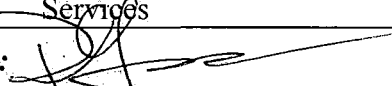




## POLICY AND PROCEDURE

<b>Subject:</b> Use of Portable Communication Devices	<b>Index:</b> Financial Services  <b>Number:</b> 1004-2
<b>Effective Date:</b> July 22, 2013	<b>Prepared By:</b> Finance & Administrative Services
<b>Supersedes:</b> June 11, 2012	<b>Approved By:</b> 

### 1.0 PURPOSE:

- 1.1 The use of cellular technology provides assistance with disaster recovery, offers alternatives for immediate communication when away from the office or traveling for City business, improves the quality of service delivered to the public and the productivity of the City workforce. The City is committed to providing efficient, cost-effective communication equipment and services necessary for individuals to perform essential City service to the public in the most expedient and cost effective manner.

### 2.0 ORGANIZATIONS AFFECTED:

- 2.1 All City Staff.

### 3.0 REFERENCES:

### 4.0 POLICY:

- 4.1 Department heads are responsible for proper consideration and approval of the acquisition of portable communication device service and equipment, limited to occasions where there is a demonstrated need for such equipment and services to perform essential City business, to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be met by other means.
- 4.2 Employees are not permitted to use portable communication devices while driving on City business, except in the following situations:
  1. When an employee is driving a personal non-City vehicle and using a personal (non City-issued) phone. In this case the employee must still abide by applicable State law regarding cell phone use while driving.

2. When an employee is "on-call" outside of normal City business hours, regardless of whether the employee is driving a personal or City vehicle or using a personal or City-issued phone.
  3. When an employee has a phone with a radio feature, he/she may answer an incoming call while driving only when the call is identified as an emergency.
  4. When an employee must place an outgoing emergency call.
  5. Employees who are dispatched are exempt from this section (4.2).
- 4.3 If a citation is issued to an employee using a portable communication device, the citation is the sole responsibility of the employee.

## **5.0 DEFINITIONS:**

- 5.1 **Authorized User** – An employee, volunteer, or other individual specifically authorized by the City to use portable communication devices for official City business.
- 5.2 **Official City Business Communication** – An incoming or outgoing call, text, memo, and/or email related to job duties, program requirements, mission attainment, or other duties as assigned by City management.
- 5.3 **City-issued portable communication device** – Any City-owned, rented or leased portable communication device or any City-owned wireless communication device (e.g. Blackberry, or other Personal Data Assistant, etc.).

## **6.0 PROCEDURE:**

- 6.1 **Purchase**  
All cellular service and equipment shall be purchased through the Central Services division. Billing for cellular services and equipment will be charged one calendar year in arrears to the Department through inter-departmental communications charges.
- 6.2 **Acknowledgement for Use of Portable Communication Devices Form**  
Upon receipt of the policy, each employee shall sign a form acknowledging that he/she is aware of this policy, including the legal issues arising out of the use of cellular phones or wireless communications devices.
- 6.3 **Use – General**  
Use of City-issued portable communication devices shall be in compliance with these guidelines and applicable local, state and federal laws. Unauthorized use of City portable communication devices can result in appropriate disciplinary action.
- 6.4 **Internal Control**

Department heads shall implement controls for portable communication device usage within their Department consistent with these guidelines, which shall include:

- 6.4.1 Approval process for purchase of service and equipment for their respective staff. Charges for portable communication devices must be included in the approved budget for the respective department. Any additional devices approved after the budget has been adopted shall be funded out of the existing department budget;
- 6.4.2 Monthly review of billing statements as identified in section 6.6;
- 6.4.3 Maintenance of accurate records of justification for purchase, appropriate City use of portable communication devices and documentation of personal reimbursements; and
- 6.4.4 Assignment and disposition of portable communication device equipment and service.

## 6.5 **Portable Communication Device Use and Reimbursement**

### 6.5.1 Personal Use and Reimbursement

City-issued portable communication devices shall be used principally for official City business. Personal use is limited to the following:

- (a) Personal emergencies;
- (b) Occasional incidental calls.

Authorized users shall be required to review the monthly billing statement of their City-issued portable communication device in the event the Department determines that the billing statement contains:

- (c) Charges for minutes that exceed those permitted under the portable communication device's billing plan; or
- (d) Roaming or long distance charges for personal calls attributed to the portable communication device assigned to the user.
- (e) Excessive use during non-working hours.

In the event roaming, long distance or non-working hours usage for personal calls are identified as being attributable to the portable communication device assigned to an authorized user, that user shall be responsible to reimburse the City for charges resulting from such personal calls. Employees found to be using the device for excessive personal use may lose the privilege of having a device and may be subject to discipline. Employees are discouraged from excessive use of 411 directory information calls due to the cost of the service.

### 6.5.2 Business calls on personal portable communication devices and reimbursement

Before seeking reimbursement, Department head approval is required before an employee may use a personal portable communication device on a recurring basis for official City business. Department heads reserve the right to limit/deny reimbursement requests for using personal portable communication device on a recurring basis without prior approval.

Upon request of the Department Head and approval of the Assistant City Manager or designee, an employee may opt to receive an allowance in lieu of a City issued device. The allowance amount shall be the actual cost of the employee's monthly service charge plus taxes OR the cost of the City's monthly service charges plus taxes, whichever is the lesser charge.

6.5.3 Text Messaging

Employees using a City-issued device that allows for texting with no additional cost to the City's overall phone plan must use text messaging primarily for business-related activities. Texting for personal use must be limited to emergency or incidental occasions. If texting is available for an additional fee, Department Head approval is required to authorize the text messaging feature.

6.6 **Disposition**

Authorized users who no longer have a need for a City issued cell phone to conduct official City business, or upon Department request, must return the portable communication device to their supervisor/designated person.

6.7 **Defective, Lost or Stolen Equipment**

Authorized users are responsible for safeguarding the portable communication device and controlling its use. Defective, lost or stolen portable communication devices should be reported immediately to the appropriate person (for example: supervisor or designated Department portable communication device coordinator and/or manager). If loss, theft or damage is due to the intentional act or gross negligence of the user, he or she may be required to reimburse the City for the cost of the portable communication device as well as all charges as a result of the loss of the portable communication device.

6.8 **Records**

Central Services shall maintain all phone records, invoices and plan detail.

**Acknowledgement of Receipt and Understanding of the  
Use of Portable Communication Devices Policy and Procedures**

I have received a copy of the City of San Clemente's Portable Communication Devices policy. Furthermore, I fully understand portable communication device users must sign an acknowledgement that they understand the policy and will comply with the guidelines set forth in the policy. I have read and fully understand that any violation of the policy may result in the loss of a portable communication device and disciplinary action, up to and including termination.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_