

Town of Longboat Key
Administrative Directive

NO.: 2

ORIGINALLY ISSUED: July 24, 2014

EFFECTIVE DATE: February 19, 2021

SUPERSEDES: February 04, 2019

SUBJECT

Cell Phones and Cell Phone Allowance

RESPONSIBILITY

All Departments

PURPOSE

This policy establishes the requirements for positions required to carry wireless cell phones in the execution of essential work activities. This policy applies to all Town of Longboat Key employees who will be issued a Town owned mobile device, or who may receive an allowance for use of their personal device for business needs.

POLICY

Cell phones have become commonplace and are often necessary for Town staff to carry out the responsibilities of their positions in an effective and efficient manner. This policy outlines three plans; Allowance Plan for Personal Cell Phone Use (stipend), shared on-call cell phones and Town Provided Cell Phones. This policy also sets forth the limitations on cell phone device usage and the consequences of any violation of this policy.

Summary of Cell Phone Options

With Town Manager approval, Departments have the following options regarding the business use of cell phones and other wireless communication devices. Each department will designate its option(s) annually for Budget preparation. The selection will remain in effect for the entire subsequent fiscal year. All devices not authenticated will be terminated. Directors must review and sign off on each device annually.

- Option 1 –Allowance for Personal Cell Phone Use – Provide each employee that requires a cell phone for business purposes with a nontaxable allowance for the monthly service charges on his/her personal cell phone. The allowance is treated as nontaxable income and will not be considered part of the employee's base salary, additional income or be used in the calculation of retirement benefits. All requirements must be reviewed annually which include:
 - confirmation that there are substantial business reasons for requiring employee to use their personal cell phone and reimbursing employees for that use;
 - confirmation that reimbursements are reasonably related to the needs of the Town and reasonably calculated not to exceed the expenses that the employee actually incurred in maintaining the cell phone; and
 - confirmation that the reimbursements are not a substitute for a portion of the employee's regular wages.
- Option 2 – Provide shared on-call cell phones to employees that have demonstrated and documented need for such equipment and service, as determined by the Department Director.

- Option 3 – Town Provided Cell Phones -Prior to 10/01/18 – Cell phones provided under this Plan shall be used primarily for business purposes. Personal use of a Town provided cell phone is allowed; however, misuse, misconduct, or excessive personal use will not be tolerated. Department Directors are responsible for monitoring and enforcing this provision. Devices provided under this plan are considered property of the Town. Service contracts are entered into by the Town and all payments are made directly to the service provider by the Town. The Town shall monitor each individual phone number for abnormalities in usage on a monthly basis. Employees are responsible for its physical protection from damage and unauthorized use. The Town will no longer issue Town provided cell phones to employees.

Allowance Plan

Under the Allowance Plan, cell phone devices are considered to be the personal property of the employee. Any contract entered into by the employee related to the acquisition and operation of the device is between the service provider and the employee. Employees are responsible for maintaining reliable 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 shall retain records documenting calls, such as bills or invoices, for a period of one (1) fiscal year.

If an employee meets the eligibility requirements for a mobile device as outlined below, an allowance may be requested in writing through their Department Director. Once approved, the allowance amount will be added to the employee's regular pay. In order to meet IRS guidelines, any amount added for mobile device equipment or for mobile device service will be identified as a non-taxable benefit. The allowance will be paid as a flat rate per pay period. Based on the tier assigned, the Town will pay only the agreed upon allowance amount. The Town will not separately fund any charges related to purchase, maintenance, use or replacement of the device and accessories. The allowance is neither permanent nor guaranteed. The Town reserves the right to remove a participant from this plan and/or cancel the allowance for business reasons. The amount of the allowance will be determined based on the type of plan required of the employee's position to perform the job responsibilities.

A tiered model based on current market rates is as follows:

Tier	Estimated Business Use	Estimated Personal Use	(1) Monthly Allowance	Per Pay Cycle
Town Issued Phones	100%	0%	Not eligible	Not eligible
Tier 1	75%	25%	\$75	\$34.62
Tier 2	50%	50%	\$50	\$23.08

Town Provided Cell Phone Plan

Town provided cell phones will be phased out and current employees using a Town cellular device will have the option to switch to an allowance. Our goal is to have all current Town employees with a Town provided cell requiring cellular usage move to an allowance. Any exceptions to this policy must be authorized by the Town Manager or designee.

