

Mobile Communications and Devices Policy 1.7.4

PURPOSE

The purpose of this policy is to define the guidelines and expectations related to the use of mobile communications services and devices in the City of San José. This policy renames and replaces the existing Cellular Telephone Policy (1.7.4).

SCOPE

This policy applies to all City of San José employees, interns, and volunteers requesting the purchase and/or use of a City-issued mobile device (phone, tablet, hotspot), City-issued mobile data plan, and/or approval and use of mobile/data stipend for authorized personal and City-issued devices.

AUTHORITIES

Pursuant to San José Municipal Code Section 2.04.3020, the Information Technology Department (ITD) is responsible for communication services and the planning and establishment of policies for computer systems. [The Procurement of Information Technology Policy](#), City Policy Manual Section 5.1.9, states that ITD will review specifications to ensure compliance with City-wide technology infrastructure and requirements. Per the [Technology Management and Deployments Policy](#), City Policy Manual Section 1.7.2, budget requests for information and communications technologies must be reviewed and approved by the requesting Department, IT Department, and the City Manager's Budget Office. The City Council makes final budget decisions, as appropriate.

The following policies provide further authority related to information security:

- [Personal Use of City's Equipment Policy](#), City Administrative Policy Manual Section 1.6.2
- [Use of E-mail, Internet Services, and Other Electronic Media Policy](#), City Administrative Policy Manual Section 1.7.1
- [Technology Management and Deployments Policy](#), City Administrative Policy Section 1.7.2
- [Flexible Workplace Program](#), City Administrative Policy Manual Section 4.2.14
- [Remote Access Policy](#), City Administrative Policy Manual Section 1.7.3
- [Information Security Policy](#), City Administrative Policy Manual Section 1.7.6
- [Public Records Policy and Protocol](#), City Administrative Policy Manual Section 6.1.1
- [Records Retention and Disposition](#), City Administrative Policy Manual Section 6.1.5
- State of California [Public Records Act](#) (PRA)

RESPONSIBILITIES

The City Manager's Office (CMO) shall enforce this policy. The CMO has the authority to make changes, approve exceptions, and approve or deny mobile device purchases and use of personal devices for city business subsequent to ITD review. The CMO delegates day-to-day administration of mobile devices and communications to the ITD.

ITD shall manage the ordering of mobile devices through approved vendors, selected through competitive processes managed by the Finance Department (Purchasing Division). ITD will work with the Purchasing Division to establish City-wide contracts for mobile communications. ITD is responsible for billing and advising on the purchase of mobile devices, usage, and service. ITD shall use best practices to monitor and optimize telecom expenses with City departments. ITD is

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authorized to establish guidelines concerning the use of wireless communications. The extent of access to the City's network will be decided by Department Directors under the guidance of ITD, consistent with the City policies noted in Authorities section above.

The Finance Department (Purchasing Division) is responsible for reviewing and carrying out all technology procurement requests approved by the City Chief Information Officer or their designee and the Procurement Prioritization Board, if required.

Departments are responsible for day-to-day asset management and tagging of City-issued mobile devices, reviewing and optimizing mobile communications and devices utilization, coordinating budget requirements, and reconciliation of inventories to billing, as administered by ITD and the Finance Department (Accounting Division). Departments should follow [asset tagging and inventory management best practices](#) as recommended in ITD Guidelines. Departments and ITD are required to coordinate with the Budget Office to ensure sufficient funding is available for new purchases/orders, including sufficient ongoing funding.

Departments are also responsible for notifying the Finance Department (Accounting Division) and ITD within five (5) business days to cancel stipends when an employee changes job duties or an employee separates from City service, so as to prompt removal of voice and/or data access.

Departments shall assign a Mobile Communications and Devices Liaison to coordinate the Department's acquisition, asset management, usage monitoring, billing, and policy adherence in coordination with the Finance Department (Accounting Division) and ITD. The Mobile Communications and Devices Liaison will be appointed by the Department Director or designee and typically shall be the Fiscal Officer or Administrative Officer overseeing the department's staff.

Departments shall ensure that technology acquisitions are carried out using established City-wide contracts, and coordinate with ITD to ensure that the deployment, management, and maintenance of mobile communications and devices is conducted in an effective manner.

Department Directors shall ensure that the mobile device use they approve is substantiated by business necessity under the terms of this policy. They shall also monitor usage and address any conflicts with City policy, as well as ensure effective use of City resources.

City employees must abide by this policy for City-owned devices and accessories, and personal devices sponsored by stipends. All City employees must continuously strive to minimize costs. Mobile communications and devices are assigned to ensure life and safety, performance of critical City operations, and/or support significant efficiencies when less costly methods are not readily available. Personal devices for which an employee receives a stipend will not be tagged for inventory purposes. Please note: if a personal device is used for City business purposes, the employee must comply with the State of California Public Records Act (PRA) provisions and City policies; and understand there is no expectation of privacy for matters pertaining to official City business.

