



**MOBILE  
COMMUNICATION DEVICE  
USE POLICY**

**ADMINISTRATIVE POLICY MANUAL**  
Section 5.2 – Information Technology

Approval:   
City Administrator

**Effective Date:**  
**OCTOBER 20, 2015**

**Responsible Department:** City  
Administration – Information Technology  
Division

**PURPOSE:**

The purpose of this policy is to provide clear guidelines for the authorization, distribution and appropriate business use of Mobile Communication Devices (MCDs) by City employees and for the establishment of a cellular phone allowance.

**POLICY**

The City of Vernon recognizes that cellular MCDs enhance the level of City services by allowing employees to remain in contact with the office or with one another as the need arises. Technology has now made MCDs both practical and economical for work-related use and this policy establishes procedures and conditions for their authorization and use to ensure accountability and to prevent improper use. This policy applies to the use of City issued and personal MCDs for City business. The City shall ensure that cell phone use is appropriate and that public funds are prudently spent. The use of licensed emergency frequency radio communication devices by personnel are excluded from this policy.

**SECTION 1: DEFINITION**

MCDs include any mobile communication device that provides for voice and/or data communications between two or more parties including, but not limited to, a cellular telephone, a text message device, a personal digital assistant, a smart phone, an air card, or a tablet that utilizes a wireless signal to provide Internet access.

**SECTION 2: ELIGIBILITY**

A. Employees with a demonstrated need for regular use of a MCD for City business may, at the discretion of the City Administrator, be provided with a City issued MCD or a stipend for use of their personal MCD for City business. It is exclusively the decision of the City as to which option to provide where such a need exists. The following criteria will be considered:

1. Departmental requirements indicate having an MCD is an integral part of performing the duties in the job description.
2. Employees who operate frequently in the field and use their MCD during the course of the business day to communicate with remote City locations, with support vendors, with members of the public, or who may receive regular city business phone calls while off-duty.
3. Required to be on-call outside of normal work hours.

4. Critical decision maker.
5. Quantity of calls/minutes used.
6. Need for access and frequent updates to calendar, email, contacts, and files while not in the office.

B. Employees must submit a MCD Justification Form to receive assignment of any MCD.

### **SECTION 3: PLAN TYPES**

The City provides for a two-tier MCD system.

A. **City-Issued MCDs:**

1. The City contracts with a service provider for a pool of minutes to be accessed by users using a City-issued MCD. All City-issued MCDs are a public resource, meant for expediting City business, and are intended for official City business. The City recognizes that unforeseen circumstances may develop in which personal calls result in incidental use. When personal use is found to be excessive or abusive, employees may be required to reimburse the City for the charges within a month of the City's receipt of the bill. Failure to reimburse the City for excessive or abusive personal use may result in disciplinary action.
2. Employees should immediately report unauthorized use, theft or loss of a City-issued MCD or accessory to their supervisor and/or Department Head and the City Information Technology staff. In the case of a lost or damaged City-issued MCD or accessory, the employee may be responsible for reimbursing the City for the value of the equipment if the employee is determined to be negligent for its loss.
3. Communications via City-issued MCDs may be subject to discovery via the Public Records Act.

B. **Monthly MCD Stipend:**

The City issues reimbursement stipends to eligible employees who in turn provide their personal MCD to use for City business.

1. In lieu of a City-issued MCD, an employee may be paid a stipend for use of their personal MCD for City business. The City Administrator will determine which employees will be eligible.
2. Stipend allowances will initially be set as provided below. The IT Manager may recommend adjustments to the rates based on the current market. Stipend levels will be set at the beginning of each fiscal year and will remain unchanged until the following fiscal year.
  - a. \$25 per month for cellular only
  - b. \$45 per month for cellular and data.

3. The monthly stipend is intended to cover the portion of an employee's MCD costs related to City business, and not off-set the entire cost of a MCD's cellular or data plan.
4. The stipend allowance is not a wage substitute and is not considered taxable income to the employee. The stipend does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, benefits based on a percentage of salary, etc.
5. Employees who receive a stipend must provide the City a cell phone number where the employee can be reached. Repeated failure to respond to calls may lead to revocation of a MCD stipend.
6. The MCD will be personally owned and under the responsibility of the employee.
7. Employees approved to receive a stipend shall be responsible for purchasing their own MCD and enrolling it in their own monthly access plan.
8. Non-FLSA Exempt employees shall not use their MCD for City business during non-working hours without prior approval from their supervisor.
9. An employee receiving a stipend must be able to show, if requested by his/her Department Head or the City Administrator, a copy of his/her monthly MCD cellular or data plan charges. Employees should redact any personal or confidential information from the document prior to providing to the City. If the employee terminates the MCD cellular or data plan at any point, he/she must notify his/her Department Head within five (5) business days to terminate the stipend.

#### **SECTION 4. SAFETY**

- A. Except in the case of an emergency, employees shall not use MCDs while driving unless the device is specifically designed and configured to allow hands-free listening and talking (California Vehicle Code 23123 (a)). Such use of a city-issued MCD shall be restricted to business related calls or calls of an urgent nature while driving.

This pertains to:

1. City-issued MCDs
2. Personal MCDs while being used for City business
3. City vehicles
4. Personal vehicles driven on-duty

- B. With the exception of an emergency, employees shall not operate MCDs that may distract from safely operating a motor vehicle. Using MCDs while driving leads to increased risk of accident and liability to the City. To limit this risk, all employees shall adhere to the following while conducting City business:

1. Use a hands-free device if employee must make or receive a call.

2. Make calls before starting the vehicle and proceeding to your destination.
  3. Pull over or park in an appropriate manner before initiating a call.
  4. Allow voice mail to handle the incoming calls and return them at your safe convenience.
  5. Calls, except emergencies, while operating a City-owned vehicle are prohibited.
  6. Suspend conversations during hazardous driving conditions or situations.
  7. Do not take notes, look up phone numbers, or text message while driving.
- C. Subsection B above does not apply to emergency services professionals using an MCD while operating an authorized emergency vehicle, as defined in Section 165 CVC, in the course and scope of his or her duties (authority under 23123(d) CVC)

## **SECTION 5. SECURITY**

### **A. Secure Usage**

1. Downloading or installing software, applications or programs on any City-issued MCD without prior authorization by the IT Manager or designee is prohibited.
2. Connecting (excluding business use) any MCD to the City's network, wireless or wired Internet, or any City computer without prior authorization by the IT Manager or designee is prohibited.

Downloading and streaming (excluding business use) materials, including, but not limited to music, video, electronic literature, ringtones or copyrighted material to any City-issued MCD is prohibited except where the City owns the right to use or distribute the copyrighted material.

3. Any equipment connected to the City's network is subject to the same criteria regarding privacy as City-owned equipment.
4. Sending or forwarding discriminatory, defamatory, obscene, offensive, racist, sexually suggestive, or harassing messages via City-issued equipment is expressly prohibited.
5. By using an assigned MCD, employees accept responsibility for their use and security.

### **B. Confidential Data.**

1. E-mail messages sent to and received from attorneys representing the City may contain confidential and/or privileged communications. Attorney-client communications and attorney work product should never be distributed or copied without the permission of the City Attorney's Office.
2. Except for certain authorized staff or as otherwise permitted by law, Users are expressly forbidden from accessing or attempting to access or disclose any secured confidential personal or medical information on any computer system.

**SECTION 6. PRIVACY**

When using a City-issued MCD, or when conducting City business on a personally owned MCD, employees should have no expectation of privacy in anything they create, store, send or receive via the City's network or server.