

**CITY MANAGER  
MEMORANDUM**

**To:** Honorable Mayor and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Kelly A. McGuire, Finance Director

**Date:** April 14, 2011

**Subject:** Wireless Communication Device Policy

**Background:** The City provides wireless devices and service plans to individuals that are required to be available remotely and after normal business hours. The City closely scrutinizes each user's individual monthly bill to ensure that communications are of a business nature. Employees are required to reimburse the City for any cost attributable to personal use. Monitoring of the cell phone statements and preparation of employee billings for personal use creates a significant administration burden. As such, the City has explored options for providing this tool.

**Discussion:** Attached is the Wireless Communication Device Policy. The policy includes the current option of having the City provide devices and maintain service plans on behalf of the employees. The policy also includes a new option whereby the City would provide a taxable stipend for the employees to acquire and maintain their own service plan. The amended policy will be rolled out in two phases: Phase I will be targeted at the Level III user (PDA, Blackberry, iPhone), and Phase II will include Level I and II users. This policy is applicable to Elected Officials and all City employees including the City Manager and City Attorney.

**Budget Impact:** The cost of the employee stipend is expected to be equal to or less than the City provided plan. Thus, there is no adverse budgetary impact. Furthermore, migration to the employee stipend will alleviate the administrative burden inherent with the City provided service plan.

**Recommendation:** The City Manager has approved the Wireless Communication Device Policy and is seeking concurrent approval from the City Commission.

Reviewed by:	<u>                    /s/                    </u> Theodore S. MacLeod P.E., Assistant City Manager	<u>          04/14/11          </u> Date
Approved by:	<u>                    /s/                    </u> Joyce A. Shanahan City Manager	<u>          04/14/11          </u> Date

## **City of Ormond Beach Wireless Communication Device Policy**

### **Purpose and Scope**

This policy establishes the guidelines used for determining:

Positions that are required to carry wireless communication devices in the execution of essential work activities; and

Whether the position or individual is eligible to opt out of the City's Allowance Plan and instead participate in the City Provided Cell Phone Plan; as well as the Communication Service Plan and type of device required by the position; as well as the process for the issuance or procurement of wireless communication devices.

### **General**

Wireless communication devices, including cell phones, have become commonplace and are often necessary for City staff to carry out the responsibilities of their positions in an effective and efficient manner.

Department directors determine what specific positions are required to utilize wireless communication technology using the following criteria:

- a) Position requires that a significant amount of time (more than 35%) be performed away from an office environment;
- b) Position supervises/oversees personnel in the field, away from a central office area;
- c) Position is defined as "Essential" under the City's Peacetime Emergency Plan;
- d) Position is considered as an after-hours customer service function and is responsible for taking customer (citizen or employee) calls after normal working hours.

Department directors are encouraged to equip their staff with the appropriate wireless communication device and service plan as determined by specific job requirements utilizing the City's Allowance Plan ("Option 1"). Public safety officers shall be provided wireless communication devices under the City Provided Cell Phone Plan only ("Option 2"). Only under special circumstances, when Option 1 is not viable, shall department directors provide devices to non – police and fire staff utilizing Option 2.

Department directors will also determine what type of Communication Service Plan is required by each specific position. The types of Communication Service Plans are as follows:

Service Plan	Plan Description
Level I	Voice only. Maximum minutes based on actual anticipated business use but less than 450.
Level II	Voice only. Maximum minutes up to 900 minutes.
Level III	PDA: Voice & Data capabilities, i.e. Blackberry®, iPhone

Department directors are also responsible for a periodic review with at least an annual assessment of the continued business need for service, as well as potential adjustments to service levels by position.

Use of wireless communication devices, whether acquired under the Allowance Plan or by the City, inconsistent with this policy, or with local, state, or federal law will result in immediate removal of the privilege and may be grounds for disciplinary action up to and including termination.

### Option 1: Allowance Plan

This Option provides qualified employees with a taxable allowance to reimburse or to offset the cost of service. The allowance is not necessarily intended to cover the full cost of the device and service plan as this Option affords the opportunity for employees to use a single device for both business and personal reasons.

