



CELLULAR PHONE POLICY

INTRODUCTION

There are millions of cell phones and wireless communication devices in operation today. This technology is now an integral part of our daily personal and business activity. In this wireless era, cell phones, Personal Digital Assistants (PDA's), smart phones, etc. provide instant communication and information where one may transact business almost anywhere in the world. These devices are tools to enhance employee productivity, provide safety/security while traveling, and provide a higher level of service to the citizens of South Lake Tahoe.

The benefits of wireless communication devices certainly outweigh the disadvantages. However, with more cell phones in the work environment, the constant ringing, beeping and personal conversations can be distracting. In an effort to maximize efficiency, enhance safety and ensure the equipment is properly used, the City of South Lake Tahoe shall enforce the following policy.

PURPOSE: The purpose of the Cellular Phone Policy is to:

1. Provide standards and clarification for city-issued and personal cellular phone use;
2. Enhance the efficiency and effectiveness of communication;
3. Ensure safe work practices when using cell phones while driving or performing work-related activities;
4. Ensure compliance with SB 1613, which will prohibit drivers from using a cell phone unless they are also using a hands-free device; and to
5. Ensure compliance with Federal (IRS), State (AB1234) and Local (Ethics and Wrongdoing in the Workplace Policies) rules and regulations.

Definitions

Vehicle – a land motor vehicle, motorcycle, trailer or semi-trailer designed for travel on public roads and or any off road vehicle.

Business call – any phone call made by an employee for the purpose of conducting official City business in accordance with that employee's assigned duties and responsibilities.

Cell phone – any wireless communication device, including personal digital assistants (PDA's) and smart phones.

City Issued Cell Phone – any wireless communication device, including personal digital assistant (PDA's) and smart phones provided by the City to the employee for business use.

Personal Cell Phone - an employee owned wireless communication device, including personal digital assistant (PDA's) and smart phones.

Employee – any person who is hired to provide services to the City on a regular basis in exchange for compensation, or any person who is an elected or appointed official or volunteer, whether or not they are compensated, while acting for or on behalf of the City.

Personal call – any phone call made by an employee that is NOT for the purpose of conducting official City business in accordance with that employee's assigned duties and responsibilities.

I. Use of Cellular Phone for Official Business

A. City-issued Cellular Phone

The Purchasing Manager will determine the suitable carrier(s) for City-issued cell phones and personal digital assistants (PDA's). Purchasing Manager shall manage the administration and be the main point of contact for City cell phones and cellular contract(s), including types and models of equipment to be used, number of users, amount of usage, initial set-up, plan changes, service and billing issues and service purchased under the contract. The Purchasing Manager, or his/her designee, shall provide each

Department Head/Division Manager with a copy of telephone calls made by each of their employees for review and approval on a monthly basis.

1. Department Head/Division Manager, whichever is applicable, shall be responsible for determining the employee's need for a City provided cell phone. In doing so, the Department Head and Division Manager will analyze the business necessity for such use before authorization. Department Head/Division Manager shall inform employees of the purpose for cell phone communication while performing City business; ensure the employee understands the Cell Phone Policy; enforce compliance with this policy; and ensure that cell phone use is appropriate and that public funds are prudently spent. Approval shall be given to the Purchasing Manager in writing by using the "Cell Phone Policy Acknowledgment Form" (See Attachment "A") and the "Wireless Equipment Request Form" (see Attachment "B").
2. Approving managers shall audit each monthly bill for City-issued phones to account for proper business use prior to sending statement(s) to Purchasing for payment. An approval form will be created and distributed to all Department Heads/Division Managers upon Council's approval of this Cell Phone Policy.
3. Employee shall review and adhere to the Cell Phone Policy.
4. Employee should use their cell phone to report emergencies to the appropriate authorities.
5. Use of a City provided cell phone for commercial profit or secondary employment is prohibited.
6. City provided cell phones shall only be used for appropriate business calls. The employee should use their cell phone only if other methods of communication are not available. As a general rule, personal phone calls are not allowed on City-issued cell phones. If employee has an urgent personal issue arise, phone must only be used on a de minimus (less than 10 minutes) basis.
7. The City does not offer employees personal use of free night, weekend, cell-to-cell, text, picture or any other enhanced plan.
8. City issued cell phones are to be used by the assigned employee(s) only. Allowing family members, friends, etc. to use City equipment is prohibited.

