

 CITY OF CARSON		COUNCIL POLICY/PROCEDURE
NUMBER: 1.2.03		SUBJECT CELLULAR TELEPHONE/ SMARTPHONE ALLOWANCE FOR OFFICIALS AND UNCLASSIFIED EMPLOYEES
ORIGINAL ISSUE:	EFFECTIVE:	
CURRENT ISSUE: 12-06-2016	EFFECTIVE: 12-06-2016	ORIGINATING DEPARTMENT: CITY MANAGER
SUPERSEDES SMP 6.50		
I. <u>PURPOSE</u> A. To establish a policy for the use of cellular telephones/Smartphones by Carson Officials and Unclassified Employees. B. To establish an allowance to offset the user’s projected City business-related cellular telephone/Smartphone usage only. A user’s personal cellular telephone/Smartphone usage is not reimbursable nor is it a consideration when setting the allowance amount(s).		
II. <u>SCOPE</u> A. With the development and use of new, improved and affordable forms of communication, cellular telephones/Smartphones have now become a standard tool in the workplace environment. Cellular telephones/Smartphones can be a reliable and important instrument in assisting Carson Officials and Unclassified Employees to more effectively accomplish their duties and responsibilities. When properly utilized and controlled, this mobile form of communication permits users to remain in contact with their office and/or be available as needed. Cellular telephones/Smartphones also allow users to work during typical periods of downtime, such as when travelling.		
III. <u>GENERAL</u> A. The City will provide Carson Officials and Unclassified Employees with an allowance of \$50.00 per month for costs associated with use of their personal cellular telephone service for City business purposes. B. The City will provide Carson Officials and Unclassified Employees with an allowance of \$75.00 per month for costs associated with use of their Smartphone service for City business purposes. C. Carson Officials and Unclassified Employees must possess a cellular telephone/Smartphone, and maintain telephone/data service plan in order to become eligible for the \$50.00 or \$75.00 monthly allowance provided by the City.		

EXHIBIT NO. 1

III. GENERAL (CONT.)

- D. Carson Officials and Unclassified Employees must purchase and pay for their own cellular telephone/Smartphone and service plan. They can select whatever type of cellular telephone/Smartphone* they choose. Additionally, they can select the service provider/plan of their choice. The cellular telephone/Smartphone will be the personal property of the Carson Official or Unclassified Employee as such is theirs to keep when they separate from the City. Any damage to or loss of the cellular telephone/Smartphone will be the responsibility of the Carson Official or Unclassified Employee. The City will protect the privacy of Carson Officials and Unclassified Employees to the fullest extent allowable under the law. ***NOTE: If the Carson Official or Unclassified Employee is purchasing a Smartphone, they must consult with the City's Information Technology Manager to make sure that it will be compatible with the City's email system.**
- E. Carson Officials and Unclassified Employees who purchase their own service plan and receive the monthly allowance, may use the cellular telephone/Smartphone for both City business and personal purposes, as needed. Upon separating from the City, the cellular telephone/Smartphone allowance will cease.
- F. Carson Officials and Unclassified Employees must be contracted with a service provider and have paid all activation fees and any incidental charges relating to the plan they chose. They will also bear the cost of any fees imposed by the cellular telephone/Smartphone service provider associated with changing or cancelling of a cellular telephone/Smartphone service plan.
- G. Payment of any cellular telephone/Smartphone charges in excess of the City-paid monthly allowance of \$50.00/\$75.00 shall be the personal responsibility of the Carson Officials and Unclassified Employees. No further reimbursement for cellular telephone/Smartphone service plan costs is available to Carson Officials and Unclassified Employees who receive a monthly allowance.
- H. Unclassified Employees receiving the monthly allowance will be expected to be available via cellular telephone/email during normal business hours and non-business hours as workload demands require.

