

## Proposed Work Product Policy Language

For the purpose of this policy, the term “Work Product” shall mean any concept, tool, hardware, software, or other item, developed, written, created, or designed by an employee within the course and scope of, and during the term of, employment with the City of Burlington. This includes not only items that are developed using resources of the City of Burlington or that are saved on City servers or stored on City property, but any item that is developed using resources from any source or that is stored in any location while an employee is receiving a salary from the City, if the item is within the scope of work the employee is being paid to do for the City.

This policy shall apply to all Work Product, portions of Work Product, or derivative works developed, written, created, or designed by employees, within the course and scope of and during the term of their employment with the City of Burlington.

1. Any Work Product produced by an employee within the course and scope of and during the term of employment with the City, shall be owned solely by the City. Employees may recite their development of or contribution to Work Product, as long as the Work Product has not been deemed confidential by the City, or with the written permission of the City’s Chief Innovation Officer.
2. The City is entitled to, as a result of its ownership, continued use of the Work Product solely for the benefit of the City, for a perpetual period of time. No transfer or termination of the City’s interest is valid unless documented in writing and approved by the City Council.
3. The City supports, endorses, and encourages employees to continue the development of Work Product as it benefits the City.
4. Work Product may be used for non-City purposes, such as for personal gain or benefit only with the express permission and at the sole discretion of the City. An employee seeking to use Work Product for any non-City purpose must obtain written authorization from the City’s Chief Innovation Officer for the use.
5. Should the Work Product be used for non-City purposes with the permission of the City, an employee will maintain the confidentiality of any and all information considered by the City to be confidential.
6. The use of open source code and conformance with open source licenses must be approved by the employee’s Department Head prior to its use.