August 16, 2013, Eric G. Petty was listed as the President and Michelle R. Petty was listed as both the Registered Agent and Vice-President. Per a review of the corporation's annual reports for 2017 and 2018, the Pettys were the only individuals associated with the corporation. As of August 14, 2018, the Pettys were still associated with the corporation.

The OIG was unable to locate approved by-laws for the Gym. However, attached to e-mail correspondence between Petty and another JEA employee in March of 2017, with a subject line of "*JEA Fitness Association Bylaws*," was an unsigned copy of by-laws noting an issue date of July of 2015, which listed Board Membership consisting of Petty (President) and Michelle Petty (Vice-President, Treasurer, and Secretary).<sup>4</sup>

A review of records from the JEA Intranet (commonly referred to as the GRID ) and available to all JEA employees disclosed numerous documents related to the Gym operations, which included in part, Gym rules and membership application, a nutritional supplement order form, and a fitness class schedule (Boot Camp, Line Dancing, Spinning, Zumba, Insanity, and Yoga). The nutritional supplement order form provided instructions to the Gym members on how to purchase various supplements and advised the supplements could be picked up at the Gym.

A review of JEA access badge records for Petty for the period of November 1, 2016 to April 25, 2017, reflected Petty used his badge to access entry into the Gym and the men's locker room several times during the workday. The records reflected that during this timeframe Petty spent approximately **86** hours during work hours (9:00 a.m. to 5:00 p.m.) at the Gym.

During the investigation, the OIG obtained and reviewed various records, which included miscellaneous Gym operational records and partial Gym bank account records dating back to 1991. A review of these records disclosed Petty was not listed on the Gym's bank account maintained at Jax Metro Credit Union (Jax Metro), Jacksonville, Florida.

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<sup>4</sup> Petty testified this document was actually a draft in progress.

**TESTIMONY*****Statement of Cheryl Ann Freudenthal, Emergency Preparedness and Business Continuity Senior Specialist, Emergency Preparedness (former Manager of Facilities Assets Support, Shared Services)***

Freudenthal directly supervised Petty between January 1, 2012 and July 24, 2017, when she held the position of Manager of Facilities Assets Support, Shared Services. Freudenthal stated she had been unaware of Petty's work hours for the last two years. She added Petty's work hours were flexible and he had also been assigned to work with another group on a multi-year technology upgrade project. Petty reported to Katura Owens, Manager Technology Project Management, Technology Services for work assignments related to the technology project. However, Freudenthal approved Petty's time and attendance entries and completed his annual evaluations. She stated she received feedback from Owens in order to complete Petty's annual evaluations.

Freudenthal explained per the *Secondary Employment Policy* (effective 2013 and 2016) if an employee had employment outside of JEA, the employee must complete and submit a secondary employment form for approval. She stated Petty never submitted any secondary employment forms to her while she supervised him.

Freudenthal was aware Petty "managed" the Gym as a volunteer and was not paid any monetary compensation. Freudenthal was unaware if Petty received any other type of compensation or benefit (i.e. free gym membership). She stated managing the member-owned and operated Gym was not included in Petty's job description or job duties, nor was it part of his annual evaluations.

***Statement of Katura Owens, Manager, Technology Project Management, Technology Services***

Owens stated for the last three years (2015 to 2017), Petty was a project team member on the Enterprise Asset Management (EAM), a software upgrade project. Owens stated there were periods of time when Petty's daily work was related to the EAM project and on other days he worked on assignments assigned to him by Freudenthal.

Owens did not review or approve any of Petty's time and attendance or conduct annual evaluations, as this was the responsibility of Freudenthal. However, she met with Freudenthal and provided feedback regarding Petty's work product and also in regards to Petty submitting leave that might impact the technology project. She was unaware of Petty's actual work hours. She understood Petty was to work an eight hour work day, Monday through Friday (unless the project required longer hours).

Owens stated per the *Secondary Employment Policy* (effective 2013 and 2016) employees with secondary employment were supposed to submit a secondary employment form to JEA. Owens was unaware if Petty had any secondary employment. Petty never submitted any secondary employment forms to her.

Owens was aware Petty worked at the Gym. She also stated the Gym was sanctioned by JEA and JEA employees were encouraged to work out at the Gym.

***Statement of Charlene West, Benefits Associate, Employee Benefits, Human Resources***

West stated the Gym was *not* part of the JEA Wellness Program; however, the Gym was a JEA sanctioned activity. JEA employees registered for the Gym and paid membership dues through payroll deduction. She stated multiple JEA employees managed the Gym over the years, on a voluntary basis. Currently, Petty and his wife, M. Petty managed the Gym, as non-paid volunteers. She advised that information regarding the Gym could be found on the JEA website under Employee Benefits and was available to all employees. However, she reiterated it was *not* part of the JEA Wellness Program.

***Statement of Pat Maillis, Director of Employee Services, Human Resources***

Maillis stated the Gym was an employee-operated organization. She considered the Gym to be a JEA sanctioned activity, as JEA allowed the Gym to operate in its facility, but stated that JEA had no oversight over Gym operations. JEA Employee Services did not manage the Gym, and the Gym was *not* part of the JEA Wellness Program, stating, “it was a stand-alone program.” She confirmed membership dues were paid through JEA payroll deduction.

Petty and his wife, M. Petty, managed the Gym. The Pettys were volunteers and did not receive any monetary compensation to manage the Gym. Maillis was unaware of a written contract or agreement between JEA and the Pettys regarding the management of the Gym.

Maillis stated she was familiar with the JEA *Secondary Employment Policy*, which required JEA employees to submit a secondary employment form for approval. She also stated secondary employment should not be performed during JEA work hours and JEA employees should not utilize JEA resources for their secondary employment.

