



## City of Burien Cell Phone Policy

### ***Policy Summary***

- **The City issues cell phones to improve job productivity, to enhance safety, and to allow communications during emergencies.**
- **City-owned cell phones are to be used to conduct City business.**
- **Personal use of City-owned cell phones should be infrequent and of short duration.**
- **To comply with IRS regulations, the City and individuals must distinguish between business and personal cell phone minutes.**
- **Employees must reimburse the City for personal calls that exceed short and infrequent usage.**
- **Personal alternate lines may be added to City-owned cell phones, to be paid by payroll deduction.**
- **Alternate equipment may be arranged when standard equipment is cumbersome.**
- **Use of cell phones should be avoided while driving, and in no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.**

### ***Purpose***

The purpose of the Cell Phone Policy is to provide clarification for the issuance and use of cell phones and to establish the protocol for reimbursement by employees for personal use of City of Burien cell phones. This policy also covers walkie/talkie systems such as the Nextel system.

### ***Cell phone issuance***

A City cell phone will be issued under one or more of the following conditions:

- **Job responsibilities require an employee to be away from regular landline access for extended periods of time and communication by the employee is necessary to fulfill job objectives.**
- **Cell phone use enhances the employee's personal safety on the job, and provides communication during emergencies.**
- **The employee's role requires the ability to conduct two-way communication at all times.**

The issuance of City-owned cellular phones shall be approved by the applicable Department Director. It shall be the responsibility of the Department Director to ensure that funds are budgeted for the purchase and monthly service costs prior to issuance.

### ***Cell phone usage***

The City entrusts employees with communications equipment to enhance productivity and safety. It is the employee's responsibility to use the equipment prudently to ensure the safety of themselves, their co-workers and the general public.

Cell phones provided by the City are the property of the City and are to be used to conduct City business.

Employee responsibilities for use of City-owned cell phones include:

- Protecting the City-owned cell phone from theft, loss or damage.
- Immediately reporting loss or theft to supervisor or department head.
- As cell phone calls are not secure, using discretion while making sensitive or confidential calls.
- Immediately returning the cell phone to supervisor or department head if it is determined that the phone is no longer necessary, or upon leaving City employment.

The general use of cell phones shall not be in lieu of more cost-effective, safe, and available means of communications.

The City reserves the right to monitor the use of all City-owned cell phones. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of department work policies or for the purpose of personal financial gain is prohibited.

Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of replacement.

### ***Personal use of City cell phones***

City-issued cell phones are issued for work-related activities. While it is understood that occasional personal calls of short duration may be necessary when no other immediate means of communication is available, personal calls, incoming and outgoing, must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal calls and should recognize that the City incurs costs for each minute of airtime. Detailed phone call billing statements and records are subject to public records requests.

The following are examples of the types of cell phone calls that may be determined to be made in the interest of City business. Employees are expected to utilize a landline first, if available.

- An emergency or urgent condition where no other form of communication is immediately available.

- Calls to home or doctor if an employee or member of immediate family is injured or becomes sick, or when traveling overnight on City business.
- An employee traveling on City business is delayed by business, transportation or any other unforeseen problem.
- An employee is required to work overtime without advance notice and calls home to advise family or to arrange alternate child transportation or care arrangements.

IRS regulations stipulate that to be able to exclude from the employee's taxable income the use of a City-owned cell phone, the City must have some method to require the employee to keep records that distinguish business from personal phone charges.

To comply with this requirement, the City requires that each employee track his or her personal call minutes using the monthly detailed billing statements provided by the Finance department. Employees must reimburse the City for personal minutes that exceed allowable minutes as defined above. Employees must use the "Team Share Add-On" rate<sup>1</sup>, plus ten percent and rounded up to the nearest dollar, in effect during the applicable billing period, to calculate the amount of reimbursement. If the employee's personal usage causes the City's total business minutes pool to exceed the plan's maximum, the employee must reimburse the City for the excess minutes at the "overage" rate specified on the applicable billing period's invoice statement. Employees may provide reimbursement by payroll deduction or by personal check. Failure to reimburse the City for the cost of personal usage will result in tax liability for the employee as well as possible disciplinary action.

Personal alternate lines may be added to a City-owned cell phone if approved by the applicable Department Director. Payroll deductions will be arranged to cover the monthly costs of the alternate line and excess charges will be reimbursed as incurred.

Upon approval of the applicable Department Director, alternate arrangements may be approved for staff where equipment restrictions do not allow the addition of an alternate line (e.g., Blackberry), or where access to the alternate line impedes its use or the process is determined to be cumbersome. The City will be reimbursed for personal minute usage on an incremental basis, including a proportionate charge for the monthly service. Staff who are approved for this exception are responsible for monitoring their own personal use on at least a quarterly basis, to ensure that personal minute usage does not exceed the incremental minute increase of the plan assigned. Quarterly reimbursements must cover the cost of personal minutes used plus proportionate monthly plan charges.

The Department Director or his or her designee should review monthly cell phone bills to ensure that calls relate to business or have been properly reimbursed by the responsible employee.

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<sup>1</sup> The "Team Share Add-On" rate refers to the incremental cost of minutes under the City's agreement with Sprint/Nextel in effect during July 2007. If the City changes phone service provider or if the terms of its current agreement change, the incremental rate, however it is named, will still be used to calculate reimbursement. The applicable principle is that the City must not incur un-reimbursed cost as a result of personal use of City cell phones.

## ***Personal cell phones***

Employees assigned City cell phones to conduct City business should utilize cell phone equipment provided by the City. Under certain circumstances, reimbursement will be made with the approval of the City Manager. Written authorization from the Department Director for reimbursement along with a copy of the bill highlighting such calls must be submitted.

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others.

## ***Driving with cell phones***

**Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.**

Employees whose job responsibilities include regular or occasional driving and who are issued a cell 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 cell phone calls. In situations where job responsibilities include regular driving and accepting of business calls, the City will provide hands-free equipment. This rule also applies to use of privately-owned cell phones during business hours.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above.

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.

## ***Acknowledgement***

I have read, understand, and agree to comply with the City's policies for use of cell phones as specified above in the Cell Phone Policy. If I misuse or fail to return assigned equipment when requested to do so, I may be liable to the City for the full replacement cost of the equipment. I understand that failure to comply with the stated policies may lead to disciplinary actions, including the possibility of termination of my employment.

Assigned User: \_\_\_\_\_ Date: \_\_\_\_\_

Dept. Director: \_\_\_\_\_ Date: \_\_\_\_\_