**\_\_\_\_\_\_\_\_\_\_county Cell Phone Policy**

**PURPOSE**

The purpose of this policy is to describe the regulations for cell phone administration, business and personal use, department accountability/responsibility, individual responsibilities, safety measures, and service providers.

*Cell phones* includes, but is not limited to, any wireless telecommunications devices, traditional cellular phones, smartphones, push-to-talk phones, etc.

**SCOPE**

This policy shall apply to all cell phones used by or issued to County employees. Cell phones are those pieces of equipment issued directly by the County or by a third-party provider or contractor to one or more County employees. Such devices shall be those issued to or used by employees or elected officials for business purposes.

**Eligibility for County-ISSUED Cell Phone or Stipend**

To qualify for a County-issued cell phone or stipend, a determination must first be made that having a cell phone is an essential part of the employee’s job function and/or official duties. Using the following criteria, department heads shall determine which employees within their departments qualify for a stipend or County-issued cell phone:

1. Senior management staff in an exempt position who must be available to receive and place time sensitive calls and/or are considered on a permanent on-call status.
2. Full-time employees whose duties and responsibilities require them to maintain voice contact with the County while away from the office or to be accessible outside of normal working hours may be eligible for a County cell phone or cell phone stipend.
3. Full-time employees whose duties require continual data access in addition to cell phone service while away from the office or outside normal working hours may be eligible for a hotspot or hotspot reimbursement.

**STIPENDS**

For certain County employees, it may be necessary or more cost effective to utilize a monthly cell phone stipend in an amount determined by the County. The monthly stipend amount will be reviewed and/or adjusted annually to ensure cost effectiveness. All requests for stipends must be made by submitting the “Employee Cellular Service Stipend and Open Records Act Acknowledgement” form to the Human Resources Department.

1. The employee shall be responsible for the purchase of the device/phone, accessory equipment, activation fees, and plan to be utilized. Employees shall ensure that the cellular service is reliable in all work-related areas and at the employee’s residence.
2. Employees who receive a monthly stipend shall provide the cellular phone number to the County for work-related communication, shall agree to accept and make County business calls on their phone when required by their supervisor, shall not represent the cell phone he/she uses as the property of the County, and shall carry/answer the cellular phone while on duty, as requested by their supervisor, or as required based on the essential duties of the employee’s job function. Employees are responsible for ensuring that their phone is on and in good working order.
3. The maximum monthly stipend amount will be equal to the rate the County pays each month for a County-issued cellular phone. In no case will any stipend exceed the employee’s actual cost of maintaining the line.
4. If an employee-owned phone is damaged, broken, lost or stolen, it shall be the sole responsibility of the employee to repair or replace the phone at their cost and the County shall accept no responsibility.
5. Any cell phone authorized to be used for County business must support software required to access County emails.
6. Employees receiving a monthly stipend shall immediately notify their supervisor in the event their cellular number changes or is cancelled or if their phone is lost/stolen.
7. After the Human Resources Department receives the approved request to pay a stipend allowance, the approved amount will be added to the individual’s payroll check and properly reflected on the employee’s paystub.
8. Department heads are responsible for reviewing approved stipends on an annual basis to confirm that the employee’s monthly service plan is equal to or higher than the stipend provided by the County and for the purpose of identifying employees who may no longer qualify for a monthly stipend.

