

RESOLUTION NO. 2742

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ADOPTING A CELL PHONE USE POLICY TO DEFINE GUIDELINES, RESTRICTIONS AND STIPENDS REGARDING THE USE OF CELL PHONES BY CITY OF SALISBURY EMPLOYEES

WHEREAS, the City finds that it is in the best interest of the City employees and citizens that it adopt a policy which will provide all City employees with the guidelines and limitations for appropriate use of cell phones when conducting official business on behalf of the City; and

WHEREAS, the City believes that the use of cell phones by City employees is necessary for the City to operate openly and efficiently; and

WHEREAS, the City also recognizes that, since there is a potential for employee abuse of such technologies, a personnel policy must be implemented which will identify acceptable employee use of the defined technology resources; and

WHEREAS, the City has provided cell phones to certain City employees and paid for the full contract for the provided cell phone; and

WHEREAS, the City desires to provide an optional allowance to be paid to certain City employees who use their own cell phones to conduct official business on behalf of the City instead of receiving a cell phone provided by the City; and

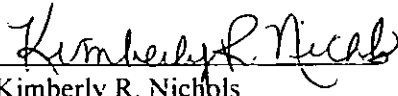
WHEREAS, the City believes the optional allowance will be beneficial to the City and the City employees; and

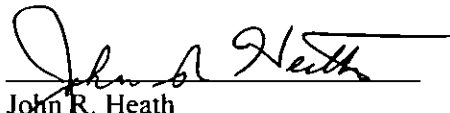
WHEREAS, the City believes that it is in the best interest of the City to provide its employees with a clearly defined policy of acceptable technology use.

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council adopts the attached Cell Phone policy.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the council of the City of Salisbury, Maryland held on the 10 day of April, 2017 and is to become effective immediately.

ATTEST:


Kimberly R. Nichols
CITY CLERK


John R. Heath
PRESIDENT, City Council

APPROVED by me this 11 day of APRIL, 2017


Jacob R. Day
MAYOR, City of Salisbury

MEMO

OFFICE OF THE MAYOR

To: Julia Glanz, Acting City Administrator
From: Bill Garrett, Director of IT
Subject: Cell Phone Policy & Stipend
Date: January 30, 2017



Cell Phone Policy & Stipend

The City of Salisbury currently pays for employees to have work cell or smart phones for operation of their daily duties. Due to this, many employees carry around 2 cell or smart phones on a daily basis. By offering a stipend to encourage our staff to use personal devices, the city stands to save a significant amount of money. This, coupled with the fact that there is currently no policy in place for safe and efficient use of city-owned phones, has led me to draft this policy at the request of the administration.

If the city is able to achieve 100% enrollment in this policy, it stands to save \$13,512 annually. Below is a chart explaining the savings with a \$20 stipend for a cell phone and \$40 stipend for a smartphone:

Total City Cell Phones: 48

Total City Smart Phones: 42

| DEPT | # Smart Phones | # Cell Phones | Current Annual Cost | Proposed Annual Cost |
|---------------|----------------|---------------|---------------------|----------------------|
| Public Works | 9 | 46 | \$21,084 | \$15,360 |
| Business Dev. | 1 | | \$576 | \$480 |
| BPI | | 2 | \$660 | \$480 |
| Parking | 3 | | \$1,956 | \$1,440 |
| Fire Dept | 4 | | \$2,496 | \$1,920 |
| Police Dept | 21 | | \$14,448 | \$10,080 |
| IT | 4 | | \$3,972 | \$1,920 |
| | | TOTAL | \$45,192 | \$31,680 |

This annual savings in service contracts is further compounded by the City no longer having to purchase the cell or smart phone devices, or enter into multiple-year-long contracts with the service provider.



Cell Phone Policy

Department of Information Technology

4/10/2017

1. Purpose

The purpose of this Policy is to establish consistent and clear rules for the issuance and/or use of cell phones to conduct official business on behalf of the City of Salisbury (the City).

Definitions:

- **Cell Phone** - is any portable telephone that uses wireless cellular technology to send and receive phone signals, texts and data.
- **Smartphone** – is a cellular phone that performs many of the functions of a computer, typically having a touchscreen interface, Internet access, and an operating system capable of running downloaded applications.
- **Business Use** – is any call, text or Internet connection made by an employee for the purpose of conducting official City business in direct support of their assigned duties and responsibilities.
- **Personal Use** – is any call, text or Internet connection made by an employee when not conducting official City business.

2. Scope

This policy recognizes that certain City positions may require an employee to be readily accessible for frequent contact outside normal working hours by other City staff and/or the public. The employee may also be required to be away from their work location on a regular basis or their work location may typically be within a vehicle. Furthermore, this policy recognizes that not all employees may require the use of a cell phone for business use.

This policy outlines the procedures employees must follow to ensure appropriate, efficient, ethical and legal use of a cell phone or smartphone.

3. Procedures

Determining Eligibility – Ultimately, the Department Director is responsible for determining an employee's need for a phone within their respective department.

An employee requesting a cell phone or cell phone allowance must make the request to their supervisor or division chief. Once requested, or if the supervisor or division chief determines that an employee should require the use of a cell phone, the Department Director or his/her designee will review that request and shall have final authority to deny, modify or approve any Department cellphone request.

Determining Ownership and Payment – The City provides two options for employees that require the use of a cell phone for business use. The City's preferred option is to provide the employee with a cell phone / smartphone allowance, but Departments may also provide a phone to an employee for business use.

4. Cell Phone / Smartphone Allowance

The Department Director or his/her designee shall determine when a cell phone allowance is in the best interest of the City. The cell phone allowance will assist in reducing the cost of a cell phone or smartphone to the employee for its City business use.

If the allowance received is equal to or less than the actual cost of the monthly cell phone service, this allowance is in compliance with IRS notice 2011-72 regarding Section 2043 of the Small Business Jobs Act of 2010, Pub.L.No. 111-240 that sets the guideline for cell phone allowances. The allowance would be a nontaxable benefit. The allowance will not be considered as part of the employee's base salary, nor will it be used for purposes of determining annual raises, retirement benefits or other benefits.

The cell phone allowance shall be set at \$20.00 per month, and the smart phone allowance shall be set at \$40.00 per month, to be paid during normal payroll processing. The cell phone allowance includes only cell and text usage, and the smart phone allowance includes cell, text and data usage of the employee owned phone. Most providers offer unlimited minute, text and data plans and employees are encouraged to consider such plans, as they may make the most financial sense when the cell phone is used for both business and personal use.

An employee receiving the cell phone allowance must retain an active cell phone or smartphone as long as the allowance is in place. The employee must provide any change in cell phone number to his/her Department Director and immediate supervisor within 48-hours of such change. Members receiving a cell phone allowance are expected to carry the cell phone or smartphone on their person both on and off duty and respond when called for City business. Additionally if an employee's monthly cell phone service charge becomes less than the monthly allowance, the employee must notify the Department Director within 30-days of such change. Failure to do so may subject an employee to disciplinary action and require a refund to the City of the overpaid allowance payments.

The cell phone or smartphone under this option is considered a personal item, owned by the employee. As such, the employee is responsible for all costs associated with replacing a lost, stolen or damaged cell phone or smartphone. The employee is also responsible for all costs associated with the purchase of accessories.

If, prior to the end of any vendor contractual obligations, a personal decision by the employee, or an employee's misconduct, or misuse of the cell phone or smartphone, results in the allowance being discontinued, the employee will bear the cost of any fees associated with that change or cancellation.

5. City Issued Cell Phone

The Department Director or his/her designee shall determine when a City provided cell phone is in the best interest of the City. The City will pay 100% of the cost of the City-issued cell phone and will determine which service plan level and related options/accessories are required.

Normal wear and tear of this type of equipment is expected. If the City determines the equipment needs repaired or replaced due to the employee's negligence, the cost of repair and/or replacement of the equipment will be the responsibility of the employee.

A City-issued cell phone should be used for business use and emergency personal use only, and in accordance with all departmental policies and procedures.

If the cell phone is being used inappropriately or for personal gain, as defined in the City of Salisbury Computer Use Policy, Section 6, appropriate disciplinary action shall be taken.

6. General Use Conditions

6.1. The Department Director and employee are jointly responsible for understanding the terms of this Policy, as well as the specific wireless vendor's contractual terms; for ensuring compliance with this Policy; and understanding the consequences of noncompliance with this Policy.

6.2. To observe safe vehicle operations, whenever practical and safely possible, the employee shall pull over to a safe off-of-the-roadway location to initiate or to continue any non-emergency call when the use of a hands-free device is not available.

6.3. Use of a cell phone or smartphone in any manner contrary to department protocol and local, state, or federal laws will constitute misuse, and may result in appropriate employee discipline.

6.4. Employees who are charged with traffic violations resulting from the use of their cell phone or smartphone while driving will be solely responsible for all liabilities that result from such actions.

6.5. The employee shall surrender all City-issued cell phones and related equipment upon termination or upon the direction of the Department Director or City Administrator. The cell phone allowance will cease upon termination or upon the direction of the Department Director or City Administrator.

6.6. An employee who receives a City-issued cell phone shall be aware that all voice calls, data, metadata, emails, texts and any other applicable forms of communication done on the City-issued phone may be deemed to be public records subject to disclosure under the Public Information Act, and are subject to discovery and oversight/management from the Department of Information Technology if City email is linked to the device.

6.7. An employee who receives a cell phone allowance shall be aware that voice calls, data, metadata, emails, texts and any other applicable forms of communication to conduct official City business may be deemed to be public records subject to disclosure under the Public Information Act, and are subject to discovery and oversight/management from the Department of Information Technology if City email is linked to the device.

6.8. An employee may request a cancellation of a City-issued cell phone or of the cell phone allowance at any time in writing to the employee's authorizing manager (i.e. Department Director,

City Administrator or designee). The authorizing manager may approve or deny the request based on the employee's position and need of the employee to have a cell phone.

CELL PHONE AGREEMENT

The employee, by his/her signature, indicates that he/she has read, understands, and agrees to the City of Salisbury's Cell Phone Policy.

Employee's Full Name: _____ (please print)

Employee's Signature: _____

Department: _____

Date: _____

[Select One]

Cell Phone Allowance:

Amount Approved: _____ Date to Start: _____

Phone Number (Required): _____

By checking this box, I affirm that my monthly cell phone service charge is more than or equal to the allowance being received.

City-Issued Cell Phone:

Device Type: _____

Model/Serial Number: _____

Phone Number: _____