It was Maillis’ opinion that JEA management considered the management of the Gym by the Pettys, as an extension of their job duties at JEA. She stated there was an “informal expectation” from JEA management that the Pettys manage the Gym. She stated JEA had allowed the Pettys to perform their Gym duties during JEA work hours because it was a service to the employees. However, the management of the Gym was not reflected in their job descriptions or annual evaluations. Maillis stated if the Pettys were receiving a benefit such as free gym memberships, Employee Services may view this as a violation of the JEA *Secondary Employment Policy*.

***Statement of Angelia Hiers, Chief Human Resources Officer***

Chief Hiers stated the Gym was an employee-operated Gym managed by JEA employees on a voluntary basis. JEA provided the Gym facility as a benefit to JEA employees and considered the Gym part of the JEA Wellness Program. JEA encouraged employees to be physically active, “fit, and healthy.” Gym activity was considered a “JEA sanctioned” activity. JEA employees who wanted to become gym members paid membership dues through JEA payroll deduction.

Chief Hiers stated Petty and M. Petty currently managed the Gym. The Pettys were strictly volunteers and did not receive any monetary compensation to manage the Gym. She stated there was no written contract or agreement between the Pettys and JEA. Chief Hiers was unaware if the Pettys were compensated in any other manner, to include free gym memberships.

Chief Hiers stated she did not consider the Pettys to be in violation of the JEA *Secondary Employment Policy* because the Gym was considered part of the JEA Wellness Program and a JEA-sanctioned activity. However, in accordance with the JEA *Secondary Employment Policy*, if the Pettys (as volunteers) received something of benefit (i.e. free gym membership), they would be in violation for failing to submit and obtain approval for secondary employment. The duties relating to the management of the Gym were not included in either of the Petty's job descriptions or annual evaluations. However, it was JEA's position that the Pettys were managing the Gym as part of their JEA job duties.

***Statement of John "Mike" Hale, former Business Analyst, Business Analysis Services***

According to Hale, the Gym was created in the 1990s by former JEA employees and was an employee owned and operated Gym. JEA did not have any oversight at the Gym. JEA sanctioned the Gym, and it was part of the JEA Wellness Program.

For approximately two years, Hale was part of the committee that managed the Gym. He identified the other committee members as Petty and M. Petty (approximately four years) and one other JEA employee (approximately one year). Gym members would contact the committee members with questions and or issues related to the Gym. The committee members were volunteers and did not receive any monetary compensation. Furthermore, he stated to his knowledge, the committee members did not receive any type of benefit for managing the Gym, to include free gym memberships. Hale stated he paid for his gym membership. Hale stated M. Petty handled the Gym finances.

***Statement of Eric Petty, Operations Analyst, Facilities, Shared Services***

Petty began employment with JEA in January 2001 and had been in his current position since July 2015. Chris Crane, Manager of Facilities Operations had been his supervisor since October of 2017.<sup>5</sup> Prior to Crane, Freudenthal was Petty's supervisor for approximately four to five years.

Petty stated his work schedule was flexible but typically his schedule was Monday through Friday, 7:30 a.m. to 4:30 p.m. Between July 2014 and July 2017, he worked on a JEA computer software transition project. Although Freudenthal was Petty's supervisor, approving his time and attendance, and completing his annual evaluations, he reported to Owens for the software project.

Petty stated he had *not* read either the *Secondary Employment 2013* or *Secondary Employment 2016* policies. He also stated he did *not* have any secondary employment. Petty confirmed that

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<sup>5</sup> Crane was not interviewed during this investigation because at the time of Petty's interview had only been Petty's supervisor for less than 30 days.

he and his wife, M. Petty, oversaw the Gym as volunteers but he described their roles as being “coordinators.” Petty could not recall when he and M. Petty began managing the Gym.<sup>6</sup>

Petty considered any time he worked on Gym related matters to be JEA work time. However, he did not consistently claim the amount of time he worked at the Gym as work hours. He also did *not* consider his involvement with the Gym to be secondary employment because he received no monetary benefit.

Petty’s responsibilities at the Gym included maintaining the appearance of the Gym, arranging for maintenance and purchase of Gym equipment, handling membership dues paid quarterly by contracted employees and managed building access to the Gym for all gym members.

He became aware of the Gym’s corporation through one of the former Gym managers (could not recall specifically when) who advised Petty that the Florida Department of State, Division of Corporations, incorporation fee was due on an annual basis. Petty had no knowledge why the Gym had been organized as a corporation.

Petty stated the former Director of Risk Management was aware the Gym was incorporated and created a liability waiver for Gym members to sign upon joining the Gym. The liability waiver stipulated that Gym members would hold JEA and the Gym harmless from any liability.

Sometime in 2015, Petty created by-laws so he could explain to any interested party how the Gym was operated and document what to do if the Gym was ever dissolved. He explained Gym assets (i.e. gym equipment) would need to be disbursed. However, Petty advised the Gym’s by-laws had *not* been officially finalized and described the by-laws as a “working document” or in draft form.

Petty advised the Gym had an informal committee which consisted of Petty, M. Petty, and Hale. In addition to the informal committee, Petty also received feedback from gym members regarding large Gym purchases, such as equipment.

Two years ago, after he consulted with Hale and the former Director of Risk Management, Hale posted a Gym application for new Gym members on the GRID for employee convenience. Petty also stated a local nutritional supplement company provided a discount on products to all JEA employees and that an order form was also posted on the GRID.<sup>7</sup> Petty stated there was no relationship between the Gym and the nutritional supplement company nor did the Gym receive any benefit from the nutritional supplement company. Petty stated he did not receive any monetary compensation or anything of value from the local nutritional supplement company. Petty advised that the owner of the nutritional supplement company was also a paid fitness instructor at the Gym, although Petty could not recall when the owner became a fitness instructor.

