Cell Phone Policy

1. **Purpose:** Establish a policy for cell phone use and compensation allowance.

2. **Authority:** The Clinton County Board of Commissioners.

3. **Application:** This Cell Phone Policy (the Policy) applies to Elected Officials, Department Heads and staff who are authorized to use a cell phone and/or associated wireless services for county business and who receive compensation from the county to offset the cost of the cell phone for business-related calls or who receive a County-provided cell phone.

4. **Responsibility:** The Board of Commissioners shall be responsible for the implementation of this Policy. The Administrator/Controller shall be responsible for the administration of this policy.

5. **Definitions:** Cell phone: commercial wireless phone service (mobile, cellular or digital).

6. **Policy:** Employees whose job requires them to use a cell phone for County business, as outlined in this Policy, may use a personal cell phone service for business use and will be eligible to receive a monthly allowance for that service and an allowance for the purchase of the cell phone. Employees may elect to use a County-provided cell phone in lieu of receiving compensation for using a personal cell phone.

6.1. Cell Phone Allowance for Personal Phone Used for Business

6.1.1. Eligibility for Cell Phone Allowance

6.1.1.1. The cell phone allowance must be approved by the employee's supervisor, and County Administrator/Controller.

6.1.1.2. The County may provide a cell phone allowance to an employee if at least one of the following criteria is met:

1. The job requires considerable time outside the office or away from workstation (job need, travel, meetings, etc.) and use of the cell phone facilitates the effective conduct of business operations while away.
2. The job requires the employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
3. Job duties away from the office may expose the employee or others to immediate harm or danger.

6.1.1.3. The allowance will be charged to the corresponding department's telephone budget by the employee's supervisor, who must ensure availability of funding. Departmental eligibility criteria can be more (but not less) restrictive than the County criteria stated in this Policy.

6.2. **Cell Phone Allowance Amount**

6.2.1. The monthly cell phone allowances are shown in Table A of Appendix A of this Policy. The allowance is intended to reimburse the employee for the average **business** use of the cell phone, not to pay the entire phone bill. The amount of the allowance should be commensurate with the requirement for business use and will be reviewed periodically by Administration for change in amount or cancellation.

6.2.2. The County will assist with paying the purchase cost of a cell phone device once every two years according to Table B in Appendix A of this Policy. The reimbursement allowance set out on Table B of Appendix A has no cash value; it is only a reimbursement allowance. Employees must show a bill or purchase receipt for their cell phone in order to receive the reimbursement allowance – and the amount of the reimbursement allowance is the amount listed on Table B of Appendix A (or a lesser amount if the receipt reflects that). The employee can choose a cell phone with more features and pay the difference between the amount to which the employee is entitled to receive for Cell Phone Purchase Reimbursement Allowance as set out on Table B of Appendix A of this Policy and the amount of the cell phone the employee chooses. The cell phone will belong to the employee, not to the County. The County will not pay for activation fees or insurance.

6.2.2.3. Generally, an employee will not be reimbursed for the purchase of a new cell phone during their first six months of employment. An exception to this rule can be made by County Administrator/Controller.

6.2.2.4. All employees are subject to paying back their cell phone purchase reimbursement if they leave within the first year of employment. The recovered amount will be prorated based on the actual amount of time employed.

6.2.3. Eligibility for the allowance or the level of the allowance provided is subject to change or cancellation as determined by the employee's supervisor.

6.2.4. The monthly and phone purchase allowances are not considered part of base pay used for calculating percentage salary increases.

6.2.5. Supervisors or Administration may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active cell phone plan. Supervisors or Administration may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

6.3. **Employee Responsibilities**

6.3.1. Sign the Cell Phone Allowance Request form thereby certifying that he/she will provide the phone number within five days of activation and will be available for calls (in possession of the phone and have it turned on) during those times specified by supervisor.

6.3.2. Select any cell phone carrier whose service meets the requirements of the job responsibilities as determined by his/her supervisor. Employees shall be free to purchase and provide their own accessories at their own cost, without reimbursement, should the County not provide a desired accessory. Devices that the County will provide to employees include chargers, both in-car and traditional outlet units, and holsters or clips for ease of carrying phones.

6.3.3. Inform the County to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is cancelled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any allowance received.

6.3.4. Pay all charges on his/her personal cell phone plan. If the employee leaves the position, he/she continues to be responsible for the contractual obligations of his/her cell phone plan. Early termination fees will be paid by departments if the employee leaves the County's employment after one year of service and the plan is over and above what his/her normal personal plan requires. Documentation from the cell phone provider of early contract cancellation and applicable fees must be provided for this reimbursement.

6.3.5. Comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others.

6.3.6. Acknowledge that cell phone transmissions are not secure and that employees should use discretion in relaying confidential information over cell phones. Further, cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner.