**CELL PHONES (GENERAL)**

1. The need for a County-purchased cell phone and securing all necessary funds will be the responsibility of each department head. Costs include any cost for the stipend or device, protective case/folio, monthly service fees, licensing fees, client access licenses, business applications, and Mobile Device Management (MDM) licensing.
2. Any County-issued cell phone shall be managed by MDM software and licensing, chosen and managed by the Information Services Department.
3. Conditions which must be met for any cell phone to be enabled to access County email:
   1. All cell phone users must sign a waiver (Mobile Device Security Request Form) acknowledging the employee has read the Cell Phone Policy and agrees to abide by all policy statements within and as may be amended by the County.
   2. All department heads and/or equivalent shall be aware of the FLSA provisions regarding compensation of employees for all time worked and must ensure that non-exempt employees understand and are complying with the appropriate use of email during non-scheduled work hours.
   3. Non-Exempt Employees granted access to email on cell phones shall strictly follow work schedules when replying to any email request. Replying when not at work or otherwise “on the clock” is not authorized for Non-Exempt Employees without explicit written directions from the Department Director or equivalent and/or the County Manager or designee.
   4. All email-enabled devices shall be required to automatically “lock” after a reasonable period of inactivity (no longer than 5 minutes) and must be password protected to “unlock” the device. This is to secure a device left unattended from parties not governed by this policy. These policies shall be enforced by the Mobile Device Management Client.
4. For any device approved for connection to the County network, it shall be considered a violation of this policy for any changes to be made to the operating system provided by the manufacturer (i.e., “jail broken” or “rooted”). Any unauthorized changes to the operating system of any device compromises security and will result in termination of service to the device.
5. Upon resignation/termination of employment, or at any time upon request, the employee shall produce the cell phone for return or inspection. Employees unable to present the cell phone in good working condition within one business day from the requested time shall be solely responsible for the full cost of a replacement.

**SAFEKEEPING AND CUSTODY**

1. The Information Technology or (\_\_\_\_\_\_\_\_\_\_\_) Department is responsible for establishing agreements with cell phone providers.
2. The Information Technology or (\_\_\_\_\_\_\_\_\_\_\_) Department shall maintain a list of County employees who have County-issued cell phones which list shall include the following:
   1. Date the service was initiated;
   2. Date the service was terminated;
   3. Serial number for the equipment;
   4. Company providing the service;
   5. Equipment purchase price;
   6. Data setup fees; and
   7. Monthly service fees.

**PERSONAL USE OF COUNTY-ISSUED CELL PHONES**

Limited personal use of a County-issued cell phone may be acceptable, so long as:

1. Personal use of devices does not interfere with regular work activity and performance.
2. Personal use of devices does not prohibit any business application from being installed and fully functioning on any device (i.e. downloading excessive music/video may run a device low on space, thus rendering it incapable of running County business applications effectively).
3. Devices must maintain enough memory/storage space to run all business-related applications and functionalities.
4. Personal use does not compromise the security of County information retained on or accessible from the device.
5. Other “for a fee” downloads such as music, videos, movies, etc.: it will be the sole responsibility of the end-user/employee to pay for any downloaded media of any type for which a fee is charged. It shall not be the responsibility of the County or the Information Technology Department or \_\_\_\_\_\_\_\_ Department to backup, maintain, or otherwise protect any personally downloaded application, content, music, video, movie, etc., unless expressly approved and paid for by the County.

**WHILE OPERATING A VEHICLE**

1. Employees whose job responsibilities include regular or occasional driving and who have a cellular phone for business use shall not use their phone while operating a motor vehicle on any public roadway, except in accordance with state law.
2. 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.
3. If a County vehicle is involved in an accident, the employee’s supervisor or County Manager may request to see the driver’s cell phone to determine if the driver was using the phone at the time of the accident.

**Notification of Damage or Stolen County-ISSUED Cellular Phones**

Employees are responsible for maintaining adequate physical protection for all equipment issued to them by the County. Employees shall promptly notify their direct supervisor and the Information Technology or \_\_\_\_\_\_\_\_\_\_\_ Department if any County-issued cellular phone is damaged or stolen. If a County-issued cell phone is stolen, the employee will be required to file a police report.

**Access to Cell Phone Statements and Records**

1. The County reserves the right to monitor the billing and usage of all County-issued cell phones and has the authority to withhold any improper/unauthorized charges from the employee’s wages for reimbursement purposes.
2. By accepting the use of a County cell phone, the employee agrees to promptly reimburse the County for all personal charges made which are deemed by the County to be excessive in frequency and duration. If reimbursement for unlimited plans or when actual charges cannot be determined, other disciplinary actions may be issued.
3. Employees who receive a cell phone stipend shall understand that all cell phone records pertaining to the performance of the employee’s official duties and employment are subject to Georgia Open Records Act requests.
4. Employees who have a County-issued cell phone acknowledge that there is no expectation of privacy when using County-provided cellular phones. The County has the right to review all records related to cellular and/or wireless devices including but not limited to phone logs, text messages, and internet usage logs. Users should further be aware that all records are subject to disclosure under the Georgia Open Records Act.