B. Personal Owned Cellular Phone for Official City Business

A City employee is offered the option to use his or her personal cellular phone for business purposes if his or her employment activities warrant such a device. Prior approval from the Division Manager or Department Head, whichever is applicable, shall be given in writing by using the "Cell Phone Policy Acknowledgment Form" (see Attachment "A"). While on duty or in the work environment, employees must use their personal cell phones in a professional manner.

II. General Business Usage

- A. All cellular calls using a City issued cell phone should be limited to the shortest possible time.
- B. Service charges are incurred by the City for the use of optional services such as directory assistance, direct connection by directory assistance, busy signal confirmations, and emergency interrupts. As such, the use of these services on City-issued cellular phones is restricted for business purposes only and should be used only when absolutely necessary. Monthly usage plans for City-issued cellular phones shall be indicated when filling out the "Wireless Equipment Request Form" (see Attachment "B").
 - 1) If usage history is deemed to be too low or high a more appropriate plan shall be considered based on the Purchasing Manager's recommendation.
 - 2) Contact the Purchasing Manager for changes.

- C. Each employee assigned a City cellular telephone shall review, on an ongoing basis, their billing statement that itemizes the incoming and outgoing calls to ensure that calls placed on the cellular phone are valid and in conformance with this policy. Calls that appear to be billed to the City in error shall be reported to the Purchasing Division.
- D. Unless authorized, text messages are not to be sent or received. If a text message is received that is not authorized you will need to inform the sender to cease sending such text messages. If text messages are part of the employees business needs and authorized, a text message plan should be coordinated with the Purchasing Manager, for business use only, to determine the best, most economic plan that will meet monthly needs.
- E. Unless authorized, any enhanced service such as text, data, picture, ringer tones, downloading of songs or internet not included in the basic plan shall not be permitted on a City-issued cellular phone.
- F. Those employees who are issued cellular phones with a camera feature shall not use the camera feature except in a work related emergency, or as authorized by the employee's department or division head. The camera feature is not to be used for personal purposes.
- G. Employees are not allowed to use the City-issued cellular phones in an illegal, illicit or offensive manner.
- H. It is important to remember that all payments processed through Accounts Payable, including complete cell phone bills detailing all monthly activity, are public record. Using your City issued cell phone appropriately, and for business use only, will avoid problems and questions that might occur by public or outside audit.
- I. While on duty or in the work environment, employees must use all cell phones and electronic devices in a professional manner.
- J. It is important to note that all cell phone monthly billings submitted to Accounts Payable for payment become public record and information under the California Public Records Act.

Disciplinary action may be taken for any violation of the City's Cellular Phone Policy.

III. Replacing a Cellular Phone

- A. It is at the discretion of the Department Head/Division Manager and the Purchasing Manager to authorize the replacement/upgrade of a City-issued cellular phone. Use the "Wireless Equipment Request Form" (see Attachment "B") to initiate such a request.
- B. Employees assigned a City cell phone must be diligent in the care and protection of the City asset entrusted to them. Employee may be responsible for replacement if loss or damage to cellular phone is the fault of the employee.
- C. In the event of a lost or stolen cellular phone:
 - 1. Report the situation to your cell phone carrier immediately.
 - 2. Report the situation to your manager.
 - 3. Manager shall contact the Purchasing Manager.
 - 4. Send or fax the "Wireless Equipment Request Form" (see Attachment "B") to Purchasing.

IV. Use of a Personal Cellular Phone During Work Hours

- 1. To avoid situations that are disruptive to the public or fellow employees cellular phone ringers should be turned off or placed into the silent or vibrate mode while at work.
- 2. Personal cellular phones should only be used for personal calls during breaks or at lunch.
- 3. Discussions on a personal cellular phone during a break or lunch should not disrupt other staff members.
- 4. Personal cell phones are the sole responsibility of the employee and the City will not be responsible for repair or replacement if damaged or lost.

V. Safe Use of Cell Phone/Electronic Devices While Operating a Vehicle

Effective July 1, 2008, state law prohibits the use of cell phones while operating a vehicle unless the driver is using a hands-free device. There are three exceptions to the law:

- ✓ Emergency services personnel are exempt from the law when operating an authorized emergency vehicle;
- ✓ Drivers of commercial vehicles may continue to utilize two-way communication equipment (i.e. Nextel Push to Talk, CB, etc.) while driving a truck or trailer until July 1, 2011;
- ✓ The law does not apply to persons using their cell phone to contact law enforcement or public safety agencies for emergency purposes.