Employees are responsible for maintaining adequate physical and security protections for all City assets assigned to them. Employees shall promptly notify their Department Director, or their designee, if any City-owned mobile communications device is damaged or lost. In the case of theft, employees must file a police complaint as soon as practical.

Employees shall return City-owned devices and accessories to their designated department contact upon transfer or separation from employment with the City.

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Use of mobile communications and devices for international purposes is prohibited with exception of travel for the purpose of City business. Please refer to City Administrative Policy Manual Section 1.8.2 [Employee Travel](#) for reimbursement guidelines related to international travel.

Appropriate Use of Mobile Devices and Stipends

Mobile communications devices and stipends are not considered an entitlement or fringe benefit.

City-issued mobile communications devices are City equipment and are issued to employees to conduct **official City business only**. This includes FirstNet devices assigned to Primary and Extended Primary Subscribers. De minimis personal use of City-funded mobile devices is permitted during City emergencies. Any employee use exceeding this exception may be subject to disciplinary action and reimbursement will be required as described below.

Non-exempt employees who have been issued a City-owned mobile communications device, or who are approved for a voice and/or data stipend, are required to carry the mobile communications device while on duty or stand-by, as assigned by their management. Non-exempt employees shall not access emails or other City information or systems during non-work hours without prior authorization to maintain compliance with pertinent labor and wage laws. Failure to adhere to this policy is subject to disciplinary action.

POLICY

Service Options

All requests for mobile communications devices and/or stipends must be made by employees by submitting the [Mobile Device Authorization Form](#) and agreeing to the required terms. If approved by the employee's direct manager and/or Department Director based on this policy, the Department shall submit the approved form to ITD for review. For stipends, if approved by ITD, the Finance Department (Accounting Division) will issue the stipend in coordination with payroll timelines.

Requests will be reviewed by and decided according to the following criteria:

1. Mobile communications devices necessary to support critical life and safety functions.
2. Critical and recurring work need—e.g., Senior and Executive Staff required to be available for time-sensitive response; staff monitoring of critical processes or equipment; for personnel during special project assignments; or in similar scenarios.
3. The City Manager or their designee may approve purchases and/or stipends for mobile communications devices in cases meriting special exceptions.

The Finance Department (Purchasing Division) and ITD administer the City's contracts for purchasing City-owned mobile communications devices and services. These City-owned devices and services are procured with City-approved vendors through competitive solicitation(s) listed on the City-wide purchase order list. ITD will administer the City's contracts and ordering process. Department employees are **prohibited** from separately procuring and/or purchasing City-owned mobile communications devices and services unless approved by the Purchasing Division and ITD.

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City-Owned Devices

Employees who are issued City-owned devices must follow [usage guidelines](#). City employees assigned a City-owned device must carry and keep it on during their work hours or times when they are otherwise reasonably expected to be responsive for City business-related purposes or emergency situations.

FirstNet

Primary Users for FirstNet are Police Department, Fire Department, and Office of Emergency Management (OEM) personnel. Extended Primary Users for FirstNet are employees whose office or department is part of the City's Emergency Operations Plan and whose job classification or role requires significant support for City disaster response and/or recovery. Eligible employees approved for a City-owned device should receive a FirstNet device. CMO and ITD may approve non-FirstNet City-owned devices as an exception when doing so has demonstrated cost savings and no adverse impact to public safety, continuity of services to the community, and disaster preparedness.

Stipends

Where it is determined that an employee's position necessitates mobile access for their job duties, a Department Director shall offer the employee a City-issued mobile communications device. If an exceptional circumstance exists necessitating a voice and/or data stipend, a request can be submitted for CMO review through ITD, provided that the employee is not in a classification eligible to receive the Technology Stipend. As provided above, City employees assigned a City-owned device must carry and keep it on during their work hours or times when they are otherwise reasonably expected to be responsive for City business-related purposes or emergency situations. Non-exempt employees who have been issued a City-owned mobile communications device, or who are approved for a voice and/or data stipend, are required to carry the mobile communications device while on duty or stand-by, as assigned by their management. Non-exempt employees shall not access emails or other City information or systems during non-work hours without prior authorization to maintain compliance with pertinent labor and wage laws. Consideration for a stipend shall be analyzed to determine usage, necessity and cost:

1. The stipend option will only be offered once it has been determined that an employee has a business necessity per the criteria in this policy, and only for the stipend level (voice and/or data) their job requires.
2. To qualify for a voice and/or data stipend, an employee shall not also have a City-issued mobile communications device, causing a duplicate cost, unless deemed appropriate by the CMO or their designee.
3. Exceptions granted by the City Manager's Office shall be tracked by ITD.