Fire and Police

Fire and Police officers may be approved for Town issued cell phone devices or other wireless communication devices -, based on Town Manager approval consistent with Department policy, under the Town Provided Cell Phone Plan only. The Department Head, or designee, shall administer the cell phone distribution and coordinate disposal (recycling, exchanges) in accordance with Town procedures, and provide initial set up through coordination with the purchasing department and I.T. Department when necessary.

Department Directors

Town provided cell phones will be eliminated effective 10/01/18 and current Department Directors using a Town cellular device will have the option to switch to an allowance. Our goal is to have all current Department Directors with a Town provided cell requiring cellular usage move to an allowance. Any exceptions to this policy must be authorized by the Town Manager. Department Directors with direct patron interface must have a cell number with a local / (941) area code. There are services available that provide for multiple numbers on a single device.

Other Staff

Department Directors are responsible for identifying employees who hold positions that require the need for a mobile device. Each Department Director shall review whether a mobile device is necessary, and select alternative means of communication - e.g., land-lines and mobile radios - when such alternatives would provide adequate and less costly service to the Town.

The Department Director is responsible for overseeing employee mobile device needs and assessing each employee's continued need of a mobile device for business purposes. The need for a mobile device allowance should be reviewed annually, to determine if existing mobile device allowance should be continued as-is, be modified, or discontinued.

With Town Manager approval, Department Directors have the discretion of providing a monthly allowance to staff members who meet one (1) or more of the following criteria:

- A. The position requires that a significant amount of time (more than 35%) be performed away from an office environment;
- B. The position supervises/oversees personnel in the field, away from a central office area;
- C. The position requires a device for after-hours (24/7 coverage) or emergency support, notification or availability; or
- D. The position is considered an after-hours customer service function and is responsible for taking customer (citizen or employee) calls after normal business hours.

<i>Tier</i>	Monthly Allowance	Established Use	Bi-Weekly Allowance	Types of Staff
<i>Tier 1</i>	\$75.00	This allowance is for employees who have high usage of cell phone, town email and calendar functions (up to 900 minutes/month)	\$34.62	• Town Directors • Assistant to TM • Town Planners • Building Official • Purchasing Mgr. • Crew Leaders • IT Specialist • Facility Mgr.

<i>Tier 2</i>	\$50.00	This allowance is for employees who have moderate usage of cell phone, town email and calendar functions (up to 450 minutes/month)	\$23.08	• Emergency Services Specialist • Service Workers • Utility Workers • Accounting & Budget Mgr.
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For those employees electing the allowance plan and who meet the criteria, the Department Director shall place the employee in one (1) of the two (2) tiers above.

The Town Manager will have the final approval authority. If a new phone or allowance is requested, (includes a replacement), approval from the Town Manager is required. Allowances are funded by the department submitting the request. Once an employee eliminates a Town provided cell phone and receives an allowance, they cannot go back to a Town provided cell phone.

Texting

No texting is allowed while making Town related communications whether the device is personal property or Town provided, with the exception of communications from authorized outside agencies (i.e. SCADA and Code Red).

All Town related electronic communications shall be made using email, which is provided through the Town's exchange server. All emails will be archived on the Town's server. In case of an emergency, texts will be allowed, such as when email service is down, however copies of any texts made or received shall be forwarded by the device user to his or her Town e-mail address for retention as soon as practicable. Violation of this policy may result in the user's device being confiscated by court order and all texts being reviewed.

Violations of Policy

The Town does not accept any liability for claims, charges or disputes between the personal service providers and the employee. Use of cell phones, whether acquired under the allowance plan or Town issued plan, inconsistent with this policy, or with local, state or federal law may result in immediate removal of the privilege and be grounds for disciplinary action up to and including termination.