With the exception of the above, employees must refrain from; operating cellular phones or other devices or any activity that may distract from safely operating a motor vehicle. Using cell phones or other devices while driving leads to increased risk of accident and liability to the City and the employee.

To limit the risk, all employees shall adhere to the following:

1. Use a hands-free device if you must make or receive a call. SB 1613, effective 07/01/2008 prohibits drivers from using a cell phone unless they are also using a hands-free device. Please note certain exceptions mentioned above.
2. Make calls before starting the vehicle and proceeding to your destination.
3. If possible, pull over or park in an appropriate manner before initiating or answering a call.
4. Allow voice mail to handle your incoming calls and return them at your safe convenience.
5. Refrain from making personal calls, except for emergencies; while operating a City owned vehicle, rental vehicle or your own vehicle for City related business.
6. Suspend conversations during hazardous driving conditions or situations.
7. Always drive vehicles in a safe manner. It is recommended that the employee avoid activities that can cause a distraction and/or take your eyes and attention off of the road, including, but not limited to; taking notes, looking up phone numbers, text messaging, eating, drinking, smoking, loading or unloading CD's, or changing radio stations.
8. When possible, employees using two-way communication equipment (i.e. Nextel "push to talk" device) should safely pull over before communicating. If pulling over is not an option, maintain a safe driving distance between the vehicle in front of you and be conscious of your surroundings.
9. While driving vehicles equipped with laptops, GPS/Navigation tools or other computerized equipment employees shall use such equipment in a safe manner and, when safe to do so, pull over and park to use such equipment.

All City Employees, while operating a vehicle for City related business, will adhere to California Law SB1613 regarding the use of a hands free device for cell phones. Any fines received while operating a vehicle for City related business are the sole responsibility of the driver.

VI. Exceptions

- A. Exceptions to this policy may be authorized by the City Manager following a written request for consideration from a Department Head, along with appropriate justification.

Attachments:

- **Acknowledgment Signature Form – "A"**
- **Wireless Equipment Request Form – "B"**

CELLULAR PHONE POLICY

ATTACHMENT "A"

ACKNOWLEDGEMENT OF CELL PHONE POLICY FOR THE CITY OF SOUTH LAKE TAHOE

By signing below, I agree that I have read, understand and will adhere to the City of South Lake Tahoe's Cell Phone Policy.

Employee is authorized by their Dept. Head/Div. Mgr. to use the text message feature on their City issued cellular device:

Yes _____ Purpose? _____ No _____

Employee is authorized by their Dept. Head/Division Mgr. to use the camera feature on their City issued cellular device:

Yes _____ Purpose? _____ No _____

Other enhanced features Dept. Head/Division Manager authorizes employee to use on their City issued cellular device:

_____ Purpose? _____

Employee is authorized by their Dept. Head/Division Manager to use their personal cellular device for business use. Non-Exempt employees may do so during regularly scheduled business hours only, due to FSLA rules:

Yes _____ No _____

Employee's Signature: _____

Employee's Printed Name: _____

Department Head Signature/Title: _____

Division Manager Signature/Title: _____

Date: _____

CELLULAR PHONE POLICY

ATTACHMENT "B"

WIRELESS EQUIPMENT REQUEST FORM

Use this form to authorize and order wireless equipment. Send or fax to Purchasing (542-7950).

Today's date: _____ Need by date: _____

Employee Name: _____

Reason for Request (Check the appropriate box)

New User

Replacement, Damaged or Upgrade

Replacement, Lost or Stolen

}

Phone Number: () _____

Type of device requested (Check the appropriate box)

Cellular Phone Monthly Minutes Required: _____

Blackberry Device Data & Phone Monthly Minutes Required: _____

(Check one) >>>>

Data Only

PC Wireless Card

Pager

Shared Plan? Shared with what other number(s): _____

(Check if shared minute plan)

Additional Features? List features required: _____

Authorized By: (Please Print and Sign) _____

(Department Head)

(Title)

Authorized By: (Please Print and Sign) _____

(Division Manager, if Applicable)

(Title)

Date: _____