

Cellular Telephone Policy

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PURPOSE

To provide guidelines and criteria regarding the approval and use of a monthly cell phone stipend, data plan stipend, and the purchase and use of City issued cellular telephones or Smartphone/PDA cellular telephones (herein referred to just as City issued cellular telephones except where otherwise noted).

SCOPE

This policy applies to all City of San Jose employees requesting the purchase and use of a cellular telephone.

POLICY

It is recognized that cellular telephones are valuable in times of emergency. In addition, they can enhance the operational effectiveness and efficiency of staff while away from the office and other means of telecommunication. Although the value of cellular telephones is recognized, they are costly to operate, and expenditures need to be controlled. Therefore, it is the policy of the City of San Jose that authorization to purchase and use cellular telephones will be limited to certain circumstances, when other means of communication such as pagers or mobile radios, are determined to be infeasible or impractical or are less cost effective.

Cellular telephones are not considered an entitlement or fringe benefit. Requests for the purchase and/or use of cellular telephones for official City business will be approved as outlined in the eligibility criteria defined in this policy. City issued cellular telephones are City equipment and are issued to employees for **official City business** only. This includes any City issued Smartphone/PDA cellular telephone.

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 [Cellular Phone Authorization Form](#) to the Director of the requesting party's Department for review and approval.

The requesting department will bear all costs associated with a monthly stipend or the purchase of cellular telephones and associated accessories, including future maintenance. Departments will be responsible for tracking and controlling cellular phone costs. The requesting department is responsible for documenting the issuance of a cellular telephone and associated accessories to each employee, and for ensuring that all cellular telephones and accessories are returned once the employee is deemed to no longer be eligible for a City issued cell phone, such as when changing job duties, or positions, exiting the department (or the City) and when such telephone services are terminated for any reason. If an employee is deemed to no longer be eligible for a monthly stipend, the approving Department is responsible for ensuring that the stipend is terminated.

Cellular Telephone Safety While Driving

Employees are not allowed to use their cellular telephone (either City issued phones or personal phones) while driving on City business or while conducting City business unless a hands-free

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device is used. Even when using a hands-free device, conducting City business on a cellular telephone while driving should be kept to a minimum and only done when necessary. This section does not apply to an employee using a cellular telephone without a hands-free device for emergency purposes (such as calling 911) while driving on City business.

Sworn police and fire personnel using a cellular telephone in the course and scope of their duties without a hands-free device while driving an emergency vehicle shall make every reasonable effort to safely stop the emergency vehicle before using the cellular telephone, unless a matter of operational urgency exists. If operational urgency does exist, sworn police or fire personnel shall keep the conversation as short as possible, or bring the vehicle to a safe stop to complete the conversation.

Under no circumstances shall employees send or read text messages or emails while driving a vehicle on City business.

Cellular Telephone/Stipend Eligibility Criteria

Requests for the purchase and/or use of a cellular telephone for official City business or approval of a monthly Data Plan Stipend and/or Cellular Telephone Stipend will be reviewed by and approved at the discretion of the employee's Department Director. Requests will be reviewed according to the following criteria:

1. Cellular telephones necessary for promoting public or employee safety shall take highest priority.
2. Senior and Executive Staff members who must be available to receive and place time sensitive calls.
3. City personnel whose job responsibilities clearly dictate the unquestionable need for cellular communication.
4. Other forms of communication such as pagers or mobile radios are more costly, impractical, or do not satisfy operational needs.
5. The City Manager or designee may approve the purchase and/or use of a cellular telephone or stipend for official City business in instances where Criteria Nos. 1-3 do not apply.
6. **Smartphone/PDA cellular telephones purchases must be approved by the City Manager prior to purchase.**

Once it has been determined that an employee meets the eligibility criteria, the Department Director shall project the estimated usage, using the guidelines on the *Cellular Phone*

Authorization Form, to determine if the phone should be assigned to a rate plan or if it is more cost effective to offer an employee the option of a Cellular Telephone Stipend. Department Directors shall consider usage as well as necessity when determining if an employee will be assigned a City cell phone or a stipend as well as if the employee is eligible for and needs a Data Phone Stipend.

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Once approved, the requesting Department's Cell Phone Liaison will coordinate either the purchase of a City cell phone and service initiation with the City's cellular telephone service provider, or the reassignment of an existing City cell phone. If a Cellular Telephone Stipend and/or Data Plan Stipend is approved, the department's Cell Phone Liaison will forward the signed *Cellular Phone Authorization Form* to Payroll for processing. Employees are prohibited from requesting an addition to or inclusion in the City's cellular telephone service contract directly from the service provider.

If an employee terminates City service, transfers to another department, or changes responsibilities and is no longer eligible to use a City-purchased cellular telephone or receive a Cellular Telephone Stipend and/or Data Plan Stipend, the City cell phone and all associated accessories will be returned to the Department Cell Phone Liaison. Each Department Cell Phone Liaison is responsible for contacting the Payroll Department to terminate a Cellular Telephone Stipend and/or Data Plan Stipend once an employee leaves the Department, City service, or becomes otherwise ineligible.