Employee Rights & Responsibilities for Allowance Supported Personal Devices

The employee is responsible for purchasing a mobile device and establishing a service contract with the mobile device service provider of their choice. It is strongly encouraged that the employee contact the I.T. Department for recommendations of carrier providers. Wireless coverage can vary significantly between carriers. The mobile device contract shall be in the name of the employee, who is solely responsible for all payments to the service provider.

The employee may, at his/her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the carrier for resolution.

The employee will ensure that the service provider selected has service in the required usage areas,

such as the workplace or home.

Support from the Town's I.T. Department is limited to connecting a personally-owned mobile device to Town-provided services, including email, calendar, and contacts. The employee should contact the I.T. Department prior to purchasing or enrolling in the Town Allowance Program to ensure that their device is compatible with Town systems.

An employee receiving a mobile device allowance must be able to show, if requested by their supervisor, a copy of the monthly access plan charges confirming they continue to have a contract for the mobile device.

If the employee terminates the wireless contract at any point, they must notify their supervisor within five (5) business days to terminate the allowance.

Any mobile device must be secured based on current security standards required by the Town including password protection and encryption. If a mobile device is stolen or missing, it must be reported to the employee's supervisor and to I.T. immediately to allow additional security measures to be enacted.

Employees are expected to delete all Town information from the mobile device when their employment with the Town is severed, except when required to maintain that data in compliance with litigation hold notice or public records law.

The employee agrees to have their personal cell phone number published on Town issued internal phone contact lists. As an alternative, an employee may elect to have the Town provide a second phone number to be forwarded to their personal number.

Department Directors shall review each employee's eligibility and necessity of using a mobile device annually and employees shall sign off annually that they have read and understand the Town's cell phone policy.

Public Records

The Attorney General's office has declared that personal cell phone records that contain numbers called for Town business are public records. Therefore, pursuant to the General Records Schedule (GS1-SL) for State and Local Government Agencies, an employee receiving an allowance will be required to retain cell phone records for one year. In the event a public records request is made, all personal phone numbers may be redacted.

Conducting Town business via text messaging (except Emergency Service Alerts), PIN messaging, or Instant Messaging (IMs) on a cell phone is strictly PROHIBITED, as it is not automatically archived by the Town for public records purposes. In the event you receive such a message that is related to Town business, it is your responsibility to forward the text messages to your Town email account so the message can be preserved. Do not delete any text messages until this transfer process has been verified.

Email, Calendar and Contacts access from mobile devices

The Town provides web-based access to Town email, calendars and contacts for its employees. This access is through an encrypted channel that requires Town user credentials. The same type of secure access is available to mobile devices that support the Microsoft Exchange Activesync protocol. All Town email is archived to comply with public records laws. Employees are allowed to access their Town email, calendar and contacts from their mobile device in this secure manner, but

must follow the Acceptable Use policy that is referenced in this document. Employees must be aware that if their device is used for this type of access, their mobile device may be subject to a complete erasure of data upon a qualifying event such as separation of employment, loss or theft of a mobile device. Employees opting for this type of access to their email, calendar and contacts must sign a waiver that acknowledges the potential for devices to be erased pursuant to the Remote Wipe Waiver.

Separations from Employment

1. Allowance Plan - Cell phone devices are considered to be the personal property of the employee. Pursuant to public records law and under unique circumstances, individual communication records may be subject to public inspection. Therefore, employees shall retain records documenting calls, such as bills or invoices, for a period of one (1) fiscal year.
2. Town Provided Cell Phone Plan - Cell phone devices provided under this plan are considered to be property of the Town. Upon separation from employment, the employee will turn in the cell phone to Human Resources. The I.T. Department will retrieve remaining data in compliance with any litigation hold notice or public records law and determine the devices reuse, sale or disposal. The Town Manager retains the right, at his discretion, to allow the employee to purchase the mobile device as long as all public records law requirements have been met. Purchase price will be determined by fair market value at date of termination.

Upon separation, if the employee desires to transfer the cell number to a personal cellular device, the employee must do so within 2 business days from day of separation.