6.4. **County-Provided Cell Phones**

6.4.1. **Eligibility and Record Keeping**

6.5.1.1. With the approval of Administrator/Controller, the County may purchase cell phones and pay for service in certain circumstances—e.g., phones that rotate among road deputies, detectives, on-call staff, or maintenance personnel. All equipment purchased remains the property of the County. Calling plans must be on County approved governmental contract. No long term contracts over one year may be purchased.

6.5.1.2. County-provided Cell Phone Request forms must be approved by the employee's supervisor and County Administrator/Controller.

6.5.1.3. The submitting department must keep the approved County-provided Cell Phone Request form on file and available for review and/or audit. All cell phone invoices will be coded to the proper department's telephone budget and turned in for payment by Administration office.

6.5.1.4. Personal calls on county-provided cell phones are highly discouraged. The County recognizes that brief personal calls for family or emergency matters may occur. Any monthly overage charges attributed to personal use will be reimbursed to the county by the employee.

6.5.2. **Employee Responsibility**

6.5.2.1. Employees shall comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others. Such use may include texting, emailing, or verbal communication.

6.5.2.2. Employees are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official business, or from using government-supplied electronic equipment to text message or email when driving.

6.5.2.3. It is generally recognized that cell phone transmissions are not secure. Employees must use discretion in relaying confidential or sensitive information over cell phones. Further, cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner.

6.6. **Cell Phone Support – By Type**

6.6.1. Users who are authorized to obtain a regular cell phone must obtain technical support from the vendor providing the phone.

6.6.2. Users who are authorized to use a "Smartphone" device and wish to utilize MIS technical support for email or calendar integration, must choose an authorized provider and phone. Support for the cell phone portion of these types of devices must obtain technical support from the vendor providing the phone.

6.7. **Miscellaneous**

Both the nature of electronic communications and the public character of the County make cell phone uses less private than users may anticipate. As such, County employees should be aware that federal and state laws and County policies,

guidelines, and regulations may limit the protection of certain aspects of individual privacy in connection with the use of a cell phone under this Policy. For example, in certain circumstances, the County may permit the inspection, monitoring or disclosure of phone records and text messages (including content and the cell phone numbers of calls or texts sent or received from a cell phone, and a cell phone user's location at a particular time), consistent with applicable local, state, and federal laws, by County personnel or law enforcement officers. The County and its employees may be required to disclose phone records, text messages, and other electronic data and documents (including cell phone user locations at particular times, phone numbers called or texted or from whom the County employee received calls or texts, or contents of text messages sent or received) pursuant to the Michigan public records laws, court order or state and federal laws.

7. **Administrative Procedures**

The Clinton County Board of Commissioners may authorize changes and/or adjustments to the Cell Phone Policy.

8. **Administrator/Legal Counsel Review**

The County Administrator has determined that this Policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the Policy. The County Civil Counsel has determined that this Policy, as submitted, contains content that appears to be legal activities of the Clinton County Board of Commissioners.

Board of Commissioners adoption: January 31, 2012

Appendix A: Cell Phone Allowances as of January 1, 2012

Table A

Cell Phone Allowance

(By using Verizon Wireless, the employees of Clinton County are eligible for a 15% discount.)

Monthly Allowance	
Voice	$30
Voice & text	$40
Voice, text & email / data	$54

Table B

Cell Phone Purchase Reimbursement Allowance

Phone Purchase Allowance	**(One-time amount every two years upon purchase of new phone)**
Basic Cell Phone	$25
"Smartphone" Cell Phone	up to but not to exceed $200

Clinton County Cell Phone Allowance and Purchase Agreement

This form is to be used by employees and their supervisors to document their request for cell phone allowance and/or purchase and acknowledge their understanding of the Clinton County Cell Phone Policy requirements and limitations.

Please Print

Department Name: _____

Employee Last Name: _____ **Employee First Name:** _____

Start Date: ___/___/20__ **End Date (if any*):** ___/___/20__

Add Cell Phone allowance or Change Existing Cell Phone allowance:

You must meet at least one of the following criteria to receive the allowance.

- ☐ The job requires considerable time outside the office (travel, meetings, job need away from normal workstation, conferences, etc.) and use of an electronic device facilitates the effective maintenance of business operation while away.
- ☐ The job requires the employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
- ☐ Job duties away from the office may expose the employee or others to immediate harm or danger.

The cell phone allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill. The allowance will be charged to the Telephone budget in the applicable department's budget. The Supervisor must ensure availability of funding. Department eligibility criteria can be more (but not less) restrictive than the county criteria stated.