The CMO may review the stipend rate and recommend adjustments as deemed appropriate. Stipends are issued to employees on a taxable basis. The City may revoke any stipend or City-issued mobile communications device at any time at its sole discretion. Any employees receiving a Technology Stipend shall not be eligible for any voice and/or data stipends provided for under this policy.

The requesting Department shall bear all costs associated with its stipends, the purchase of mobile communications devices and associated accessories, and any maintenance and replacement costs.

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Pool or Shared Phones

The City recognizes that it is not practical or cost-effective to issue all employees a mobile communications device. In certain departments, some City-issued mobile communications devices are not assigned to individual employees, but, instead, are shared among several or more employees in a workgroup or work shift. All employees who use a pool phone are required to comply with the applicable guidelines and expectations provided for in this and related policies.

Information and Systems Security and Privacy

ITD has the authority to require minimum-security standards that apply to mobile devices within Mobile Device Management (MDM) software to protect City data.

Theft or Loss of Mobile Devices

Mobile devices that are stolen or lost will be disconnected from the City's network, remotely wiped, and/or locked by ITD. For better control over the information security for mobile devices, the City can enforce security policies and settings on City-issued and stipend-sponsored personal devices, based on technical feasibility and risk.

Public Records Policy and Legal Adherence

Mobile devices used for City business purposes are to be used as communications and computing tools including text messaging. Their use and locally-stored data may be subject to the State's Public Records Laws. Individuals are responsible and accountable for the content and use of these tools. If a personal device is used for official City business, the employee must move such communications to the appropriate document retention system for the City and will be required to comply with the California Public Records Act (PRA) and City policies for City business-related usage of their Mobile Devices, including archival of data.

Reimbursement to the City for Unauthorized and Personal Use

Employees are required to reimburse the City for any and all personal calls placed using a City-issued mobile communications device that exceed a de minimis standard. Directors and their Mobile Communications and Devices Liaisons are responsible for ensuring their department's use is per the provisions of this policy, including reimbursement to the City for any and all personal calls. Established [reimbursement processes](#) will be used. Employees who make personal calls outside of the provisions of this policy may be subject to disciplinary action.

Mobile Device Safety While Driving or Operating Equipment

Employees are not allowed to use any mobile communications devices in an unsafe manner, including, but not limited to, while driving or operating equipment that requires the employee's attention. Under no circumstances shall employees send or read text messages or emails while driving a vehicle or operating equipment while on City business.

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PROCEDURES

1. Mobile Communications and Devices Purchase

| Responsibility | Action |
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| Requesting Department Director | <ol style="list-style-type: none"> 1. Assess the need to purchase a mobile communications and device(s), reassign an existing phone(s), or provide a monthly stipend(s) per eligibility criteria. 2. Ensure sufficient resources are available to accommodate the purchase of a mobile communications device, service, or a monthly stipend. |
| Department Mobile Communications and Devices Liaison | <ol style="list-style-type: none"> 3. Coordinate with employee to complete the Mobile Device Authorization Form. 4. Purchase mobile device and associated usage plan by coordinating with ITD or forward the Mobile Device Authorization Form to Payroll if a monthly stipend has been approved. |

2. Voice and Data Plan Stipends

| Responsibility | Action |
|-----------------------|--|
| Eligible Employee | <ol style="list-style-type: none"> 1. Complete the Mobile Device Authorization Form and submit for approval to Department Director. 2. Forward approved Mobile Device Authorization Form to Payroll. |

3. Reimbursement to the City for Personal Use of Communications Services

| Responsibility | Action |
|--|---|
| Department Mobile Communications and Devices Liaison | <ol style="list-style-type: none"> 1. Establish a random cell phone bill review schedule for all Department cell phone users. Mobile Communications and Devices Liaisons will have the discretion to select the specific months for the random review to check anomalous or inappropriate usage and charges, The schedule must 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. |

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| User | 3. Review the bill, highlight any personal calls, and submit signed Reimbursement Packet along with a check payable to the City of San José for the total amount of personal calls to the Department Mobile Communications and Devices Liaison |
| Department Mobile Communications and Devices Liaison | 4. Review and complete the Reimbursement Packet. 5. Enter the reimbursement information on the Department's Reimbursement Spreadsheet. 6. Forward a copy of the Reimbursement Packet to the Department Director or their designee for his/her review. |
| Department Director or Designee | 7. Review bills that are included in random audits to monitor usage to ensure proper use and cost effectiveness. |

Approved:

/s/ Rob Lloyd
City Chief Information Officer

8/27/2021
Date

Approved for posting:

/s/ Jennifer A. Maguire
City Manager

8/27/2021
Date