CANCELLATION

Any Allowance Program agreement will be immediately cancelled if:

- An employee receiving a mobile device allowance terminates employment with the Town.
- The employee changes position within the Town, which no longer requires the use of a mobile device for business reasons.
- There is misuse or misconduct with the mobile device.
- A decision by management (unrelated to employee misconduct) results in the need to end the program, or there is a change in the employee's duties
- The employee does not want to retain the current mobile device contract for personal use.

If an employee has been assigned a Town owned mobile device, the employee's Supervisor or Director may require that the device be returned to the Town at any time.

The Town reserves the right to amend this policy from time to time when deemed in the best interest of the Town.

Employee Confirmation:

I have read and understand the Town's Cell Phone Policy. I understand that violation of the Policy can be grounds for disciplinary action up to and including termination.

Employee Signature

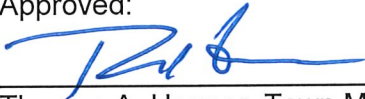
Printed Name

Date: _____

RESPONSIBILITY

All Departments

Approved:



Thomas A. Harmer, Town Manager

Date: 2/19/21



Town of Longboat Key

Mobile Device AND/OR Allowance Request Form

(For New Activations Only)

It is requested that _____ employed
in the _____ Department be authorized the following:

- ☐ a portable communication device allowance of \$_____ per month
- ☐ a Town-issued cellular phone without data connection abilities (Option 2)
- ☐ a Town-issued smart phone that would allow connection to the Town's network - **requires Town Manager approval.**
- ☐ a Town-issued portable communication device
- ☐ other _____

It is understood that the Town employee listed herein will abide by all Town rules that apply to the use of portable communication devices used for Town business.

Justification or Explanation:

Device: _____

Device Serial Number: _____

Device Telephone Number: _____

I acknowledge having received a copy, have read, and understand the terms and conditions set forth in the Town of Longboat Key Cell Phone Policy.

Employee's Signature: _____

Director's Signature: _____

IT's Signature: _____

HR's Signature: _____

Town Manager's Signature: _____

Effective Date: _____

Tier	Estimated Business Use	Estimated Personal Use	Monthly Allowance	Per Pay Cycle
Town Issued Phones	100%	0%	Not eligible	Not eligible
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Tier 2	50%	50%	\$50	\$23.08



Town of Longboat Key

Mobile Device AND/OR Allowance Request Form

(Annual Renewal for Existing Allowance/Town Issued Device)

It is requested that _____ employed in the _____ Department be authorized the following:

- ☐ a portable communication device allowance of \$_____ per month
- ☐ a Town-issued cellular phone without data connection abilities (Option 2)
- ☐ a Town-issued smart phone that would allow connection to the Town's network - **requires Town Manager approval**
- ☐ a Town-issued portable communication device
- ☐ other: _____

It is understood that the Town employee listed herein will abide by all Town rules that apply to the use of portable communication devices used for Town business.

Justification or Explanation:

Device: _____

Device Serial Number: _____

Device Telephone Number: _____

I acknowledge having received a copy, have read, and understand the terms and conditions set forth in the Town of Longboat Key Cell Phone Policy.

Employee's Signature: _____

Director's Signature: _____

IT's Signature: _____

HR's Signature: _____

Town Manager's Signature: _____

Effective Date: _____

Tier	Estimated Business Use	Estimated Personal Use	Monthly Allowance	Per Pay Cycle
Town Issued Phones	100%	0%	Not eligible	Not eligible
Tier 1	75%	25%	\$75	\$34.62
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Town of Longboat Key

Mobile Device AND/OR Allowance Cancellation Form

Please cancel the portable communication device or allowance authorized for the following employee: _____ employed in the _____ Department.

Reason for Cancellation

- ☐ discontinued by department
- ☐ employee transferred to another department
- ☐ employment terminated
- ☐ employee provided Town-issued Portable Communication Device

Device: _____

Telephone Number: _____

Device Serial Number: _____

Employee's Signature: _____

Director's Signature: _____

Town Manager's Signature: _____

Effective Date: _____

Additional Comments:
