

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. The Chief Technology Officer and County Auditor are responsible for the development and maintenance of this policy.

Other References

Internal Revenue Notice IR-2011-93 addresses the treatment of employer-provided cell phones. "The Notice provides that when an employer provides an employee with a cell phone primarily for noncompensatory business reasons, the business and personal use of the cell phone is generally nontaxable to the employee. The IRS will not require recordkeeping of business use in order to receive this tax-free treatment."

IR-2011-93 goes on to state, "employers that require employees, primarily for noncompensatory business reasons, to use their personal cell phones for business purposes may treat reimbursements of the employees' expenses for reasonable cell phone coverage as nontaxable."

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.
- Missoula County uses a uniform stipend amount of \$45. This amount is based on the cost of providing a county-owned cell phone and may change over time based on current market rates. Departments may use a lower rate if desired. 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 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 must 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.

Public Access and Right to Know

The County has obligations to maintain public access to the conduct of public business whether it is conducted from office equipment or personal equipment, like a cell phone.

Any public use may be subject to public records requests. Missoula County will not unduly burden employees' privacy, but it will fulfill its obligations to public access.