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<sup>6</sup> M. Petty testified in OIG Report of Investigation 2017-0009, she and Petty became managers of the Gym in 2012.

<sup>7</sup> The investigation determined gym members could purchase nutritional supplements from the nutritional supplement company through the Gym via an online form and gym members could pick up the supplements at the Gym.

Petty explained Gym membership dues (for JEA employees) were collected through JEA payroll deduction and JEA directly deposited the deductions into the Gym's bank account at Jax Metro. Petty stated M. Petty was the only authorized signatory on the Gym's Jax Metro bank account. The Gym's Jax Metro account was in existence prior to when the Pettys began overseeing the Gym.

All of the money the Gym received was deposited into the Gym's Jax Metro account, including Gym membership dues and Gym member payments for nutritional supplements. M. Petty would make one monthly payment to the nutritional supplement company to pay for all the ordered supplements. Petty stated neither he nor M. Petty used any money from the Gym's Jax Metro bank accounts to purchase any personal items not relating to Gym operations.<sup>8</sup>

Initially, Petty paid membership dues for his Gym membership. However, at one point (could not recall date) it was decided that those individuals who worked at the Gym would be exempt from paying membership dues. Petty did not recall who approved this activity. In addition to both he and M. Petty, two other JEA employees did not pay for Gym memberships.

## CONCLUSION

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Based upon records reviewed and statements obtained during this investigation, the OIG could **not substantiate** that Petty was not working his required hours, due in part to his flexible work schedule. Additionally, the investigation determined that Petty's responsibilities related to the management of the Gym were not included in his job specifications and there was no accountability or oversight by any JEA manager related to the amount of time Petty spent during his work hours managing the Gym. Further, the JEA Chief Human Resources Officer testified in a prior investigation<sup>9</sup> that the time and attendance system is more a "pay mechanism" and not a timekeeping system.

Petty testified he did not consider the Gym to be secondary employment as he was strictly a volunteer and did not receive any compensation. However, per Petty's own admission, while volunteering to manage the Gym, neither he nor his wife, M. Petty, paid dues for Gym membership. Based on testimony and records, membership dues were \$5.00 per pay period, \$130 annually (\$5 times 26 pay periods). The investigation concluded Petty had not paid dues for the calendar years 2012<sup>10</sup>, up through at least the time of his interview in October of 2017. The estimated amount Petty benefited as a result of not paying Gym membership dues was **\$755**.

Finally, the investigation concluded that within JEA there is an inconsistent understanding by both JEA managers and employees as to whether the Gym is part of the JEA Wellness Program and whether the activities associated with managing the Gym are considered official duties. Additionally, because of this inconsistency it is unclear whether JEA deems the value of the unpaid gym membership to be in violation of JEA's *Secondary Employment Policy*.

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<sup>8</sup> OIG Report of Investigation 2017-0009 concluded M. Petty used some of the membership dues for personal use.

<sup>9</sup> OIG Report of Investigation 2017-0007, <http://www.coj.net/departments/inspector-general/docs/fv-2017-0007-distribution-roi.aspx>, page 8 of the report.

<sup>10</sup> M. Petty testified in OIG Report of Investigation 2017-0009, that she and Petty became managers of the Gym in 2012.

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**ADDITIONAL INVESTIGATIVE FINDING**

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During the OIG's review of the initial allegations, the OIG discovered Petty used JEA resources including computer and e-mail account for personal use in violation of the JEA's *Acceptable Use Policy*, revised January 13, 2016.

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**GOVERNING DIRECTIVES**

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***COJ Ordinance Code***

- § 601.101, Use of Public Property

***JEA Policy and Procedure***

- *JEA Corporate Policy: TS B0010 IS 002 revised January 13, 2016, Acceptable Use Policy (referred to hereafter as Acceptable Use Policy 2016)*

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**INVESTIGATIVE FINDINGS**

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**OIG RECORDS REVIEW****COJ Ordinance Code**

§ 601.101, *Use of Public Property*, specifies in part:

*It is unlawful for an officer or employee of the City or an independent agency to knowingly use property owned by the City or an independent agency for his or her personal benefit, convenience or profit, except in accordance with policies promulgated by the council or by the governing body of the independent agency owning the property.*

**JEA Acceptable Use Policy and records**

*Acceptable Use Policy 2016 (current policy)* related to ... "all Information and Communications Technology and services provided by JEA including, but not limited to, computers, laptops, printers, copiers, faxes, emails..." specifies in part:

- 5.3 Every worker at JEA is required to sign a document stating that:
- 5.3.1 they have received and read, or seen and read a copy of this policy,
  - 5.3.2 they are aware of their responsibilities under this policy and,
  - 5.3.3 it is their intention to comply with the requirements set forth in this policy.

6.1 General Use and Ownership, 6.1.2 All ICT (Information and Communications Technology) resources, systems and services are the property of JEA. These include but are not limited to...all components of the electronic communications...and any electronic communications address, number,

*account, or other identifiers associated with JEA. These systems are to be used for business purposes...;*

*6.3 Internet, 6.3.4 Users shall not solicit e-mails that are unrelated to business activity or which are for personal gain...;*

*6.4 Electronic Messaging, 6.4.1. As a productivity enhancement tool, JEA encourages the business use of electronic communications, specifically, electronic mail, and instant messaging...;*

*6.4.6 Users are forbidden from using JEA electronic messaging systems for private business activities...the operation of a personal or a non-JEA business or for any undertaking for personal gain...;*

*6.4.7 Excessive personal use may result in disciplinary action, including but not limited to the loss of email privileges and/or termination...;*

*6.4.12 Do not use company provided email addresses for any activity that is not explicitly business related including merchants...;*

*7.0 Authorized Usage, 7.1 Use of corporate resources, including electronic messaging, should never create either the appearance or the reality of inappropriate use...; and*

*11.0 Enforcement, 11.2 Any employee found to have violated this procedure may be subject to disciplinary action, up to and including termination of employment...*

JEA training records reflected Petty had attended and completed General Information Security Awareness training in March of 2016 and March of 2017, which included a review of the JEA *Acceptable Use Policy 2016*. JEA was unable to provide a copy of Petty's policy acknowledgment for the *Acceptable Use Policy 2016*.

### ***Review of Petty's JEA E-mail Account***

The OIG reviewed Petty's JEA e-mail account for the period November 1, 2016 through March 28, 2017.<sup>11</sup> The OIG discovered Petty sent and/or received approximately **105** e-mails from his JEA e-mail account which contained topics or attachments which appeared to be personal in nature as briefly outlined below:

- Cruise Line and vacation related literature
- Various retailers (including car dealerships, merchants, pest control, national football league, alcohol manufacturers, motorcycles, department stores, college bookstore and a radio station)
- Financial institutions (various banks, credit unions, and insurance companies)

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<sup>11</sup> The OIG did not include any of Petty's e-mails outside of this timeframe.

- Personal skydiving photographs
- Credit Card Company

Based on a comparative review of the e-mails as categorized above and the Acceptable Use Policy 2016, it appeared Petty violated Sections 6.3.4; 6.4.6; and 6.4.12 (refer to page 11 and 12 for verbiage).

Additionally, a review of Petty's JEA e-mail account also revealed several personal e-mails between Petty and M. Petty regarding M. Petty's LuLaRoe secondary employment, personal finances, and an e-mail discussion related to purchasing a personal vehicle.

### **TESTIMONY**

#### ***Statement of Cheryl Ann Freudenthal, Emergency Preparedness and Business Continuity Senior Specialist, Emergency Preparedness, JEA (former Manager of Facilities Assets Support, Shared Services)***

Freudenthal advised in accordance with the *Acceptable Use Policy 2016*, employees could use JEA resources for occasional personal use, as long as it did not interfere with the employees work and was only "minor."

Freudenthal was unaware Petty had been using his JEA e-mail account to conduct business related to the Gym, nor did she view this as a concern. Further, she opined since the Gym was a JEA sanctioned activity (JEA benefit for employees health and wellness), Petty would have been allowed to use his JEA e-mail account for Gym business.

However, she was unaware Petty had been using his JEA e-mail account for personal use and also stated "everybody does as incidental use." She stated an incidental use example would be an e-mail from your spouse, etc. Freudenthal stated Petty should only be using his JEA e-mail account in accordance with the *Acceptable Use Policy*, which she stated was vaguely worded.

#### ***Statement of Katura Owens, Manager Technology Project Management, Technology Services***

Owens was aware of the *JEA Acceptable Use Policy 2016* and understood employees could use JEA electronic resources for limited personal use. She stated the Gym was a JEA sanctioned activity and since Petty was the point of contact for the Gym, she believed Petty could use his JEA e-mail account for Gym operations and to interact with Gym members. However, Owens stated Petty should *not* be using his JEA e-mail account for excessive personal use.

#### ***Statement of Pat Maillis, Director of Employee Services, Human Resources, JEA***

Maillis stated per the *JEA Acceptable Use Policy 2016*, employees could use JEA resources to include their JEA e-mail account for a "reasonable amount" or "limited" personal use. She stated if an employee wanted to send an e-mail to a spouse or other individual they could do so, on a limited basis. She stated annual training was conducted each year in the spring and included

a review of the JEA *Acceptable Use Policy 2016*. Maillis opined if an employee had used their JEA e-mail account for “excessive” personal use then that employee should be counselled.

***Interview of Angelia Hiers, Vice President and Chief of Human Resources Officer***

Chief Hiers stated JEA employees could use their JEA e-mail account for personal use (non-JEA related business) as long as the amount of time was “de minimis” or limited. She stated if the personal e-mail use was to the point where it disrupted an employee’s productivity then it would be an issue. Chief Hiers stated employees should not be using their JEA e-mail as their own personal e-mail account to receive e-mails from outside vendors, merchandisers, social media, etc.

Chief Hiers stated Petty and M. Petty could use their JEA e-mail accounts to engage in Gym business because the Gym was a JEA sanctioned function. She stated Gym related e-mails would provide JEA employees the ability to become Gym members and be kept apprised of Gym activities, etc.

***Statement of Eric Petty, Operations Analyst, Facilities, Shared Services***

Petty was aware of JEA’s *Acceptable Use Policy 2016* regarding the use of JEA electronic resources but stated he had *never* read the policy. Petty confirmed he attended online training (General Information Security Awareness) in 2016 and 2017 which included a review of the policy. However, Petty stated he *never* clicked the hyperlink to read the policy.

Petty confirmed he used his JEA e-mail account for personal use, specifically personal communications with his co-workers and family members. He was aware he should *not* have used his JEA e-mail account for personal use. Petty stated he was unsure how often he used his JEA e-mail account for personal use.

Petty stated he did *not* have permission to use his JEA e-mail account for personal use nor did he believe his supervisors were aware he had used his JEA e-mail account for personal use. He stated he used the JEA e-mail account to respond to personal e-mails without thinking about the fact that he was using his JEA e-mail account.