Allowance for Use of Personal Phone (*complete listed information*)

a) 10 digit phone number: (____)_____ Employee will be available for calls (in possession of the phone and have it turned on) during those times specified by manager.

b) Phone number is listed in Reverse 911? Yes ☐ No ☐

c) Allowance amount per month: (from the table below) $_____

Cell Phone Allowance:

Monthly Allowance	
Voice	$30
Voice & text	$40
Voice, text & email / data	$54

Effective date of rates: 01/01/2012

Cell Phone Purchase Reimbursement

The county will assist with paying the net purchase of a cell phone device as shown in the table below. Employee must provide a bill or purchase receipt for their cell phone in order to receive this allowance.

a) Purchase amount: (from the table below) $_____

Phone Purchase Reimbursement Allowance	One-time amount every two years upon purchase of new phone
Basic Cell Phone	$25
"Smartphone" Cell Phone	Up to but not exceeding $200

Effective date of rates: 01/01/2012

☐ A copy of the bill or purchase receipt for the phone must be attached to this agreement.

Date of last cell phone purchase for which allowance was received _____

Cell Phone Support

Users who are authorized to use a Smartphone device and wish to utilize county MIS technical support for email or calendar integration, must choose a provider and phone approved by MIS. Technical support for all other Smartphones, and regular phones must be obtained from the vendor providing the phone.

Employee Information and Responsibilities

Eligibility for the allowance or the level of the allowance provided is subject to change or cancellation without notice at any time. Supervisors or Administration may periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

Cell Phone Allowance Cancellation

Employee must inform their department to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is cancelled. The *Cell Phone Allowance and Purchase Agreement* form must be completed, checking the box marked **Cancel Cell Phone Allowance** located below. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any allowance received.

The *Cell Phone Allowance and Purchase Agreement* form must be completed, checking the box marked **Cancel Cell Phone Allowance** located below if the employee is leaving the county or being transferred to a different department.

Remove Cell Phone Allowance: ☐ Cancel Cell phone allowance

Documentation Requirements

- ☐ The completed and signed *Cell Phone Allowance and Purchase Agreement* is the only document required. It must include the appropriate position designated for cell phone allowance and a start date. The monthly allowance will continue until changed or cancelled.
- ☐ Include your department name and department code and enter that at the top of this document.
- ☐ If your business need is short term, e.g., 3 months out of the year, you must put a start and stop date on this document.
- ☐ Retain a copy of all records in department.

By signing below the employee and authorizing managers acknowledge that they have read and reviewed their responsibilities under the Cell Phone Policy. This cell phone allowance agreement must be approved by the employee's supervisor and County Administrator/Controller.

Employee Name (please print)	
Last	First
Employee Signature_____	Date_____
If I am subject to repayment I agree to have that amount deducted from my paycheck	
Supervisor Name (please print)	
Last	First
Supervisor Signature	Date
County Administrator/Controller (please print)	
Last	First
County Administrator/Controller Signature	Date

Clinton County Cell Phone Request Form
(County-Provided Cell Phones)

This form is to be used by employees and their supervisors to document their request for a county-provided cell phone and acknowledge their understanding of the Clinton County Cell Phone Policy requirements and limitations.

Please Print

Department Name: _____

Employee Last Name: _____ **Employee First Name:** _____

Start Date: ___/___/20__ **End Date (if any*):** ___/___/20__

County-Provided Cell Phone:

You must meet at least one of the following criteria to receive a county-provided cell phone.

- ☐ The job requires considerable time outside the office (travel, meetings, job need away from normal workstation, conferences, etc.) and use of an electronic device facilitates the effective maintenance of business operation while away.
- ☐ The job requires the employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
- ☐ Job duties away from the office may expose the employee or others to immediate harm or danger.

The cell phone invoice will be charged to the Telephone budget in the applicable department's budget. The Supervisor must ensure availability of funding. Department eligibility criteria can be more (but not less) restrictive than the county criteria stated.

Cell Phone Plan Requested:	
Voice	☐
Voice & text	☐
Voice, text & email / data	☐

Cell Phone Support

Users who are authorized to use a Smartphone device and wish to utilize county MIS technical support for email or calendar integration, must choose a phone approved by MIS. Technical support for all other Smartphones, and regular phones must be obtained from the vendor providing the phone.

Cell Phone Cancellation

Employee must inform their department to discontinue the service when the eligibility criteria are no longer met. All equipment purchased remains the property of the County.

Documentation Requirements

- ☐ The completed and signed *Cell Phone Request Form* is the only document required. It must include the appropriate position designated for a cell phone.
- ☐ Include your department name and department code and enter that at the top of this document.
- ☐ If your business need is short term, e.g., 3 months out of the year, you must put a start and stop date on this document.
- ☐ Retain a copy of all records in department.

By signing below the employee and authorizing managers acknowledge that they have read and reviewed their responsibilities under the Cell Phone Policy. This Cell Phone Request Form must be approved by the employee's supervisor and County Administrator/Controller.

Employee Name (please print)	
Last	First
Employee Signature_____	Date_____
If I am subject to repayment I agree to have that amount deducted from my paycheck	
Supervisor Name (please print)	
Last	First
Supervisor Signature	Date
County Administrator/Controller (please print)	
Last	First
County Administrator/Controller Signature	Date