



**ADMINISTRATIVE POLICIES**

<b>SECTION:</b>	Administrative Policies and Procedures	<b>POLICY #:</b>	<b>703</b>
<b>TITLE:</b>	Cellular Telephones and Data Devices	<b>PROCEDURE #:</b>	
		<b>ORDER #:</b>	
<b>DEPT:</b>	Information Technology	<b>DIVISION:</b>	<b>NA</b>
<b>ADOPTED:</b>	03/30/05	<b>REVIEWED:</b>	<b>REVISIED: 10/13</b>

**PURPOSE:** To establish the issuance, usage, and accountability of cellular telephones and data devices for county business use. The policy outlines the cellular telephone and data device options supported by Marion County, appropriate use restrictions, and other administrative issues relating to cellular telephone and data device acquisition and reimbursement. This policy is established to enhance employee safety, limit county liability, ensure appropriate customer service, and manage telecommunications costs.

**AUTHORITY:** The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

**APPLICABILITY:** All county officials, employees, volunteers, and agents who use cellular telephone and data devices for county business or who receive reimbursement for the business use of their personal cellular device.

**GENERAL POLICY:** This policy establishes guidelines for the use of county-assigned cellular telephones and data devices, i.e. Blackberry devices, iPhone, tablets etc., (cellular device), in Marion County by all county officials, employees, and volunteers and for the reimbursement of business use of personal cellular telephone and data devices. It is the policy of Marion County that all county equipment be managed and used to conduct the business of the county in a safe, efficient, and cost-effective manner. All departmental policies must meet the minimum standards set forth in this policy

**POLICY GUIDELINES:**

1. Definitions:
  - 1.1. Cellular Telephone Device: is a device that can make and receive telephone calls over a secure link while moving around a wide geographic area. It does so by connecting to a cellular network provided by a mobile telephone service provider, allowing access to the public telephone network. This device may also be capable of connecting to data network features if the cellular telephone has an integrated data plan.
  - 1.2. Cellular Data Device: is a device that connects to a cellular network for access to the internet for data transmission, but does not make or receive telephone calls, e.g., iPads, Laptops, Mobile Data Terminal (MDTs).

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- 1.3. Activating: is the process of making a cellular or data device connected to a cellular network via a contractual arrangement for services via a cellular vendor.
- 1.4. Deactivating: is the process of discontinuing the cellular service or connection to a cellular network via a cellular vendor.
- 1.5. Cellular Data Plan: an agreement with a cellular vendor to provide data device connectivity via a cellular network. (May also be referred to as a usage plan or data allowance.)

## **2. Responsibilities:**

- 2.1. Cellular telephone and data devices shall be assigned at the direction of an elected official or department head. Department heads and elected officials are responsible for determining if a valid business reason exists to assign a cellular telephone and/or data device. Valid business reasons include:
  - 2.1.1. Departmental requirements indicate utilizing a cellular telephone and/or data device is an integral part of performing duties of the job description.
  - 2.1.2. More than 30% of the employee's job duties are performed in the field
  - 2.1.3. The employee is a critical decision maker, or has unique technical expertise
  - 2.1.4. The employee is required to be on-call outside of normal work hours as a function of his or her job
  - 2.1.5. Official duties expose the employee to danger
  - 2.1.6. Cellular telephone and data devices will not be issued to student workers, contract employees, temporary employees, consultants, or other workers that do not have a compelling use for this equipment.
- 2.2. It is against Marion County policy to provide a cellular telephone device or data device to promote morale or good will, to attract a prospective employee or as a means of providing additional compensation to an employee.
- 2.3. This equipment is county property and is to be maintained in good condition and working order. If a county-owned cellular telephone or data device is damaged, lost or stolen, the employee must immediately notify his or her supervisor and the Information Technology Department.
- 2.4. Personal telephone calls, text and email messages (outgoing and incoming), within reason, are permitted, for limited duration, during the course of an employee's duties. Use of the cellular telephone or data device for threatening, harassing or communications of an inappropriate nature are not permitted, and are in violation of this policy.
- 2.5. Requirements in Policy 701, Use of Telephones, Computer and Data Communication Equipment, Email and Internet apply to the use of cellular telephones and data devices.
- 2.6. An assigned cellular telephone and/or data device will remain on the cellular telephone or data device plan provided by the county as established by the Information Technology Department.
- 2.7. All employees and elected officials receiving a cellular telephone, reimbursement for county use of a cellular telephone and/or a data device will complete and submit a "Cellular Telephone and Data Device End User Agreement."
- 2.8. Some cellular telephones and data devices need to be regularly backed up and maintained. For those devices that do require a backup, the only acceptable method is to use a county workstation or laptop as a target device for the backup and maintenance process. It is strictly prohibited to back up a county-owned cellular telephone or data device to a non-county workstation, laptop, or device.
- 2.9. Use of a cellular telephone or data device to capture images, video or audio, whether built into the device or through a third party application, is strictly prohibited in the workplace, unless required as a function of the employee's position. Usage of a cellular telephone or data