Department Directors or his/her designee are responsible for reviewing cellular telephone usage on an annual basis for the purpose of identifying cellular telephones that may no longer be needed or that may be under utilized and ensuring that service to such phones is terminated. Department Directors or his/her 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, and ensuring that such stipends are terminated.

Use of City Issued Cellular Telephones

City issued cell phones are to be used for official City business only.

Personal use of cellular phones is only permitted in cases of emergencies. Should employees make personal calls outside of the provisions above, reimbursement to the City will be required and the employee may be subject to disciplinary action.

City issued Smartphones/PDAs will only be used to access City email and shall not be configured by the employee or the Information Technology Department to support a personal email account.

All City employees must continuously strive to minimize costs. Cellular telephones are assigned to employees in order to ensure their safety, improve services to citizens, and to provide an efficient means of communication when no less costly method is readily available. Cellular telephone usage charges can have significant budgetary impact in the aggregate. Employees should utilize pagers, public telephones, mobile radios or telephones in offices, whenever possible before choosing the cellular phone alternative. Discretion must be used regarding the content of cellular phone conversations, as cell phones are not secure communication devices.

Hourly employees, who have been issued City cell phones or have been approved for a cell phone stipend, are required to carry the cellular telephone while on duty or approved stand-by pay. However, **any work performed by a non-exempt hourly employee needs to be approved by his/her supervisor in advance of work being performed.** For example, an employee using a Smartphone/PDA with email capabilities **shall not be sending, creating, or reading emails on non-work hours without prior authorization.**

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

Reimbursement to the City for Personal Use of Cellular Telephones**Personal use of City issued cellular phones is only permitted in cases of emergencies.**

Employees are required to reimburse the City for any and all personal calls placed using a City issued cellular phone. Department Directors are responsible for ensuring within their department that the use of City cellular telephones is in accordance with the provisions of this policy, including reimbursement to the City for any and all personal calls. Should employees make personal calls outside of the provisions above, the employee may be subject to disciplinary action. City cell phone bills will be received by department Cell Phone Liaisons, and distributed to employees for auditing purposes on a random basis. Department Cell Phone Liaisons will determine the appropriate random auditing schedule that will ensure all department cell phone bills will be reviewed annually, at a minimum. Cell Phone Liaisons will have the discretion to conduct more frequent reviews (e.g., monthly, quarterly, etc.) for cellular telephone users that establish a pattern of personal use on a City issued cellular telephone.

All staff authorized to use a City issued cellular telephone for City business are required to review their phone bills when provided to them by the Cell Phone Liaison and reimburse the City for any and all personal calls at a rate of \$.06 per minute or the actual cost of the call, whichever is greater. Liaisons will forward *Reimbursement Packets*, which include a copy of the City cell phone bills for auditing purposes and the [Cellular Phone Reimbursement Form](#) to City cell phone users in the department.

Users shall review the bills, highlight personal calls, and return the *Reimbursement Packet* to the liaison along with a check, payable to the City of San Jose, for the total cost of the personal calls. If the amount due is \$1.00 or less, the user is not required to provide reimbursement; however, personal use of a City cell phone resulting in payment less than \$1.00 may still be subject to disciplinary action if personal use is for reasons other than an emergency. Payment for personal calls is due within ten business days of the user's receipt of the bill. If no reimbursement is required, the user shall sign the "Statement of No Reimbursement Necessary" portion of the *Cellular Phone Reimbursement Form*, and return the packet to the Cell Phone Liaison.

Liaisons shall then complete the *Cellular Phone Reimbursement Form*, file a copy of the form within the department, enter the employee reimbursement information on the department's *Employee Reimbursement Spreadsheet*, and provide the Department Director's designee copies of the completed *Reimbursement Packets* for his or her review.

Employees are expected to limit cell phone usage to City related business only; therefore, the instances in which reimbursement is required should be very limited. Employees should notify the Department Cell Phone Liaison in the event of an emergency that may require reimbursement to the City for personal calls made using a City issued cellular telephone.

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Pool Phones

The City recognizes that it is not practical or cost-effective to issue all employees a cellular telephone. In certain departments, some City-issued cell phones are not assigned to individual employees but are shared amongst several or more employees in a work group or work shift. The use of a pool phone does not relieve the employee from following the City's Cellular Telephone Policy. Pool phones should be used **exclusively for City business**. Prior to being issued a pool cellular phone, employees will be required to read and understand this policy.

The monthly bills associated with shared phones must be reviewed by a supervisory level employee who will also complete the *Cellular Phone Reimbursement Form*. If a monthly bill has unusual usage, the supervisor shall ask the appropriate employee(s) to review the monthly bill, identify any personal use, complete the *Cellular Phone Reimbursement Form*, and take appropriate action for any inappropriate use.