Petty reviewed a representative sample of **105** e-mails dated between November 5, 2016 and March 28, 2017, from his JEA e-mail account and acknowledged that they were personal in nature. Petty stated some of these e-mails were sent to his JEA e-mail account because he had provided his JEA e-mail address to various businesses, such as Discover Card (his personal account). Petty was unable to provide a reason as to why he had not used his personal e-mail account for businesses, such as his personal Discover Card account. While being showing some of the aforementioned e-mails, Petty said, “I mean you don’t have go through them all. I recognize that’s personal stuff.”

Petty did not believe providing his JEA e-mail account to various businesses was an issue. In some instances, he was unsure how the merchants got the JEA e-mail account (cruise lines, alcohol distributor, and motorcycles), and stated he viewed these e-mails as “spam.” He did not

consider “spam” or “junk” to be personal e-mails and stated, if received, he would just delete these types of e-mails.

Petty stated he used his JEA e-mail account for the operations of the Gym, which included communicating with all levels of JEA management. He stated he considered any Gym related e-mails sent from his JEA e-mail account to be work-related.

Petty acknowledged he saved personal files to his JEA computer, on a limited basis, which included pictures of his children and also friends’ resumes. Petty stated he did not have permission to save personal files to his JEA computer and acknowledged he had violated the *Acceptable Use Policy 2016* by downloading personal files to his JEA computer.

## CONCLUSION

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Based on Petty’s own admission, Petty was aware of and stated he had received training related to the *JEA Acceptable Use Policy 2016*. Petty admitted he had *never* read the policy. Petty stated he responded to personal e-mails without thinking about the fact that he was using his JEA e-mail account and also admitted he downloaded personal files (i.e. pictures of his children and friend’s resumes, etc.) to his JEA computer. Petty admitted he used his JEA e-mail for Gym operations, but considered this a JEA sanctioned activity.

The OIG found during its limited review that Petty sent and/or received approximately **105** e-mails from his JEA e-mail account, which appeared to be personal in nature, during November 1, 2016 through March 28, 2017. Based on records and Petty’s own testimony, the OIG **substantiated** that Petty used JEA resources including computer and e-mail account for personal use unrelated to JEA business activity in violation of JEA’s *Acceptable Use Policy 2016*, specifically Sections 6.3.4; 6.4.6; and 6.4.12 (refer to page 11 and 12 for verbiage).

JEA was unable to locate the document Petty was required to have signed, which acknowledged he had read and understood the *Acceptable Use Policy 2016*, as outlined at Section 5.3. Additionally, the OIG notes the *JEA Acceptable Use Policy 2016* does not adequately define “limited personal use” and that this language is not clearly understood by both JEA managers and employees.

## RECOMMENDED CORRECTIVE ACTIONS

The OIG recommends the following corrective actions:

1. Per *JEA Acceptable Use Policy 2016* at Section 5.3, employees are required to sign documentation that the employee has read and understood the policy. During the investigation, JEA management was unable to provide a copy of the *Acceptable Use Policy 2016* employee acknowledgement form for Eric Petty. Please conduct another file review to determine if a copy of Petty’s acknowledgment form can be located. In the event that the form cannot be located, provide an explanation accordingly. Provide OIG with a copy of the form if located.

2. Identify and correct any internal controls related to the retention of acknowledgment forms for JEA's *Acceptable Use Policy 2016*, if the acknowledgment form is not located.<sup>12</sup> Additionally, consider revising the existing policy to incorporate a standardized policy acknowledgment form. As part of the internal control review, determine whether updating the annual on-line training to require employees "click" and certify they have actually read the policy is appropriate.<sup>13</sup> Provide an explanation as to newly established procedure(s) instituted to prevent future deficiencies related to the retention of employee acknowledgement forms. Provide a copy of the revised policy or procedure.
3. Request Eric Petty read and sign an acknowledgement form for the *Acceptable Use Policy 2016*. Provide the OIG with a copy of the signed acknowledgement form and verification Petty has read and understands the policy, in accordance with Section 5.3.
4. If not already completed, as previously recommended in OIG Report of Investigation 2017-0009, review and update the JEA *Acceptable Use Policy* to ensure that "limited personal use" is clearly outlined in plain language to advise under what circumstances JEA-owned resources may be used for personal purposes on a limited basis, to include providing limitations, for example: no additional cost to JEA is incurred; no interference with work duties and assignment; no disruption to the workplace; and supervisor is aware and approves of the "limited personal use." Provide the OIG with written verification of any updated policy.
5. Determine whether the \$755 value Petty benefited by not paying membership dues is in violation of the JEA's *Secondary Employment Policy*. Advise OIG of JEA's determination and provide a verification that JEA's determination has also been provided to Petty.
6. Develop a standard operating procedure to ensure managers sharing oversight of civil service employees assigned to special projects are documenting in writing (or a method deemed appropriate) the employee's work hours and absences in order to provide to the primary supervisor for time and attendance purposes.
7. Please advise the OIG if any personnel action(s) (including all outcomes) are taken as a result of this investigation.

#### IDENTIFIED, QUESTIONED, AND AVOIDABLE COSTS

**Identified Costs:** N/A

**Questioned Costs:** N/A

**Avoidable Costs:** N/A

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<sup>12</sup> Signed acknowledgment forms for M. Petty during OIG Report of Investigation 2017-0009 for two policies could also not be located.

<sup>13</sup> Petty testified he did not "click" the link and did not read the policy during his on-line training.

**PETTY'S REPOSE**

On October 16, 2018, the OIG mailed a copy of the Draft Report of Investigation to Petty's residential address on file with JEA. The OIG provided Petty the opportunity to submit a written explanation or rebuttal to the findings in the draft Report of Investigation, due on or before October 26, 2018. On October 25, 2018, Petty requested an extension, which OIG granted until October 31, 2018. The OIG received Petty's written response on October 31, 2018. Petty's response is attached in its entirety to this report.

