



**CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL**

<b>POLICY TITLE</b>	<b>Mobile Communication Devices</b>
<b>INITIAL EFFECTIVE DATE</b>	<b>November 14, 2016</b>
<b>LAST REVISION DATE</b>	<b>October 14, 2019</b>
<b>POLICY NUMBER</b>	<b>9.01</b>

**OBJECTIVE** This policy addresses the use of personally-owned Mobile Communication Devices (MCDs) or City-issued MCDS for business purposes by employees or Council Members

**SCOPE** This policy applies to employees and Council Members who receive an allowance for their personal mobile communication device, use their personal mobile device for city business or have been provided with a City issued mobile communication device.

**POLICY**

This policy will address issues surrounding personal mobile communication devices (MCDs) and city-issued MCDs. While at work, employees are expected to exercise the same discretion in using personal mobile devices as is expected for the use of city-issued mobile devices. Excessive personal calls during the workday, regardless of the mobile device used, can interfere with employee productivity and may be distracting to others. Therefore, personal mobile calls, texting, and web browsing/social media websites should be limited to use during non-work time where possible, on breaks, lunch, or before/after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on break. Abuse of this policy may result in the loss of the use of a city-owned mobile phone and/or disciplinary action.

**A. Definitions**

- 1. Mobile Communications Device (MCD):** Any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with capability to access the Internet (generally referred to as a Smart Phone).
- 2. Conversation:** Communication exchange between two (2) or more individuals taking place in voice or data format.

## **B. Personally Owned Mobile Communication Devices**

The City will continue providing City-owned MCDs for assignment to eligible individual employees, however, employees with access to a personal MCD are encouraged to utilize the stipend process. On-call and medic phones will remain City-owned devices and issued to departments for shared, temporary or infrequent use.

### **1. Eligibility**

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be submitted in writing by the Department Director to the City Manager for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- a. **Public/Personal Safety:** The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. **Accessibility:** The employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. **Responsiveness:** The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement. These requests would be reviewed and approved by the City Manager.

### **2. Allowance**

The MCD allowance is not intended to pay the full costs of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable costs that the employee incurs while using the device/service as part of their City job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or overtime.

Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.

- d. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as Federal Income Tax, TMRS, etc. The allowance provided will be calculated on a monthly payment. This monthly payment will be then multiplied by twelve months, for a total annual cost to the City. The total annual cost will then be divided by the number of pay periods in a year and distributed to the employee as part of their payroll check every two weeks.
- e. The employee must retain an active MCD service as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employees' own expense.
- f. There are two (2) Tier Levels for Mobile Communication Device allowances.

Tier I: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls, text messaging, capability of receiving/sending email, contacts, calendar events with City's Microsoft Exchange. The employee will receive a monthly stipend of \$75. Each October the employee will receive an annual hardware stipend of \$75. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.

Tier II: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls and text messaging. The employee will receive a monthly stipend of \$40. Each October the employee will receive an annual hardware stipend of \$40. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.

### **3. Employee Responsibilities**

- a. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- b. Provide Department Director and Human Resources with current contact information or address of the communication device within three (3) days of activation. MCD Allowance Authorization Form (**See Form A**) must be completed by HR and approved by the Employee, Department Director and City Manager before implementation.
- c. Acknowledge that Department Director periodically request that the employee provide a copy of the first page of the phone bill in order to verify that they have an active mobile communications device. **Department Directors may also**

**periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.**

- d. Assure availability for communication, be in possession of the MCD, and have it charged and turned on during the days/times as specified by Department Director.
- e. Notify supervisor immediately of damaged, lost, or stolen MCD, and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by Department Director. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, Information Technology will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device. If theft is suspected, employees must file a police report and cooperate with law enforcement.
- f. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- g. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Watauga's email or other information system are reminded that these systems are intended for official City business only.
- h. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- i. **Acknowledge that MCD records may be subject to the Public Information Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, emails, all types of messaging, photographs, internet usage, and application usage. Information related to phone conversations typically obtained through the Public Information Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.**
- j. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.

- k. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.
- l. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- m. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.

#### **4. Departmental Responsibilities**

- a. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- b. The Department Director has the option of revoking the allowance approval.
- c. If an employee transfers, changes positions or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will submit a Payroll Authorization Form showing the service end date to terminate the allowance and will notify Human Resources immediately.
- d. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.
- e. Departments will budget the monthly allowance and annual device allowance for all approved devices within their annual budgets.

#### **5. Information Technology Responsibilities**

- 1. The Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor to vendor.
- 2. When necessary, Information Technology will load City-licensed or City-required applications onto employee-owned MCDs.
- 3. Information Technology will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by Information Technology. Limited support may be provided for employees purchasing recommended devices.
- 4. Information Technology will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.

## C. City-Issued Mobile Communication Device

The City will own and retain a certain number of mobile communications devices (MCDs) as departmental pool phones and for emergency use, or disaster response/recovery purposes. The intent of these MCDs is to improve and better facilitate communication with employees serving on a shift rotation basis or to employees in temporary situations.

City-owned MCDs issued to employees will improve efficiency, enable employees to respond promptly in emergency situations, and/or provide safety for Watauga citizens and employees when more conventional and cost effective means of communications are not available.