IV. PROCEDURES

- A. In order to receive the monthly allowance, the Carson Official or Unclassified Employee must complete and submit City Form Number 1105/1216 to Finance. The form from the Unclassified Employees must be approved by the City Manager. Along with the Form, the following documents must also be submitted:
 - 1. Completed Acknowledgement Form
 - 2. Documentation verifying cellular telephone/smartphone service place that shows the telephone number and/or email of the Carson Officials or Unclassified Employees.
- B. The \$50.00/\$75.00 cellular telephone/Smartphone allowance shall be paid by the City via its payroll system for the prior month on the first pay date of each month.
- C. The cellular telephone/Smartphone allowance is taxable income and appropriate withholdings will be taken from each monthly check. As taxable fringe benefit within the

IV. PROCEDURES (CONT.)

purview of IRC Section 62 (c), this income will be reported on the W-2.

- D. Carson Officials and Unclassified employees shall provide their cellular telephone number/email address to the Purchasing Division with the understanding that their cellular telephone number will be published in the City's master cellular telephone directory. An Unclassified Employee's failure to provide a current cellular telephone number, or failure to notify the City that the cellular telephone/Smartphone service has been suspended or terminated while the allowance is still being provided, will result in disciplinary action, up to and including termination of employment.
- E. As needed or requested, the Carson Officials or Unclassified Employees shall provide documentation to the Purchasing Division verifying continued ownership and City business use of a cellular telephone/Smartphone service plan in order to maintain their monthly allowance.
- F. Carson Officials or Unclassified Employees who receive a monthly allowance shall maintain the cellular telephone/Smartphone in good operating condition. Unclassified Employees must have the cellular telephone/Smartphone in their possession during his/her regular working hours and any other hours specified by their supervisor.
- G. Carson Officials and Unclassified Employees are responsible for operating City-owned vehicles and potentially hazardous equipment in a safe and prudent manner, free from any distraction; therefore, Carson Officials and Unclassified Employees should refrain from texting and from using hand held cellular telephones/Smartphones while operating such vehicles. In addition, Carson Officials and Unclassified Employees shall not use cellular telephones/Smartphones while driving on City business in states where prohibited by law or where use is banned.
- H. Legal and ethical limitations on the use of cellular telephones/Smartphones for City business purposes:
 - 1. While the City recognizes and respects users' rights to freedom of speech such rights are not absolute. Speech, which is fraudulent, libelous, obscene, harassing, or threatening is not permitted under state or federal law, and is in direct violation of City policies addressing such and the City's Personnel Rules. While conducting City business, users are expressly prohibited from using their cellular telephone/Smartphone to engage in such conduct. Users violating this section will be subject to disciplinary action up to and including termination, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws.
 - 2. For purposes of this Policy, the terms "fraud" and "libel" are given their legal meaning as developed by the courts of this state and of the United States. "Obscenity" means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value. "Threatening" means communications, which result in an individual being fearful of imminent bodily harm and/or emotional/mental disruption of his/her daily life. "Harassing" means to engage in a knowing and willful course of conduct directed at another which seriously

IV. PROCEDURES (CONT.)

alarms or annoys another, and which serves no legitimate purpose.

3. In addition, "harassment" shall also mean to subject to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of such a nature which has the purpose or effect of creating an intimidating and/or hostile work environment, or as otherwise provided pursuant to state and/or federal law. Other conduct which is prohibited by this Policy is that which would constitute discrimination on the basis of race, religion, sex, national origin, disability, marital status, sexual orientation or any other protected classification recognized by state and/or federal law.

V. EXCEPTIONS

There shall be no exceptions to this policy, except through direct instructions of the City Council.

VI. BY AUTHORITY OF THE CITY COUNCIL, APPROVED ON

December 6, 2016

Date

Agenda Item No.

ACKNOWLEDGEMENT FORM

I, _____, have received and read the cellular telephone/Smartphone Allowance policy for Carson Officials and Unclassified Employees (CPP 1.2.03) and understand its provisions. I also understand the monthly cellular telephone/Smartphone allowance will be discontinued if I do not maintain a personal cellular telephone/Smartphone and an appropriate service plan. I further understand that when I sign this acknowledgement form it will be placed in my personnel file. By signing this acknowledgement below, I am agreeing to follow the provisions of this Council Policy and Procedure.

Signature: _____

Date: _____

Official Title: _____