

2012

# Lake County Cell Phone Policy

Cell Phone, Smart Phone, and PDA Device



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**Purpose and Scope:** This policy is designated for cell phones, smart phones, and personal digital assistance (PDA) devices used for County business by Department Heads, Elected Officials, and Lake County employees.

This policy only pertains to those employees who are eligible to receive cell phone privileges. Not all employees will be eligible.

The aim of this policy is to set guidelines for the eligibility of County cell phone usage, to set regulations for proper usage of distributed County cell phones, and to clearly define the use of cell phone devices.

## **Related Policies and Legal References**

Lake County Mobile Security Standard

Employee Policies and Procedures

Comparable Departmental Policies

## **DEFINITIONS**

Business use: Work related tasks required to perform assigned duties.

PDA: Device that provides an “always-on” end to end solution, combining hardware, software, and wireless connectivity, offering a complete e-mail, messaging, and organizer solution.

Cell phone: A portable telephone that uses wireless technology to send and receive phone signals. This includes the phone, adapter, battery pack and other accessory equipment specific to the phone used for County business purposes.

SmartPhone: Electronic handheld device that integrates the functionality of a mobile phone, PDA, or other information appliance.

## **OWNERSHIP OPTIONS**

**County Purchased Owned and Operated:** County owned cell phones are for business use only. If an employee is eligible for a County issued device, they will use the device for business purposes and the department will handle all hardware and monthly billing arrangements.

**Employee Purchased, Owned, and Operated with County Issued Allowance:** A privately owned cell phone or smart phone may be used for a combination of personal and business use for which an employee is issued an allowance for business use only. Eligible persons receiving such allowance will be solely responsible for the costs of private ownership, including but not limited to the purchase, activation, and replacement of such devices and any increase in personal income tax liability. Any employee who receives a taxable allowance may add extra services, usage, overages, equipment, or features as desired at their own expense. Please view the “Allowance for Personal Cell Phone” section of this policy.

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## ELIGIBILITY

It is the responsibility of the Department Head, or Elected Official to justify and approve the eligibility for any cell phone, plan changes, or equipment changes. It will be the responsibility of the Department Head or Elected Official to exemplify prudence in choosing the best cell phone eligibility option for County related business.

Employees may only be issued a County purchased cell phone, or attain a flat rate allowance after a "Cell Phone Eligibility Form" is created to clearly define the necessity of the cell phone plan for each individual employee. The "Cell Phone Eligibility Form" must be filled out by each Department Head or Elected Official, sent to FAS and processed by FAS. If approved for a County issued phone, a representative in Purchasing will issue the approved device to the employee.

Once approved for a flat rate allowance, an HR representative will be notified of plan details and will issue a once a month flat rate allowance to the employee through Payroll. Any cell phone allowance will be paid through the County Payroll system as **taxable income** upon the receipt of a "Cell Phone Eligibility Form."

## CELL PHONE ELIGIBILITY FORM

It is incumbent upon Department Heads and Elected Officials to ensure that cell phones are provided to only those employees with a demonstrated need. In order for the County to provide and assign a cell phone for an employee's use, the following criteria must be met:

1. The employee must be in a position where the majority of that employee's time is spent out of the office during their normal work day; or
2. Use of a cell phone must be essential for the conduct of the employee's work; or
3. The employee is subject to being contacted for urgent or emergency purposes.

Please fill out the "Cell Phone Eligibility Form". Once the form is filled out and submitted, it will be reviewed by FAS for final processing. The form can be found by clicking on this link. \_\_\_\_\_

## ALLOWANCE FOR PERSONAL CELL PHONE

**Employee Purchased, Owned and Operated:** Employees who require frequent use of a cell phone to conduct County business can request to have their personal cell phone used as their business phone. Under the direction and approval of a Department Head or Elected Official, and the Finance Director, an allowance can be made to an employee for a determined amount for business use. Please refer to the allowance amount on the "Cell Phone Eligibility Form" to determine an employee's allowance amount.

If an employee chooses to use his or her own personal cell phone to connect to Lake County's email, his or her device will be subject to the same standards as a Lake County issued phone. Users will be subject to Freedom of Information Act (FOIA) requests, as well as all other related Lake County Policies and Procedures.

**Basis for Allowance:** This policy does not intend to cover the full cost of an employee owned and operated device. The policy does intend to cover the cost for business use so that the County maintains responsibility for payment of its operation costs incurred by its employees.

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This policy is designed solely for employees that are eligible for a County device. An allowance will be issued in lieu of a County issued device. Not all employees will be eligible. Current employees who are already connected to Lake County's email will not be reimbursed for previous or continued use. Based on recommendations from department managers, employees may be allowed to connect to Lake County's email and not be issued an allowance for the connection. All allowance options will be determined by department managers, Department Heads, and Elected Officials.

