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**PURPOSE AND SCOPE**

To establish guidelines for cell phone acquisition, usage, and to provide for allowances.

**DEFINITIONS**

*Cell Phone:* Hand-held mobile radiotelephone using cellular radio network, includes smart phones that combine cellular telephone capabilities with the ability to send and receive text messages, e-mails, access applications, and browse the internet. Examples include Blackberry or Android devices.

*Communication Allowance:* A benefit-taxable payment paid monthly through payroll to Exempt and Non-Exempt employees with permission of the Appointing Authority for being available for urgent city business beyond normal business hours, or while out of the office, through the use of a personal cell phone or other communication device. Any employee authorized for the Communication Allowance must notify their supervisor immediately if their cell service ends or is interrupted.

**APPLICABILITY**

This policy applies to all regular, full-time employees.

**GENERAL GUIDELINES**

1. It is the City’s goal to provide the highest standard of service to our community. The City of Milford may issue cell phones to employees who work in areas or on assignments where standard City telephones, the City’s radio system or other forms of electronic communication equipment are not readily available and where such use will benefit the City and its residents. City-issued cell phones are intended to enable staff assigned to special functions to operate more effectively, efficiently and safely in the completion of their assigned responsibilities.
  
2. Use of telecommunications resources, including cell phones and the associated service, shall be in compliance with the City of Milford employee policies and other related regulations. Staff using a city-issued cell phone should be aware that such devices may have the ability for the City to track the location of the device. Employees are responsible for safe use of cell phones when operating vehicles and equipment, therefore employees should follow the guidelines established in the City’s Safety Manual and follow the laws of the State of Delaware.
  
3. Possessing a City-issued cell phone is a tool and all employees are expected to use them responsibly. Employees are responsible for the care, protection and appropriate usage of these resources.



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4. Personal use of a City-issued cell phone is limited to emergency or pressing reasons, preferably during breaks or meal periods. A short call(s) home or to family, etc. by City employees when required to work extended hours shall be considered a business call. The employee is responsible for reimbursing the City for costs incurred when personal usage results in charges to the City for excess minutes, data usage or text messages not included in the City’s plan. Misuse, including excessive personal calls or excessive personal use of data services of a City-issued cell phone may result in disciplinary action. The following are unauthorized uses of a City-issued cell phone:
  - a. Any calls that could be appropriately made from an available standard City telephone;
  - b. Any call made in relation to an employee’s personal business enterprise or their participation/membership in a non-City-related organization (e.g. political or religious groups or service clubs);
  - c. Any call for the purpose of entertainment, such as any 900 calls;
  - d. Any prohibited email communication, text message or internet access or usage as outlined in the Computing Resources Use Policy;
  - e. Any communication of an obscene, threatening, demeaning, harassing or otherwise offensive nature that would be illegal, prohibited or inappropriate under City employee policies, regulations or the laws of the State of Delaware.
  
5. Cell phone contract minutes for City-issued cell phones should be the smallest plan available to accommodate the particular business need. The City’s Finance Department will review the Cellular/Data Plans with the Department Directors periodically to ensure the most cost-effective plans are in use or at any time that unusual activity or usage is reported or identified.
  
6. Cell phones and smart phones purchased by the City and assigned to employees will be selected to be both cost-effective and meet the work-related needs of the assignment.
  
7. Communication allowances will be paid through payroll and are subject to payroll taxes. Allowances or City-issued cell phones will be provided with the Appointing Authority’s authorization as follows:

| Who   | Allowance  |    | City-Issued Cell Phone |
|---|------------|----|------------------------|
| Department Directors  | \$40/month | OR | \$40/month             |
| Employees who are on call nights and weekends and must have data access | \$40/month | OR | \$40/month             |

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|  |            |  |            |
|--|------------|--|------------|
| Employees who are on call nights and weekends and must have voice communication when City radio services are not available or assigned | \$20/month |  |            |
| On-call employees – rotating cell phone  |            |  | \$20/month |

**PUBLIC RECORDS**

Employees without a City-issued cell phone or who do not receive a Communication Allowance are strictly prohibited from conducting City business on a personal cell phone or device.

When using a City-issued cell phone or when receiving a Communication Allowance, there is no expectation of privacy related to, but not limited to, text messages, e-mails, application access, and internet browsing. All information stored on, generated on, transmitted through a City-issued cell phone or personal device when receiving a Communication Allowance is Public Record.

Public records will be managed in compliance with applicable local, state and federal laws, regulations, and policies including the Delaware Freedom of Information Act (covering Open Meeting Law, Public Records Law), and Public Records retention schedules, Copyright Law and other applicable City policies.

**VIOLATIONS**

Employees violating this policy may be subject to disciplinary action in accordance with City policies, departmental operating procedures and/or collective bargaining agreements.

If you have questions regarding appropriate use of this policy, please contact your supervisor, the Human Resources Administrator or your respective Appointing Authority.

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*Appointing Authority Signature*

*Date*

I, \_\_\_\_\_, acknowledge that I have received and read a copy of this policy.

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*Employee Signature*

*Date*