

**CELL PHONE USAGE POLICY**

**1.0 Purpose:**

To establish policies and guidelines for the safe usage of City-owned and personal cell phones to ensure compliance with IRS guidelines.

**2.0 Scope:**

All City employees who receive and utilize City or personal cell phones. The City Manager reserves the right to revise this policy at any time.

**3.0 Policy:**

3.1 Usage.

- a. City-owned cellular telephone equipment is to be used to facilitate the conduct of official City business. The use of cell phones by City employees should meet the following criteria:
  - be for employment-related communications that involve public safety functions, such as Fire and Police;
  - critical operational requirements;
  - requirements to respond to service delivery functions;
  - communications that require frequent contacts that cannot be efficiently satisfied by normal phone communications; or
  - instances where demonstrable savings or productivity improvements can be achieved for a particular City function.
- b. The cell phone should only be used by the employee who has been issued the phone or another City employee in the performance of official duties. The employee assigned the phone is responsible for the physical security of the cell phone, keeping the phone up to date by using the most recent updates and is responsible for all charges incurred on that phone.
- c. The sim card or SD card may not be removed from the device at any time and placed in another device.
- d. A call may be made from a cell phone only if it cannot be made at any other time with a provided desk phone.
- e. Users classified as nonexempt (*i.e.*, employees who are entitled to receive overtime pay) may not use their devices to perform City-related work outside their work hours unless authorized by a supervisor. They should not be regularly reviewing and responding to City emails or texts, for example. Nonexempt users who use their devices to perform City-related work outside of their normally scheduled work hours must track and record their time spent working. Access that is considered “de minimis” (10 minutes or less or insignificant periods of time which are not easily recorded for payroll purposes) does not have to be tracked.

- f. Employees are not allowed to use City cell phones for personal calls unless they have chosen the appropriate option noted in Section 3.3 or unless they meet the following criteria:
    - 1) It reasonably could not have been made at another time. Examples of circumstances that may be authorized use during regular work hours are:
      - a) Calls to home or doctor if employee is injured or becomes sick at work.
      - b) Calls to notify an employee's family or other appropriate parties of a schedule change caused by official business or transportation schedule changes or delays.
      - c) Calls when an employee is required to work overtime without advance notice. The call may be to advise family or other appropriate parties of the schedule change and to make alternate transportation arrangement or child care/dependent care arrangements.
    - 2) The call does not adversely affect the performance of duties by the employee and is of reasonable duration.
- 3.2. Restrictions on City-owned or Personal Cell Phone Use.

Once a cell phone (City-owned or personal) is in use by a City employee, certain "rules of the road" must be followed to ensure the safety of the employee using the cell phone and anyone with whom that employee may come in contact. The use of any wireless device while driving is prohibited. This includes all cell phone and two-way radio communication (with the exception of public safety radios). Employees must use hands-free options *in accordance with state law when the use of a cell phone is required*, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. At no time is a City employee allowed to send a text message or email from a City phone while driving on City business.

Employees whose job responsibilities include regular or occasional driving and who use a cellular communication device, whether City-owned or personal, are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

At no time is a City employee allowed to play games on a City-issued cell phone during work hours.

At no time is a City employee allowed to download or upload inappropriate, illegal or obscene material on a City-issued cell phone.

### 3.3 Personal Use of City-owned Phones.

- a. Employees assigned City cell phones must select one of the following options regarding personal use of the cell phones and sign an acknowledgement regarding their choice:
  - 1) Employees must sign an agreement that they will not use the City cell phone for personal calls except in emergency situations or as noted in Section 3.1.f above;