**Allowance Amount:** Allowance amounts are attached to this document under the "Cell Phone Eligibility Form." In the event of changes in technology or vendor cell phone plans, the Finance Director will have authority to amend proposed allowance amounts on the "Cell Phone Eligibility Form" without County Board authority. Exceptions to the proposed allowance amounts will be considered by the Finance Director who will have authority to approve or deny exception requests without County Board authority.

**Payment:** Any cell phone allowance will be paid through the County Payroll system as taxable income upon the receipt by Payroll of a "Cell Phone Eligibility Form." The form shall be completed for any new, changed, or canceled services for eligibility for any allowance. No allowance will be paid once an employee begins paid leave status for more than two payroll periods, is permanently assigned a County owned and operated cell phone, or terminates service coverage. The taxable allowance will be paid starting the first full month of wireless phone and/or data service coverage following receipt of the approved "Cell Phone Eligibility Form" received by payroll. No retroactive requests will be processed. Payments will be included on the first payroll check of the month.

**Allowance Change/Cancellations:** Any person who: a). Receives a monthly allowance and thereafter terminates service; b) Receives a substitution of County owned and operated equipment, or c) moves to an unpaid or extended leave status, shall submit to their supervisor a revised "Cell Phone Eligibility Form" indicating the change. Managers, Department Heads and Elected Officials shall transmit this document for any allowance change or cancellation of allowance to both FAS and payroll. Terminations/changes will become effective the first full month after receipt in payroll. No retroactive adjustments will be processed.

## DEPARTMENT CELL PHONE RESPONSIBILITIES

It will be up to the department to choose the appropriate contact within their department for all involvement with cell phone related issues. This may include but is not limited to:

- Tracking and monitoring device usage.
- Training employees on device setup.
- Ensuring device privileges are not being abused.
- Reviewing personal cell use on a County issued phone.
- Routinely reviewing approved allowance on "Cell Phone Eligibility Form".

It is critical that departments monitor their charges and patterns of use on a case by case basis in order to ensure that the devices are being used appropriately and that the appropriate service plan is being utilized. The purchasing department will make recommendations and oversee modifications as part of the centralized contract administration of wireless services.

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If an employee is eligible to receive an allowance for a personal device, the employee will be required to work with the appropriate contact within their department to ensure the Information Technology Department (IT) is able to provide proper security measures for a specific phone. Not all phones may be eligible for connection to the Lake County email exchange.

Employees should not connect their own personal devices to the County network without proper authority. For any phone connected to the County network, the department should issue a System Access Request (SAR) to properly connect personal devices to Lake County email. Any employee that does not comply with proper connection may be subject to disciplinary measures.

**Personal Phone Calls:** It is understood that there are circumstances where an employee will have a need to make a personal phone call from a County operated phone. The occasional phone call for personal use is allowed, however, it will be the responsibility of the appropriate contact within the department to determine whether or not an employee is using the phone more than the occasional personal phone call. If it is determined an employee has abused their privileges of using a county issued phone, the employee may be subject to disciplinary measures, including but not limited to having all cell phone privileges revoked.

## **CELL PHONE AND PDA DEVICE SERVICE REQUIREMENTS**

Please refer to the Lake County Mobile Security Standard or Comparable Department Policies for device and security requirements.

**Security and Reporting Requirements:** Any employee who uses a wireless phone, or PDA device for County business use shall protect their cell phone against loss, theft, or damage. An employee shall report the loss, theft, or misplacement of their cell phone to IT and their supervisor as soon as possible to ensure all security concerns are handled properly.

**Security for Lost Phone:** For any County operated device, the County reserves the right to remotely “wipe” (delete) all information from the cell phone if it is lost, stolen, or the employee is terminated.

**Compliance with Laws and County Policies:** Any person who uses a cell phone for County business shall comply with all local, state, and federal laws including County policies related for such use. Please be advised that municipalities often have their own laws and ordinances that require a hands free device for use of any cellular device and have ordinances that do not allow employees to text while driving. Please refer to the Lake County Employee Policies and Procedures manual for further guidance on proper cell phone usage.

**FOIA:** Any person who uses a cell phone for County business will be subject to the most up to date FOIA laws. This includes personal devices, as well as County issued devices. FOIA is subject to content related to government business; the device in which government business is conducted is of no concern in the law pertaining to FOIA.

Elected and Appointed Officials, and Lake County employees should recognize that emails, text messages and other communications that relate to public business might be subject to FOIA even if sent or received via their personal electronic device or using their personal email account.

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## **POSSIBLE TERMINATION**

This policy is intended to provide a cost savings and an easier way to administer County cell phones to eligible employees. If at any time this policy is determined to not be cost effective or if the administration of this policy presents unforeseen problems, FAS or the County Administrator's Office has the right to terminate sections of this policy or this policy as a whole.

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