

Missoula County Cell Phone Policy

Purpose

Cellular (cell) phone technology is a valuable communication tool and is integral to the operation of Missoula County. The multipurpose functionality of cell phones has established them as necessary and effective communications tool for many employees. The purpose of this policy is to outline a two-tiered program for managing cell phone use by employees of Missoula County.

Scope

This policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards.

Administration

Department heads are responsible for the implementation of this policy within their departments and on-going compliance.

Other References

Internal Revenue Bulletin 2011-38 addresses the treatment of employer-provided cell phones. The bulletin states that a cell phone issued to an employee for substantial reasons relating to the conduct of the employer's business is not taxable as income, and any personal use is considered a *de minimis* fringe benefit. No record keeping is required to document the business use of the cell phone.

Other related County policies: 2016-01 Acceptable Use of Technology and 2007-01 Inattentive Driving.

Policy

An employee holding a position that includes the need for a cell phone (see eligibility requirements below) may receive a County owned device or use a personally owned cell phone and receive a stipend to compensate for the business-related costs related to its use.

Department heads are responsible for identifying positions where the ability to communicate with an employee during both work and non-work hours would be

enhanced through use of a cell phone, pager, mobile radio, or other mobile device. Once it has been established that a cell phone is the appropriate means to achieve enhanced communication, the department head will work with the employee to determine if the County will provide a cell phone or if the employee will be reimbursed for a portion of an existing cell phone plan (stipend plan described below).

Eligibility

An employee is eligible for a County provided cell phone or a stipend if at least one of the criteria is met:

- The job function of the employee requires considerable time away from the regularly assigned duty station, and accessibility is important during those times;
- The job function of the employee requires accessibility outside of scheduled or normal working hours where time sensitive responses, decisions, or notifications are required;
- The job function of the employee requires access to wireless data and the internet; or,
- The employee is employed in public safety or emergency response.

Stipend Plan

- A department head approval is required in response to a written request from an employee eligible for a cell phone stipend.
- The employee and the department head will agree to an amount based on the cost to the employee for cell service, pro-rated against the anticipated usage related to the business purpose. This amount may not exceed the actual cost of providing a County issued cell phone. (The current cost of standard Verizon service is approximately \$50 for voice, messaging, and data.)
- The employee agrees to allow the County to publish their number internally for business purposes and to accept business calls and/or messages on the cell phone.
- The employee and the service provider are responsible for the technical support of the device, plan, and functionality. The Information Technology Department will assist the cell phone user with establishing any needed interfaces with County systems.
- To be reimbursed on a stipend plan, the employee must submit the following documentation with each reimbursement request:
 - A copy of the stipend agreement signed by the department head;
 - A copy of the applicable page of the monthly bill showing the employee's name, billing period, amount due, and type of services provided (talk, text, and/or data).
 - A reimbursement form signed by the employee and approved by the department head or designee.

- Reimbursement requests must be submitted no less than quarterly.
- The County will not accept any liability for claims, charges, or disputes between the service provider and the employee.
- Use of the cell phone contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the stipend.
- Current security standards, including password protection and encryption, must be used on any cell phone with data capability.
- An employee is expected to delete all County information from the device when employment terminates, except when required to comply with a litigation hold notice.

County Owned Cell Phones

The County may own cell phones for various business purposes, including public safety, emergency response, on-call functions, facilities management, development of technology related cell phone apps, select supervisory circumstances, etc. Employees who receive County provided phones should be aware that all data, files, apps, and communications records are the property of Missoula County and should hold no expectation of privacy in the use of the such property.

To obtain a new County owned cell phone, the employee must present department head approval to Telephone Services before new service is initiated. The phone model selected should be appropriate to the County's business needs. If the employee changes positions within the County, the cell phone must be surrendered if it is not required in the new position. On termination of cell phone holder's employment, the phone and number may be transferred to another employee performing the same function (e.g. Sheriff's deputy). Or, if the cell phone is no longer needed, it should be returned to Telephone Services.

Department heads must review annually all cell phone holders within their departments to ensure that only employees with a legitimate need hold County owned phones.

Cell Phone Stipend Agreement

| | |
|------------------|--|
| Employee Name | Department Name |
| Job Title | Stipend Start Date (first day of billing period) |
| Stipend Amount | Cell Phone Number/Service Provider |
| | |
| Business Purpose | |

I, _____, have read the Missoula County Cell Phone Policy and understand the terms for compliance stated in the section "Stipend Plan".

As a recipient of a cell phone stipend, I have the following responsibilities:

- Purchase cellular phone service and equipment and agree to vendor terms and conditions, including termination clauses. I am responsible for plan choices, service features, and calling areas that meet the job-related requirements that the stipend is intended to cover.
- Comply with the requirements for reimbursement which include submitting the following documentation with each reimbursement request: stipend agreement signed by the department head, a copy of the applicable page of the monthly bill showing my name, billing period, amount due, and type of services provided; and an employee reimbursement form signed by the department head or designee.
- Report any changes in service levels in the cell phone contract which may alter the amount of the stipend.
- Agree to allow the County to publish my number internally for business purposes and to accept business calls and/or messages on the cell phone.
- Comply with other County policies relating to cell phone use (Inattentive Driving) and those pertaining to data security, acceptable computing use, and email (Acceptable Use of Technology).
- Delete all Missoula County data from the cell phone when my employment with Missoula County is terminated, except when required to maintain the data in compliance with a litigation hold notice.

By signing below, I certify that I have read, understand, and agree to the Cell Phone Policy and my responsibilities under the policy.

| | |
|---------------------------|------|
| Employee Signature | Date |
| Department Head Signature | Date |