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device to capture images, video or audio is prohibited in restrooms.

2.10. Departments having employees who have infrequent needs for access to a cellular telephone may establish a “pool” phone that is available for use as needed. Examples of this situation include rotational “on-call” responsibilities for employees.

3. Personal Cellular Telephones and Data Devices: The county recognizes that, due to the nature of some positions, it may be more cost effective and provide more flexibility to provide some employees with a cellular telephone and data plan allowance in lieu of providing the employee with a county-owned cellular telephone or data device. In these cases, the appropriate department head may designate employees who will be provided with a monthly allowance to obtain a personal cellular telephone and/or cellular telephone and data device to be used for county-related business in addition to personal use.
  - 3.1. In no event will the amount of cellular telephone and/or data plan allowance provided an employee exceed the amount it would cost the county to provide the employee with an equivalent level of service on a county cellular telephone and/or data plan; or the amount the employee actually pays for his/her monthly service plan.
  - 3.2. Employees who receive a monthly cellular telephone allowance may not seek any separate reimbursement from the county for any cellular telephone and/or data charges incurred. Employees receiving a cellular telephone and/or data plan allowance shall be responsible for obtaining and maintaining their personal cellular telephone usage plan.
  - 3.3. Cellular telephone and data plan allowances shall be considered income for state and federal income tax purposes and will be subject to withholding and taxation in accordance with state and federal law.
  - 3.4. Replacement or repair of personal devices will normally be the responsibility of the employee. However, if the cellular device is lost during work or damaged as a direct result, that can be substantially documented, of the work environment, the elected official or department head may approve reimbursement to the employee.
4. Safety: Oregon law prohibits drivers from talking on a cellular telephone while driving. County policy strongly discourages making or receiving cellular telephone calls on a hands-free device, except in an emergency (see Marion County Administrative Policy 502– Driving on County Business). Use of a cellular telephone and/or data device includes activating or deactivating the telephone, dialing, answering, conversing, and sending or receiving email or text messages.
5. Privacy: Employees, volunteers, and officials should have no expectation of privacy as to any data, including voicemail, images and/or text messages, transmitted, stored or received on county cellular telephones and data devices provided or paid for by the county.

The county reserves the right to inspect such equipment, its contents, related data compilations, and Internet usage and resources as necessary for business purposes without prior notice to the employee and/or in the employee’s absence. Personal passwords may be used and the use of a password does not affect the county’s ownership of the electronic information or the right to inspect such information. Employees are required to provide all passwords to the relevant department head, if requested, and the county may override said passwords. Any data transmitted, stored or received on county cellular telephones and data devices provided or paid for by the county may be subject to the Public Information Act.

6. Annual Report: The Information Technology Department will prepare an annual report to the board

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of commissioners.

7. Violations:

7.1. Unauthorized use may result in discipline up to and including termination of employment, subject to any applicable collective bargaining agreements

7.2. Violation of this policy may result in discipline up to and including termination of employment, subject to any applicable collective bargaining agreements.

8. Exceptions: None

9. Periodic Review: The Information Technology Department shall review this policy every two (2) years.

Adopted: 3/05

Revised: 10/13