During the course of this investigation, on multiple occasions, the OIG provided Petty the opportunity to provide records Petty deemed relevant to the administrative investigation. Petty provided records related to gym operations on October 25, 2017. Additionally, the OIG provided Petty, at his request, an opportunity to discuss and review in detail the draft Report of Investigation; scheduled for October 30, 2018 at 3:00 p.m.

Petty cancelled this meeting on October 29, 2018, via voice message at approximately 4:44 p.m. and stated he would provide a written response to the OIG.

**MANAGEMENT COMMENTS AND CORRECTIVE ACTIONS**

On October 16, 2018, the President and Chief Operating Officer, JEA, was provided the opportunity to submit a written explanation or rebuttal to the findings in the draft Report of Investigation due on or before November 6, 2018. On November 6, 2018, the Vice President and Chief Compliance Officer, JEA provided the OIG with a written response. However, on November 13, 2018, JEA provided an updated response, which advised the OIG of completed corrective actions. The November 13, 2018, response is attached in its entirety to this report.

Based on the response, JEA made policy revisions to the JEA's *Acceptable Use Policy*. In addition, JEA is developing a policy relating to the shared oversight of employees assigned to special projects to enhance accountability and communication. Based on the OIG investigation, JEA determined Petty violated JEA's *Secondary Employment Policy* by receiving a benefit of free gym membership. JEA has addressed this matter with Petty.

**Attachments:**

- Petty's Response, received October 31, 2018
- Management's Response, dated November 13, 2018

cc: IG Distribution 2017-0010

**This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.**

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**From:**

**Sent:** Wednesday, October 31, 2018 4:44 PM

**To:** Inspector General

**Subject:** OIG Investigation Case File 2017-0010

**EXTERNAL EMAIL:** This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Please see the attached response!

Thanks,  
Eric Petty

I have been a dedicated employee of JEA for 19 years. I have received exceeds standards in job performance evaluations almost every year. I have received multiple awards from JEA and have hundreds of hours in community service through JEA on and off the clock. I have supported multiple charities including the JEA Fitness Association which was established in 1991 by JEA and its employees.

Documentation was provided to the OIG but clearly not represented here. When prior volunteers of the gym retired, I continued to operate the gym as a volunteer under the same guidelines as those who proceeded me and at no point did I acknowledge or assume responsibilities of a corporation or a business. Nor was it ever explained the responsibilities involved in association with my job.

This investigation states that I spent approximately 86 hours in the gym in a 6 month period between the hours of 9AM and 5PM. Does this take in account my lunch break when I routinely used the gym to work out like most of the other gym members? Had this investigation actually interviewed gym members or anyone that knows me, this would have been established. Why do I not get to review this evidence against me nor is it in this report? Why was I never able to provide evidence to support my case over this past year?

Free membership was addressed by the OIG and this was not a benefit of the gym but reimbursement as responsibilities for the gym required personal use of vehicle off the clock purchasing supplies and equipment as we had no paid employees. I would like to state for the record that expenses incurred far exceeded \$5.00 a paycheck for gym membership. Part of the responsibilities included towels for members, weekly cleaning and sanitation and repairing equipment. Why where none of the 400 gym members or committee members interviewed to address this? Why was past practice not established?

I find this report very confusing as it seems to be more focused on defaming people rather than the actual facts. JEA management clarifies their acceptable use policy that I clearly fall within. But the city still intentionally labels me as breaking the policy. If I in fact broke a JEA policy, then wouldn't it be my employers responsibility to discipline me behind closed doors in a humane manner rather than being publicly humiliated like this report is trying to do. This report does nothing but leave readers to draw negative conclusions upon myself when there is still no factual evidence supporting that the policy was broken. By admission of the OIG and in my testimony, I was only shown a sample of the 105 e-mails that "appeared" to be personal in nature. I even stated that most was spam so how can I be accountable for emails that are sent to me at work and never opened when every JEA employee's name and email address is open to Sunshine Law? More importantly why is this even being mentioned as it has nothing to do with my so called complaint? If the JEA Interagency Detective investigation was concluded and no criminal violations were pursued then why did the OIG pursue an additional investigation to come to the same conclusion?

This process has wasted taxpayers dollars for over a year and has created undue stress upon me, my family and co-workers when other investigations took 6 months or less. As a taxpayer, I am disgusted with this process and how investigations are conducted. And having this go public is appalling and defamation of character. This whole process is guilty till proven innocent and it isn't until the investigation is completely over before you then have an opportunity to defend yourself, if at all. Why is the city even involved with JEA affairs when JEA has its own Audit Services department and JEA Interagency Detective? I believe city leaders need to review the OIG processes and create measures to protect it's taxpayers from false complaints from vindictive people and ensure investigations are confidential rather than public. This investigation will surely damage any future job opportunities and public perception of myself and my family.

21 West Church Street  
Jacksonville, Florida 32202-3139

November 13, 2018



Ms. Lisa A. Green  
Inspector General  
Office of Inspector General, City of Jacksonville  
231 E. Forsyth Street, Suite 470  
Jacksonville, FL 32202

ELECTRIC

WATER

SEWER

Subject: JEA's Management Response Pursuant to OIG Report of Investigation Number 2017-0010

Dear Ms. Green:

We are herein providing our management response to your DRAFT Report of Investigation dated October 16, 2018, which includes a summary of our corrective action plan, its status, and any supporting documentary evidence.