The applicable allowance amount will be included in employee paychecks and will be considered taxable income for federal tax purposes.

Plan Type	Semi-Monthly Allowance
Cellular Minutes	\$6.00
900+ Plan	\$17.50
PDA (i.e. BlackBerry®, iPhone)	*\$37.50

\* Note: Amount includes \$72/year intended to supplement costs associated with technology upgrades

New employees or employees new to positions that require use of wireless communication devices or employees transitioning from Option 2 to Option 1 shall receive a one-time allowance for the initial purchase of a wireless communication device as follows:

Device Type	One-time Allowance
Cell Phone	\$50.00
PDA (i.e. BlackBerry®, iPhone)	\$200.00

Reimbursement of costs associated with the replacement of an initial device due to loss, theft, or damage will be reviewed by department directors on a case by case basis and will require proof of purchase and the approval of the City Manager. However, under no circumstances shall the reimbursement amount exceed the amounts provided above.

The amount of the one-time allowance associated with the initial acquisition of a wireless communication device, as well as any reimbursement made for replacement costs, will be considered taxable income for federal tax purposes.

Under this option, the employee is responsible for procuring service accounts and devices.

**Ownership** – A communication device acquired under this Option is considered to be the personal property of the employee. Any service contract entered into by an employee related to the acquisition and operation of a communication device is between the communications service provider and the employee. The City of Ormond Beach will have no obligation with respect to such contract. Employees are responsible for maintaining active service at all times.

Pursuant to public records law and under unique circumstances, individual communication records may be subject to public inspection. Therefore, employees are advised to retain applicable records for a period of one year.

**Process** – Employees seeking an allowance request must complete the Wireless Communication Device Request form with the appropriate approval by his/her department director. The completed form should be forwarded to the designated policy administrator for approval who will then forward to Human Resources for processing.

The designated policy administrator must be immediately notified of changes to eligibility status, including separations from employment and position transfers.

Employees are responsible for keeping their department directors informed of their current wireless phone number.

The City's Information Technology department is responsible for assisting employee with the initial set-up of the device as well as potential recurring connectivity issues.

**Options 2: City Provided Cell Phones**

Devices provided under this Option are to be used exclusively for business purposes. Department directors are responsible for monitoring the use of wireless communication devices issued to their staff and for ensuring appropriate use and care of such equipment. All calls, texts, and emails made by a City-owned device are considered public information and may be subject to public records requests.

**Ownership** – Devices provided under this Option are considered to be the property of the City of Ormond Beach. Service contracts are entered into and by the City, and all payments are made directly to the service provider by the City. The City currently has a flat per minute plan with the designated service provider. The City monitors each individual telephone number for abnormalities in usage on a monthly basis. Employees assigned a City-owned device are responsible for its physical protection from damage and unauthorized use.

**Process** – It is the responsibility of the department director to notify the designated policy administrator of the need to provide wireless service to staff members utilizing this Option. It is also the department director's responsibility to return City-owned devices to the policy administrator when service is no longer needed or when a user separates from employment.

**Safety**

Employees are encouraged to avoid distractions of any kind while operating a City vehicle or any vehicle being used for City business. This specifically includes reading, adjusting global positioning systems and accessing the internet. Initiating/responding to emails/text messages while driving is strictly prohibited.

It is recognized that employees responsible for providing emergency services in the course of their work are permitted to use mobile data terminals (MDTs) and radios in the performance of their duties.

**Violation of Policy**

The City reserves the right to determine what constitutes a violation of this policy or its intent. Any violation of this policy may result in discipline up to and including termination.

In the event this policy conflicts with an applicable Collective Bargaining Agreement ("CBA") with the City, the CBA will prevail; if the CBA is silent, this policy will prevail.

## Conclusion

The City's policy regarding Wireless Communication Devices has been prepared so as not to conflict with the public policy, and further, not to be discriminatory or abusive.

This policy supersedes any information provided to applicants and/or employees, either written or oral. The City reserves the right to change or modify the provisions of this policy at anytime in the future, consistent with applicable law.

Effective Date: This policy shall take effect immediately upon its execution and issuance by the City Manager.

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Joyce Shanahan, City Manager

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Date