- 2) Employees who are “grandfathered” – those utilizing the City phone for personal use as of May 1, 2011 – may continue to elect to reimburse the City for the use of the line. The cost will be based on 50% of the amount the provider charges to add a cell phone line and 50% of the cost to have data; i.e. email and messaging. The phone cost will be paid through payroll deduction. The employee acknowledges that any data (i.e., email, text messaging, and social media on the City-issued phone) are subject to FOIA compliance. It is the responsibility of the employee to insure that the appropriate payroll deduction is being made.
  - 3) A “Carry-One-Phone” option is available as of 10/1/2020 to employees who are issued or required to carry a City phone. The option includes employees porting their personal phone number to The City of Lake Forest, making the City the owner of that phone number. At this time, there is no shortage of telephone numbers, and when the employee leaves employment, the City will release the phone number to the employee. An employee who was not previously issued a cell phone will have to carry a City-issued cell phone for a minimum 20 months to be eligible to upgrade and purchase up from the Standard City issued phone at 100% of the cost. The line cost will be based on 50% of the amount the provider charges to add a cell phone line and 50% of the cost to have data; i.e. email and messaging. The phone cost will be paid through payroll deduction. The employee acknowledges that any data, i.e., email, text messaging and social media, on the City-issued phone is subject to FOIA compliance. It is the responsibility of the employee to insure that the appropriate payroll deduction is being made.
- b. Applications on City-owned cell phones shall only be used to facilitate official City business.
  - c. It is not the intent that the City cell phone will replace an employee’s home telephone line, and it should not be used in this manner. Because cell phones may have additional "air time" and possibly other charges, employees are expected to use a regular telephone or a personal cell phone for those purposes.
  - d. International Calling on any standard phone or cell phone is prohibited as it is not provided in the City’s cellular phone package. Employees who travel for leisure to an area that is not covered by the cellular carrier and use their phone will be responsible for 100% of the additional plan cost or costs incurred by the City.
  - d. Other personal calls made on cell phones that are billed to the City are subject to reimbursement by the employee in accordance with the procedures below, and the employee may be subject to disciplinary action if abuse occurs. See Section 4.3 below.
  - e. On occasion, employees who do not have City-issued cell phones may find it necessary to use their personal cell phone to make business calls. These calls may be eligible for reimbursement in accordance with the procedures below.

#### **4.0 Procedures:**

##### **4.1 Authorization.**

Department heads will determine the employees who need cell phones and the type of phones required. Each employee who is issued a phone is required to sign a statement that they have read and understand this policy and to choose a personal use option as noted above.

4.2 Bill Review.

- a. The Office of the City Manager will receive the detailed monthly bill and Department liaisons will review their portion of the phone bill and ensure that cell phone minutes and/or data (i.e. emails and text messages) are in the correct cost plan and are not being abused. Liaisons, along with the Department Head, will determine on an individual basis if adding additional features to a phone number is critical to City business (i.e., Hot Spot). The Department Head should be made aware of any abusive use of data and calls made on the phone and insure that all reimbursement due to the City, in accordance with the following procedures, is paid and appropriate disciplinary action is taken, up to and including termination.

4.3 Reimbursement for Personal Use of City Cell Phones.

- a. Any cell phone usage found in abuse of this policy must be reimbursed to the City by the employee in the following manner. The charges will be totaled based on the total number of personal call minutes used that month. The total number of minutes will be multiplied by a flat rate to be determined per our agreement with our cell phone service provider or the City Manager in addition to receiving a verbal warning. Should the cell phone usage abuse continue, the employee will reimburse the City and be subject to disciplinary actions up to and including termination

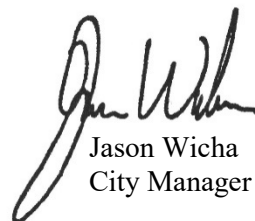
4.4 Reimbursement for Official Use of Private Cell Phones.

Members of the Executive Staff who would normally be issued a City cell phone may have elected to acquire personal cell phones at their own expense and are utilizing these phones to conduct City business. Such use of cell phones may be reimbursed as follows:

- a. Employees can be reimbursed at the same rate as the "Carry-One-Phone" employees pay for use that includes charges, fees and taxes.
- b. Reimbursement can be by petty cash voucher, signed by the Department Director if less than \$25. Otherwise, an FPO, Purchase Order is required.

**5.0 Distribution:**

- 5.1 Employee Information Site, [www.citylf.org](http://www.citylf.org) under Administrative Directives.



Jason Wicha  
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