**Recommended Corrective Actions**

1. Per JEA Acceptable Use Policy 2016 at section 5.3, employees are required to sign documentation that the employee has read and understood the policy. During the investigation, JEA management was unable to provide a copy of the *Acceptable Use Policy 2016* employee acknowledgement form for Eric Petty. Please conduct another file review to determine if a copy of Petty's acknowledgement form can be located. In the event that the form cannot be located, provide an explanation accordingly. Provide OIG with a copy of the form if located.

**Management's Response**

Further review of Mr. Petty's personnel files indicated a handwritten signed acknowledgment did not exist. However, during a November 13, 2018 meeting to discuss the Acceptable Use Policy with Mr. Petty, he signed a copy of the screen shot acknowledgement page, included as Enclosure 1.

2. Identify and correct any internal controls related to the retention of acknowledgment forms for JEA's *Acceptable Use Policy 2016*, if the

acknowledgment form is not located. Additionally, consider revising the existing policy to incorporate a standardized policy acknowledgment form. As part of the internal control review, determine whether updating the annual on-line training to require employees “click” and certify they actually read the policy is appropriate. Provide an explanation as to newly established procedure(s) instituted to prevent future deficiencies related to the retention of employee acknowledgment forms. Provide a copy of the revised policy or procedure.

### **Management’s Response**

A digital acknowledgement, rather than one that is handwritten/signed, is available for any/all employees who completed the General Information Security Awareness course for 2016.

The JEA *Acceptable Use Policy* has been provided to new hires during onboarding. New hires then attest to receipt of the policy. The attested document is then retained in the in the employee’s Oracle Document of Record. This process was automated in 2014. Only records prior to 2014 are retained in the employee’s physical personnel file.

At the time of the 2016 training, Section 5.3 of the Acceptable Use Policy read as follows, “*Every worker at JEA is required to sign a document stating that: ...*”. The Acceptable Use Policy has subsequently been updated, with Section 5.3 now reading as follows: “*Every worker at JEA is required to sign a document or acknowledge as part of annual training that: ...*”.

The excerpt of Section 5.3 of the Acceptable Use Policy in place in 2016 is included as Enclosure 2; the updated/current excerpt of Section 5.3 of the Acceptable Use Policy is included as Enclosure 3.

3. Request Eric Petty read and sign an acknowledgment form for the *Acceptable Use Policy 2016*. Provide the OIG with a copy of the signed acknowledgment form and verification Petty has read and understands the policy in accordance with 5.3.

### **Management’s Response**

As noted in our response for recommendation #1 above, on November 13, 2018 Mr. Petty signed a copy of the screen acknowledgment page for the Acceptable Use Policy (*Enclosure 1*). In addition, the text change in Section 5.3 between the 2016 and 2018 versions of the Acceptable Use Policy was discussed with Mr. Petty.

4. If not already completed, as previously recommended in OIG Report of Investigation 2017-0009, review and update the JEA *Acceptable Use Policy* to ensure that "limited personal use" is clearly outlined in plain language to advise under what circumstances JEA-owned resources may be used for personal purposes on a limited basis, to include providing limitations, for example: no additional cost to JEA is incurred; no interference with work duties and assignment; no disruption to the workplace; and supervisor is aware of and approves of the "limited personal use". Provide the OIG with written verification of any updated policy.

#### **Management's Response**

To quote our response to OIG Report of Investigation 2017-0009, within which the updated Acceptable Use Agreement was provided as an enclosure: "The applicable sections, as well as a description of the changes, are listed as follows:

"Add 9.1.19 - Using JEA resources for personal use that incurs additional cost to JEA, interferes with employee's work duties and assignments, causes a disruption in the workplace, and the employee's supervisor is not aware or has not approved the limited personal usage.

"Sections 6.3.4, 6.3.8, 6.4.6, 7.1 and 7.2 did not change.

"This was completed on October 3, 2018".

The excerpt from Section 9.1.19 of the updated Acceptable Use Policy is included as Enclosure 4.

5. Determine whether the \$755 value Petty benefitted by not paying membership dues is in violation of the JEA's *Secondary Employment Policy*. Advise OIG of JEA's determination and provide a verification that JEA's determination has also been provided to Petty.

#### **Management's Response**

The JEA Secondary Employment policy states JEA requires that all full-time employees inform JEA of any secondary employment. A full-time employee may not engage in secondary employment when the outside employment interferes with the employee's performance at JEA. Secondary employment includes: Partnerships and directorships of companies; Voluntary employment in return for a benefit.

Based on the rules for the gym, all employees are required to pay \$5.00 each pay period for gym membership. Although Mr. Petty volunteered to run the gym as the President, he benefited from this employment by not paying the gym membership fee valued at \$755. He had access to

the gym to workout at any time. Therefore, it is our determination that he violated the JEA Secondary Employment policy.

Mr. Petty is now paying his \$5.00 membership fee. Also, he is no longer volunteering at the gym, having discontinued doing so as of November 3, 2017.

On November 8, 2018, JEA discussed its determination of the violation with Mr. Petty.

6. Develop a standard operating procedure to ensure managers sharing oversight of civil service employees assigned to special projects are documenting in writing (or a method deemed appropriate) the employee's work hours and absences in order to provide to the primary supervisor for time and attendance purposes.

**Management's Response**

JEA Human Resources will develop, communicate and implement "Shared Employee Guidelines" to enhance accountability and communication. The guidelines will provide for written acknowledgment of receipt and understanding.

The target date for completion is November 30, 2018.

7. Please advise the OIG if any personnel action(s) (including all outcomes) are taken as a result of this investigation.

**Management's Response**

We will advise you if any subsequent personal actions and related outcomes are necessary. To date, there has been none.

