

## TOWN OF PRESCOTT VALLEY POLICIES AND PROCEDURES

---

Subject:	File Under Section:
<b>CELLULAR PHONE POLICY</b>	<b>PERSONNEL</b>

---

Effective Date:	Number:	Page:
<b>October 5, 2014</b>	<b>July 1, 2010</b>	<b>2-37 1 of 4</b>
<b>Res. No. XXXX1699, X5/XX27/20110</b>		

---

Supersedes:	Approved By:
<b>July 1, 2010</b>	<b>Larry Tarkowski</b>
<b>Administrative Policy #1-01</b>	<b>Town Manager</b>
<b>Res. No. 1699, 5/27/2010</b>	

Date: \_\_\_\_\_/S

### 1.0 POLICY

- 1.1 It is the policy of the Town to provide guidance governing the use of cellular phones and monthly stipends.

### 2.0 PURPOSE

- 2.1 Access to wireless communication devices owned by the Town is a privilege which imposes certain responsibilities and obligations that are granted subject to Town policies as well as any applicable Local, State, or Federal laws. Employees and elected officials on a regular basis are using wireless devices to conduct Town business. It is the intent of this guideline to define parameters that will help the employee/elected official use this technology in an appropriate manner.
- 2.2 Any and all functions employees/elected officials perform while utilizing Town equipment and resources is considered as public in nature and can in no way be considered personal or private.
- 2.3 Any employee who violates this policy may be subject to disciplinary action under Town Policy 2-21 and may be denied certain privileges; such as use of a Town cell phone.

### 3.0 APPLICABILITY

- 3.1 All Town employees, elected officials, and individuals assigned a cell phone or authorized to use their personal cell phone for business use.

**4.0 REFERENCE**

- 4.1 26 U.S.C.A. §61(a)(1)
- 4.1 26 U.S.C.A. §280F(d)(4)(A)(v)Small Business Jobs Act of 2010
- 4.2 *Technical Explanation*, JCX-47-10 (Joint Comm. Sept. 16, 2010) 25

**5.0 PROCEDURES**

5.1 Eligibility

5.1.1 Employees who have been issued a Town-owned cell phone or approved for a stipend have received these phones or benefits because of operation in an assignment making it necessary and prudent that the Town and employee remain in contact without notice. It is expected that the employee will be available via phone whenever possible.

5.1.2 Persons in the following positions are eligible to receive either a monthly stipend for the business use of a personal cell phone or a Town-issued cell phone.

- a. Department directors and above;
- b. Employees who spend more than 80% of their work time away from their designated desk or work station;
- c. Public safety employees authorized by the chief of the department;
- d. All other employees deemed necessary by the department director.

5.1.3 All new cell phone service must be authorized and approved by the Town Manager.

5.1.4 All employees authorized to use a cell phone under this policy are required to submit a “Cellular Phone Use” form with their selected option to the department director for approval.

5.2 Cell phone options:

Option 1: Use of a personal cellular phone via the monthly stipend.

Option 2: Use of a Town-owned cell phone purchased through the IT Division. These cell phones and related service will be supported by the IT Division.

5.3 Monthly Stipend Program

5.3.1 The monthly stipend program was designed to reimburse the employee with a fair and reasonable flat monthly rate for the use of their personal cell phone for Town business.

- 5.3.2 Employees or elected officials must use the same cellular phone provider as the Town to be eligible for the stipend program.
  - 5.3.3 There are two stipend options available; one for voice only and one for voice and data. The IT Division will issue any changes to the stipend amount during the budget process. Total stipend amounts within each department will be subject to council budget approval.
  - 5.3.4 The stipend amount is a taxable benefit that will be issued through a payroll check and reported as taxable income on the W-2 form.
  - 5.3.5 The voice and data stipend program may only be used for those employees or elected officials that have provided documentation of usage and service levels appropriate for their job role and approved by the department director or Town Manager.
  - 5.3.6 All employees and elected officials receiving the monthly stipend shall be solely responsible for acquiring their own cell phone, maintaining the cell phone, paying the cell phone bill, and the remainder of the contract should the employee/elected official separate employment with the Town for any reason. The Town assumes no liability beyond monthly reimbursement to the employee/elected official via the stipend amount while he/she is employed with the Town.
  - 5.3.7 Prior to receiving the monthly stipend, the employee or elected official shall provide a current cell phone number to be kept on file at all times. The employee or elected official is solely responsible for notifying the IT Division and their department director with any changes to their cell phone number.
- 5.4 Town-owned Cell Phone Option
- 5.4.1 The Town will provide authorized users with a cell phone for business use.
  - 5.4.2 Messaging and data services are not authorized uses on a Town-owned cell phone unless authorized and budgeted by the department director. Employees will be required to reimburse the Town for message and data charges.
  - 5.4.3 The total amount of cell phone charges billed to the Town is considered taxable income to the employee, unless employee provides proof of a personal cell phone for personal use.

**6.0 USE GUIDELINES**

- 6.1 Town-owned cell phones should primarily be used for Town related business. Personal use should, at most, be occasional and reasonable. Frequent and indiscriminate personal use of a Town-owned cell phone is not permissible.

- 6.2 Damage to Town-owned property should be reported as soon as possible to an employee's supervisor.
- 6.3 In accordance with the Town Loss Control Manual; employees are encouraged not to use cell phones while operating a motor vehicle. Exceptions include Public Safety staff that may be required during the course of their normal duties, to engage in mobile (in transit) communication.
- 6.4 Employees should place cell phones in a silent or less obtrusive alert mode (i.e. vibrate or silent modes) during meetings.
- 6.5 Employees are responsible for notifying the Town of changes related to their personal cell phone status. For example, if an employee is tax-exempt due to use of a personal cell phone and cancels his/her personal cell phone contract, the employee must report that change for proper tax accounting.

**7.0 MANAGEMENT RESPONSIBILITY**

- 7.1 Department directors are responsible for issuing Town-owned cell phones or authorizing reimbursement via the monthly stipend program only to those employees that need wireless voice and/or data communications to function efficiently, effectively, and safely in their jobs.

**8.0 MANAGING TEXT, TELEPHONE AND SOCIAL MEDIA MESSAGES**

- 8.1 All text, telephone and social media messages received or created by employees on Town-owned or personal telephone devices in the course of their duties shall be managed in accordance with the Town's Records Policy No. 5-04 *ELECTRONIC RECORDS MANAGEMENT*.