Cellular Telephone Stipends

Once it is determined that an employee's position necessitates a cellular telephone, the Department Director may, at his or her discretion, offer the employee the option of a Cellular Telephone Stipend or a City issued cellular phone. If a stipend is offered, the employee may either elect to receive the stipend or use a City issued cellular phone within the provisions of this policy. Employees who receive a monthly stipend are required to carry the cellular phone while on duty or approved stand-by pay. Employees are responsible for ensuring that their phone is in working order, and for updating the appropriate department contact within one business day if his/her cellular phone number is changed. The City may revoke the stipend or City issued cell phone at any time.

The stipend shall not be considered additional compensation to the employee. The current Cellular Telephone Stipend is \$35.00 per month.

Cellular Telephone Stipend Eligibility Criteria

Consideration for a stipend must be analyzed to determine business usage, necessity and cost:

- The stipend option should only be offered once it has been determined that an employee has a business necessity for a cell phone.
- Stipends should only be offered in those circumstances where offering the stipend will be more cost effective than issuing a City phone.
- To qualify for a Cellular Telephone Stipend, an employee must not also have a City issued cellular telephone. An eligible employee must return any City issued cellular telephone prior to receiving a Cellular Telephone Stipend.

Data Plan Stipends

Eligibility for a Data Plan Stipend is limited to Council Appointees and Senior and Executive Staff. Employees in the following classifications may be eligible for a Data Plan Stipend:

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1. City Manager
2. Assistant City Manager
3. Deputy City Manager
4. Assistant to the City Manager
5. Department/Office Director
6. Director of Communication
7. Assistant Director
8. Deputy Director
9. Division Manager
10. Any other employee in a classification as approved by the City Manager or the applicable Council Appointee

Data Plan Stipends are to allow employees to obtain a data plan for a SmartPhone/PDA device that allows access to City email. Once it is determined that an employee is eligible for a data plan stipend and that the employee’s position necessitates that he/she is able to regularly send and receive time sensitive City email communication and documents remotely, a Department

Director or the City Manager may, at his or her discretion, offer the employee the option of a data plan stipend in addition to the Cellular Telephone Stipend. The current Data Plan Stipend is \$40.00 per month.

Eligibility for a Data Plan Stipend requires that the employee own a Smartphone/PDA cellular telephone that supports Microsoft Exchange ActiveSync or Blackberry Enterprise Server for both wireless and local synchronization in order to be installed and supported on any City system. To qualify for a Data Plan Stipend, an employee must not also have a City issued cellular telephone or a City issued text pager. An eligible employee must return any City issued cellular telephone or text pager prior to receiving a Data Plan Stipend.

Use of Employee’s Privately Owned Cellular Telephone for City Business

Individuals, who are not eligible for City-purchased cellular telephones or a monthly stipend, are expected to use conventional telephones or other City-owned communication equipment. If an employee makes a business call from a privately owned cellular telephone, the employee may request reimbursement for the call from the department to which they are assigned. The employee shall request reimbursement at the current applicable City rate, or the actual cost of the call, which ever is greater. Employees should have pre-established authorization from their department allowing for the **occasional** use of their personal cellular telephone for business purposes, and subsequent reimbursement.

PROCEDURES

I. Cellular Telephone Purchase

Responsibility

Action

Requesting Department Director

1. Assess the need to purchase a cellular phone, reassign an existing phone, or provide a monthly stipend.

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- 2. Ensure sufficient resources are available to accommodate the purchase of a cell phone or a monthly stipend.
 - 3. Complete the *Cellular Phone Authorization Form*.
 - 4. Purchase cell phone and associated usage plan, or forward the *Cellular Phone Authorization Form* to Payroll if a monthly stipend has been approved.
- Department Cell Phone Liaison

II. Cellular Telephone and Data Plan Stipends

Responsibility

Action

Eligible Employee

- 1. Complete the *Cellular Phone Authorization Form* and submit for approval.
- 2. Forward approved *Cellular Phone Authorization Form* to Payroll.

III. Reimbursement to the City for Personal Use of Cellular Telephones

Responsibility

Action

Department Cell Phone Liaison

- 1. Establish a random cell phone bill review schedule for all Department cell phone users. Liaisons will have the discretion to select the specific months for the random review, but the schedule should ensure that all department cell phone bills will be reviewed at least annually.
- 2. Receive City cellular telephone bill and forward the bill and *Reimbursement Packet* to the user per the established random cell phone review schedule.

Cellular Telephone User

- 3. Review the bill, highlight any personal calls and submit signed *Reimbursement Packet* along with a check payable to the City of San Jose for the total amount of personal calls to the Department Cell Phone Liaison.

Department Cell Phone Liaison

- 4. Review and complete the *Reimbursement Packet*.

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- 5. Enter the reimbursement information on the Department's *Reimbursement Spreadsheet*.
- 6. Forward a copy of the *Reimbursement Packet* to the Department Director designee for his/her review.
- 7. Review bills that are included in random audits to monitor usage to ensure proper use and cost effectiveness.

Department Director Designee

Approved:

/s/ Ed Shikada
Assistant City Manager

November 3, 2011
Date