We thank you for your insightful recommendations. Please contact me if you need additional information regarding our corrective action plan.

Sincerely,



Ted Hobson  
VP & Chief Compliance Officer  
JEA  
21 W. Church Street, T16  
Jacksonville, 32202  
(904) 665-7126; [hobste@jea.com](mailto:hobste@jea.com)

Cc: Ms. Melissa Dykes, President and Chief Operating Officer

Enclosures:

- 1) Screen shot acknowledging reading and understanding of the Acceptable Use Policy, signed by Mr. Eric Petty on November 13, 2018
- 2) Excerpt of Section 5.3 of the Acceptable Use Policy in place in 2016
- 3) Updated/current excerpt of Section 5.3 of the Acceptable Use Policy
- 4) Excerpt from Section 9.1.19 of the updated Acceptable Use Policy

General Information Security Awareness Training



I agree that I have read and understand the Acceptable Use Policy and that I will abide by its contents.

- Yes
- No

*Emm Holt* 11-13-18



SUBMIT

## **5.0 Awareness**

- 5.1 It is the duty of every manager to ensure that their users are aware of their responsibilities under this policy.
- 5.2 It is also the duty of every manager to ensure that their users take the General Information Security Awareness Training course available through Oracle, annually in the month of March.
  - 5.2.1 New users will take the General Information Security Awareness Training Course during their orientation and then will take it again in March irrespective of how recently they have taken it.
  - 5.2.2 New onsite contractors with logical access will take the training before being given access to the JEA network.
  - 5.2.3 New remote contractors will be provided the training via email and will submit the completed questionnaire via email before being given access to the JEA Network.
- 5.3 Every worker at JEA is required to sign a document stating that:
  - 5.3.1 they have received and read, or seen and read a copy of this policy,
  - 5.3.2 they are aware of their responsibilities under this policy and,
  - 5.3.3 it is their intention to comply with the requirements set forth in this policy.

## **6.0 Policy**

### **6.1 General Use and Ownership**

- 6.1.1 Technology Services (TS) Department is responsible for all standard corporate equipment purchases, installations, disconnections and modifications. Users are not permitted to perform these activities without prior written approval of the TS Department.
- 6.1.2 All ICT resources, systems and services are the property of JEA. These include but are not limited to, all corporate computers and software owned by JEA, any corporate communications hardware and software provided by JEA for the purposes of accessing its computers, any corporate computer network governed in part or whole by JEA, all components of the electronic communications, physical infrastructure, and any electronic communications address, number, account, or other identifiers associated with JEA. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers in the course of normal operations. All said property is expected to be used on JEA premises, except for situations where access and/or computers are necessary and provided for work assignments away from JEA.
- 6.1.3 Any users who are issued corporate hardware, software or documentation from JEA are responsible for the proper care and for returning it undamaged in a timely fashion.
- 6.1.4 For security and network maintenance purposes, JEA reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

## **5.0 Awareness**

- 5.1 It is the duty of every manager to ensure that their users are aware of their responsibilities under this policy.
- 5.2 It is also the duty of every manager to ensure that their users take the Security Awareness Training course available through Oracle, annually in the month of March.
  - 5.2.1 New users will take the Security Awareness Training Course during their orientation and then will take it again in March irrespective of how recently they have taken it.
  - 5.2.2 New onsite contractors with logical access will take the training before being given access to the JEA network.
  - 5.2.3 New remote contractors will be provided the training via email and will submit the completed questionnaire via email before being given access to the JEA Network.
- 5.3 Every worker at JEA is required to sign a document or acknowledge as part of annual training that:
  - 5.3.1 they have received and read, or seen and read a copy of this policy,
  - 5.3.2 they are aware of their responsibilities under this policy and,
  - 5.3.3 it is their intention to comply with the requirements set forth in this policy.

## **6.0 Policy**

### **6.1 General Use and Ownership**

- 6.1.1 Technology Services (TS) Department is responsible for all standard corporate equipment purchases, installations, disconnections and modifications. Users are not permitted to perform these activities without prior written approval of the TS Department.
- 6.1.2 All ICT resources, systems and services are the property of JEA. These include but are not limited to, all corporate computers and software owned by JEA, any corporate communications hardware and software provided by JEA for the purposes of accessing its computers, any corporate computer network governed in part or whole by JEA, all components of the electronic communications, physical infrastructure, and any electronic communications address, number, account, or other identifiers associated with JEA. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers in the course of normal operations. All said property is expected to be used on JEA

9.1.19 Using JEA resources for personal use that incurs additional cost to JEA, interferes with employee's work duties and assignments, causes a disruption in the workplace, and the employee's supervisor is not aware or has not approved the limited personal usage.

9.2 Other unacceptable uses include:

9.2.1 Violation of computer system security posture

9.2.2 Use of JEA's logo without prior documented approval

9.2.3 Violation of software license agreements

9.2.4 Creating non-company provided electronic messaging or social media accounts to falsely represent JEA.

### 10.0 Exceptions

Any exceptions to this policy will require written authorization. Exceptions granted will be issued a policy waiver for a defined period of time. Requests for exceptions to this policy will be addressed to the Director Information Security.

### 11.0 Enforcement

11.1 Any user found using JEA ICT resources for unethical or unacceptable practices is subject to disciplinary action, up to and including termination of employment or contract.

11.2 Any employee found to have violated this procedure may be subject to disciplinary action, up to and including termination of employment as specified in ES A0202 LR606.

11.3 Any user found to have violated this policy will be subject to disciplinary action, up to and including termination of employment or contract.

**SIGNATURE:** /s/ W. A. Kearson  
Director, Information Security

**DATE:** October 2, 2018

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