**City of Winder Personnel Policy Manual**
**Title:** Cellular Phone Use & Reimbursement
**Date Issued:** 08/2016
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Mayor 8/19/16

City Administrator

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## 82.10 Purpose

The purpose of this policy is to establish requirements for City authorized use of City-owned or personal cellular telephones, ensure departmental and employee accountability and responsibility, and to prevent improper use or assignment of cellular telephones.

It is recognized that cellular telephones are valuable communications tool. In addition, they can enhance the operational effectiveness and efficiency of staff while away from the office and other means of communication. Therefore, it is the policy of the City of Winder that authorization to purchase and use cellular telephones will be limited to certain circumstances, when other means of communication are determined to be infeasible or impractical or are less cost effective.

## 82.11 Personal Cellular Phone/Devices in the Workplace

A. During paid work time, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of any City phones. Excessive personal calls (including text messaging) during the work day, regardless of the phone used, is prohibited.

B. Employees are expected to make personal calls on non-work time and to ensure that friends and family members are aware of the City's policy.

C. Cell phones for employees that are not required to utilize a cell phone in their performance of their essential duties shall maintain their personal cell phone on silent.

D. Flexibility may be provided for employees during times of family emergencies or unusual personal circumstances, but this request for flexibility should be communicated in advance to the employee's supervisor.

E. Employees may be permitted at the supervisor's discretion to stream music at a volume not to disturb other employees, work performance, or customers. At any time this privilege becomes disruptive or causes performance concerns, the supervisor may revoke this privilege.

F. In order to ensure a productive work day, the following use of a personal cellular/wireless device are prohibited during working hours to include but not limited to: any activity that violates City policy, including accessing and/or distributing pornographic or harassing material. Users are not authorized to

access any website using their City issued cellular/wireless device that would be a violation of the City's technology and email policies.

G. No personal devices shall be connected to the City's secure WIFI during work hours unless authorized for business use.

H. Employees are prohibited from taking any photographs and/or videos of items or documents in secure areas/areas restricted from the public without prior consent from a supervisor. This applies to City owned and personal cellular phones with camera capabilities. All photographs or videos taken while the employee is on-duty or obtain due to the position held for the City of Winder shall be deemed to be used solely for the purpose of completing a job related task.

## 82.12 While Operating A Vehicle

A. Employees whose job responsibilities include regular or occasional driving and who have a cellular phone for business use are expected to refrain from using their phone while driving, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road to a safe location prior to answering or initiating a cellular phone calls which may distract them from the safe operations of the vehicle.

B. Text messaging, reading emails, writing emails, or accessing the internet while driving is not allowable under any circumstance and may result in disciplinary action up to and including termination.

C. If a City vehicle is involved in an accident, the employee's supervisor or city administrator may request to see the driver's cell phone to verify that the driver was not distracted at the time of the accident. Refusal to accommodate this request shall be considered an admission that the phone was a factor contributing to the accident.

D. Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

## 82.13 Eligibility for Stipend or City Cellular Phone

A. Senior management staff in an exempt position that must be available to receive and place time sensitive calls and/or considered on a permanent on-call statues.

B. Full-time employees in a highly specialized position that are considered on an on-call status for extended periods and must maintain communication beyond business hours.

C. Full-time employees whose job duties regularly require them to be in constant contact with the City or public and they work primarily outside of a City office.

D. Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The City Administrator shall give final approval on all cell phone allowances.

E. Stipends shall be suspended for an employee on an extended leave of absence of more than ten (10) business days.

82.14 **Department Assigned Cellular Phones/Devices**

A. Employees with a business need may be assigned a City issued phone/device.

B. The Technology Services Department shall issue a basic/standard cost effective phone/device and shall have the discretion to select the plan and features.

C. Employees are responsible for ensuring that the issued phone is on and in working order during all required business hours or as designated by their supervisor.

D. City owned cell phones assigned to departments may be used by multiple employees on an as-needed basis during the work day and are intended solely for city business use. Personal use of such phones for anything other than a personal emergency shall subject the employee to disciplinary action and require appropriate reimbursement to the City.

E. Departmental on-call phones will not be assigned to an individual except periodically when an employee is assigned by the department to be "on call" after normal work hours.

F. The employee using a shared device is responsible to ensure that the device is fully charged or in the process of charging at the end of each business day/ prior to returning the device back to the department.

G. Employees in possession of City devices/cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation/termination of employment, or at any time upon request, the employee may be asked to produce the device/phone for return or inspection. Employees unable to present the device/phone in good working condition within one business day from the requested time may be expected to bear the cost of a replacement.

82.15 **Stipends**

A. In some instances it may be deemed necessary or more cost effective to utilize a monthly Cellular Telephone Stipend in an amount determined by the City. The monthly stipend amount will be reviewed and/or adjusted annually to ensure cost effectiveness. All requests for cellular telephones or stipends must be made by submitting the authorized forms to the personnel officer.

B. The employee shall be responsible for the purchase of the device/phone, accessory equipment, activation fees, and plan to be utilized. Employees shall ensure that the cellular service is reliable in all work related areas and at personal residence.

C. Employees who receive a monthly stipend are required to provide the City the phone number for work related communication and carry/answer the cellular phone while on duty or as requested by their supervisor/essential duties of the position. Employees are responsible for ensuring that their phone is on and in working order.

D. In no case will a reimbursement stipend exceed the employee's actual cost of maintaining the line.

E. If an employee-owned phone is damaged, broken, lost or stolen it is the sole responsibility of the employee to repair or replace the personal phone at their cost and the City shall accept no responsibility.

F. All phones subject to a stipend shall be considered a local area code in which no long distance charges shall apply when calling the cell phone from a land line within the City limits.

G. Eligibility for a Data Plan Stipend requires that the employee own a mobile device that supports Microsoft Exchange ActiveSync or software required to access City emails.

H. Employees receiving a stipend are responsible for immediately notifying their supervisor in the event their cellular number changes or is cancelled.

I. After the Human Resources Department receives the approved request to pay a stipend allowance, the approved amount will be added to the individual's payroll check.

J. Department directors/designee are responsible for reviewing approved stipends on an annual basis for the purpose of identifying employees that may no longer qualify for a monthly cellular or data stipend.

K. The City may revoke the stipend or change the amount to be authorized at the discretion of the Mayor and Council or City Administrator. All changes shall take place on the first day of the month.

## 82.16 Notification of Damage or Stolen City Cellular Phones/Devices

Employees are responsible for maintaining adequate physical protection for all equipment issued to them by the City. Employees shall promptly notify their direct supervisor if any City-owned cellular phone is damaged or stolen. If a City issued cell phone/device is stolen, the employee will be required to file a police report.

## 82.17 Access to Cell Phone Statements and Records

A. The City reserves the right to monitor the billing and use of all City-issued devices and has the authority to withhold any improper/unauthorized charges from the employee's wages for reimbursement purposes.

B. By accepting the use of a City cell phone, employees agree to promptly reimburse the City for all personal charges made which are deemed by the City to be excessive in frequency and duration. The reimbursement for unlimited plans or when actual charges cannot be determine other disciplinary actions may be issued.

C. The City reserves the right to monitor all usage of City-issued devices and communications by the employee.

## 82.18 Tax Liability

A. The employee will assume all tax liability for financial assistance received in accordance with IRS guidelines, or other applicable laws.

B. Pay provided through the stipend will not be considered as part of base salary, nor will it be used for purposes of determining merit raises, retirement, or other benefits.