

TUOLUMNE COUNTY, CALIFORNIA

SUBJECT: CELLULAR TELEPHONE POLICY

POLICY:

Upon review by the Department Head that an employee's scope of work requires access to a cellular ("cell") telephone in order to meet the business needs of the organization, employees will have the option to choose between a County-owned and issued cell phone or a stipend to cover a portion of the costs for use of their personal cell phone.

Employees who choose to receive a cell phone stipend instead of a County-owned cell phone shall receive \$25.00 per pay period twice per month.

OVERVIEW:

The purpose of this policy is to:

- Establish criteria for the consideration of requests for use of County-owned cell phones or payment for use of employee-owned cell phones for purposes of county business; and to
- Provide uniform and consistent standards of the issuance of County-owned cell telephones or partial reimbursement for use of personally-owned cellular telephones in order for employees to meet the business needs of the county.

SCOPE:

These guidelines apply to all County departments, officers, and employees. Officer, employee or individual owner may be used interchangeably.

A. Accountability for Cellular Telephone Usage

Department heads are responsible for evaluating and approving the classifications in their department that need access to a cell phone in order to meet the business needs of the organization. Upon making this determination, employees assigned to the approved classifications have the option of receiving a County-owned cell phone or receiving a cell phone stipend. In addition, Department Heads are responsible for maintaining accountability over the proper use of cell phones to conduct county business.

1. County-owned Cell Phones: County-owned cell phones issued to employees shall be used only for County business, with the exception of minor incidental use in regard to phone calls, text messages, and data usage. County-owned cell phones shall be purchased, maintained, and supported through direct billing to the department for which the phone is used.

Employees must immediately report any loss of, damage to, or theft of a County-owned cell phone to their department designee. The department shall notify Information Technology (IT) when a County-owned cell phone is exchanged, lost, or stolen to address any security concerns. There is no expectation of privacy in the use of a County-owned cell phone. The department may access the County-owned cell phone or require it be returned at any time without cause. Any work-related communications such as emails, photos, and text messages and other data sent and received from the cell phone are considered a public record under the California Public Records Act, and may be subject to disclosure.

2. Personally-owned Cell Phones: Upon Department Head approval, employees may choose to receive a stipend in order to offset the cost of conducting County business with a personal cell phone. Under this arrangement the individual owner is responsible for covering all costs incurred. Any stipend received for the reimbursement of cell phone costs is treated as taxable income. Employees receiving an allowance for their personally-owned cell phone shall maintain active service with the

phone service provider and ensure their phone is in good working order while receiving the allowance.

Employees receiving a stipend to cover a portion of the cost of the use of their personal cell phone, are to be aware that any work-related communications such as emails, photos, and text messages and other data sent and received from the cell phone are considered a public record under the California Public Records Act and may be subject to disclosure.

3. Non-exempt employees shall not conduct County business on their personal cell phone or assigned County-owned cell phone when not on-call or on duty.

4. Department Heads are also responsible for the following:

- For County-owned phones, at a minimum annually, and as often as may be necessary, review and evaluate cell phone usage and bills to ensure appropriate use, whether the phone is needed to conduct County business, as well as the current cost effectiveness of the rate plans employed.
- For personally-owned phones for which employees receive stipends, verify that the employees have an active cell phone account on an annual basis.
- Maintain a current listing of all active cellular accounts for both County-owned phones and personally-owned phones for which the owners receive a cell phone stipend.

B. Support and Security

Support for County-owned cell phones is the responsibility of the Department to which the employee is assigned. Support for personally-owned cell phones is the responsibility of the employee. Employees with a County-owned phone or who receive a stipend shall ensure their device has a security screen lock in place (i.e., unique pattern, PIN, password, or bio-metrics). Employees understand that they must report a lost or stolen County-owned or personally-owned phone to IT as soon as possible and that IT may remove access to County applications (i.e., M365 applications). County-owned devices with Mobile Device Management MDM (i.e. Law & Justice) will be remotely wiped of all data and applications on the device. Also, users will be required to change their County password if a device is lost or stolen.

PROCEDURE:

For employees to receive a County-owned cell phone or receive compensation for the use of a personally-owned cell phone for county business, the following process shall be followed:

- A.** Employees shall complete the Cellular Telephone Justification Questionnaire (Exhibit A) and submit to their Department Head.
- B.** The Department Head shall evaluate the questionnaire, ensure that the associated cost of the request is budgeted, and if approved, forward a signed copy of the questionnaire to Human Resources-Risk Management (HR-RM) and to the requesting employee.
 - For employees receiving a County-owned cell phone, Departments will purchase and activate service for the employee.
 - For employees receiving a stipend, HR-RM will enter the appropriate compensation information into the payroll system.

Exhibit A

Cellular Telephone Justification Questionnaire (to be completed by Department Head)

1. Which type of cellular telephone service is being requested?
 - County-owned
 - Personal - Stipend
2. Please explain why a County-owned cellular telephone or stipend for a cellular telephone is requested.
3. Describe the present system of communication and why a stipend for the use of a cellular telephone is necessary.
4. Other.

Employee Name

Department

Department Head Signature

Original to Departmental Files

Cellular Telephone Policy Acknowledgement – County-Owned

I acknowledge receipt of this policy and understand and agree that I am bound by its contents:

1. _____ (hereinafter referred to as “the user” is being issued and/or granted access to a County-owned cellular telephone.
2. The user has read, understands, and agrees to comply with the County’s Cellular Telephone Policy.
3. The user understands and agrees that the County-owned cellular telephone will be used 100% for County business and is not for personal use.

Employee Name

Signature

Work phone

Department

Original to Departmental Files

Cellular Telephone Policy Acknowledgement - Stipend

I acknowledge receipt of this policy and understand and agree that I am bound by its contents:

1. _____ (hereinafter referred to as “the owner”) has chosen to purchase with my own funds a personal cellular telephone.
2. The owner acknowledges that the stipend amounts received will be reported to the Internal Revenue Service (IRS) as taxable income.
3. The owner has read and understands the County’s Cellular Telephone Policy.
4. The owner will hold the County harmless for any damage to personal cellular telephone regardless of whether it was being used for County business at the time the damage was incurred.
5. The owner will provide their cellular telephone number to their direct management.
6. Any and all replacement or repair costs are the responsibility of the owner.
7. Any violation of this agreement by the owner may be cause for immediate disallowing of further stipend and synchronization with or connection to County equipment.
8. The owner receiving a stipend is solely responsible for the payment of any and all costs related to the monthly usage, purchase, maintenance, support, and replacement of their cellular telephone. The owner is not entitled to County-paid monthly bills.
9. Notwithstanding the above paragraph, the owner understands that stipends will terminate when the employee leaves County employment, for any reason.

Employee Name

Signature

Work phone

Department

Cellular Telephone Number: _____

Original to Departmental Files

Cellular Telephone Approval

- Signed Cellular Telephone Policy Acknowledgement
- Transfer of Billing Responsibilities Form required for Stipend for previously owned County-owned phones

Approved for:

- County-owned
- Stipend – Personal Phone (\$25.00/pay period) *

Vendor:

- AT&T
- Verizon
- Other (Specify) _____

Employee Name

Signature

Work phone

Department

Approved:

Department Head

Date

County Administrative Officer

Date

Cellular Telephone Number: _____

Original to Departmental Files

Copy to Information Technology Department for Data requests

** No payment will be made on the 3rd payroll when there are three payrolls in a month.*