### 1. Eligibility

Justification for a City-owned MCD should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Requests for new City-owned MCD's should be submitted in writing to City Manager (**See Form B**) for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one of the following categories:

- a. **Public/Personal Safety:** The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. **Accessibility:** The employee requires immediate direct communication to conduct urgent city business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. **Responsiveness:** The employee requires immediate direct communication to conduct urgent city business to ensure responsiveness to operational and/or support functions.

### 2. General Guidelines for Use

After justification for a City-owned MCD has been approved, a device will be assigned to the department. City-owned MCD guidelines are as follows:

- a. Departments should only "check-out" the MCD to employees serving in positions which meet the Eligibility criteria defined above, serve on a shift rotation basis, or to employees who need to communicate while in temporary situations. It may not be assigned to an individual employee on a long-term basis.
- b. The device must be used for City-related business **ONLY**.
- c. The IRS may require that specific information be documented for each communication a City-owned MCD. Each department may be consulted to provide that information periodically.

- d. The device may not be utilized for personal use by any employee.

### **3. Employee Responsibilities**

- a. For departments that have MCDs for “check-out”, the employee must “check-out” the City-owned MCD on a temporary basis or on an as needed basis (on-call, project, etc). “Check-outs” must be approved by the Department Director.
- b. Personal use of a City-owned MCD is strictly prohibited and will not be tolerated. Employee will be responsible for reimbursing the City for any personal usage. If personal usage continues, the employee may be reprimanded and suspended from usage of City-owned MCDs.
- c. Employees using City-issued MCDs shall have no expectation of privacy in mobile phone calls, pictures, or text messages on these phones.
- d. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City’s Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose job responsibilities include driving and who are issued a MCD for business use are expected to refrain from using their phone (includes web browsing, texting, taking pictures, etc.) while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the MCD. Special care should be taken in situations where there is traffic, inclement weather, or unfamiliar area.
- e. Employees whose MCDs are capable of accessing the City of Watauga’s email or other information systems are reminded that these systems are intended for official City business only.
- f. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- g. Employees in possession of a City-owned MCD are expected to protect the equipment from loss, damage, or theft. Upon separation of employment or at any time upon request, the employee will be asked to produce the phone for return and inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check.

### **4. Departmental Responsibilities**

- a. Once eligibility is established, the Department Director must submit a detailed written justification/request to the City Manager for approval. The approved request will be forwarded to the Finance Department to be fulfilled.

- b. Finance will maintain logs which shows date and time MCD was “checked-out” including which employee used the MCD. Should the MCD need repair or replacement, the department will provide this request to the Finance Department.
- c. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- d. Supervisors are responsible for ensuring that employees do not conduct personal conversations on City-owned MCDs. Department Director and/or supervisor have the discretion to suspend usage of City-owned MCDs to employees who exhibit continued personal usage as well as conducting employee reprimand.
- e. As with any policy, management staff is expected to serve as role models for proper compliance and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

#### **5. Information Technology Responsibilities**

- a. Information Technology will provide recommendation for contracted service providers and MCDs.
- b. When necessary, Information Technology will load City-licensed or City-required applications onto City-owned MCDs. Limited support may be provided.

#### **D. Public Information Act**

Employees are advised that records related to calls, text messages, and/or pictures made and received on City-owned MCDs are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

In compliance with Senate Bill 944 passed in 2019 and its amendment to the Public Information Act, new and former employees and Council Members are required to preserve public information on a privately owned device for the period of time specified in the Texas State Records Retention Schedule. Employees and Council Members are required to archive public information in the form of text messages, emails, pictures, etc. on a quarterly basis. Employees must scan the information to the Laser Fiche accounts established for their departments. Documents can be given to the department’s Records Liaison for the purpose of archiving to Laser Fiche.

#### **E. Monitoring of Mobile Phone Calls**

Employees should be aware that mobile phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor mobile phone conversations without the consent of one of the parties to the conversation.

Although it is technically difficult, inadvertent monitoring of private mobile conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided mobile phone.



FORM A

**MOBILE COMMUNICATIONS DEVICE ALLOWANCE AUTHORIZATION FORM**

Employee Name _____	Employee No. _____
Job Title _____	Department _____

Start Date _____	End Date _____	
Voice Service – Monthly Allowance	Voice +Data Service – Monthly Allowance	Equipment Replacement
___ \$40 Plan	___ \$75 Plan	___ \$75 (available Oct 1)
		___ \$40 (available Oct 1)

The City of Watauga will pay an amount up to the amount an employee would normally incur for a plan sufficient to meet the employee’s business needs.

**Employee:**

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities. I understand the amounts received under this plan are taxable income and not part of my base salary. I understand I am responsible for all costs and contract terms associated with my service plan.

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

**Department Director:**

I certify this allowance is necessary to cover work related expenses for mobile communication usage. Business justification/explanation:

Mobile Device Number:

\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager Signature

\_\_\_\_\_  
Date



FORM B

MOBILE COMMUNICATIONS DEVICE

CITY OWNED

Employee Name _____	Employee No. _____
Job Title _____	Department _____

Check- out _____	Check-In _____
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**Employee:**

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities.

_____	_____
Employee's Signature	Date

**Department Director:**

I certify this MCD is necessary to facilitate communication with employees serving on a shift rotation basis or on-call situations.

Business justification/explanation:

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Mobile Device Number:
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_____	_____
Department Director Signature	Date

_____	_____
City Manager Signature	Date