

CELL PHONE POLICY **City of Urbandale, Iowa**

Adopted: May 26, 2015; October 2020
(Reviewed 2018, 2020, 2021)

Purpose: The purpose of this Policy is to establish consistent and clear rules for the issuance and/or use of cell phones to conduct official business on behalf of the City of Urbandale (the City).

Definitions:

Cell Phone - is any portable telephone that uses wireless cellular technology to send and receive phone signals, texts and data.

Smartphone – is a cellular phone that performs many of the functions of a computer, typically having a touchscreen interface, internet access, and an operating system capable of running downloaded applications.

Business Use – is any call, text or internet connection made by an employee for conducting official City business in direct support of their assigned duties and responsibilities.

Personal Use – is any call, text or internet connection made by an employee when not conducting official City business.

Scope:

This policy recognizes that certain City positions may require the employee to be readily accessible for frequent contact outside normal working hours by other City staff and/or the public. The employee may also be required to be away from their work location on a regular basis or that their work location is typically within a vehicle. Furthermore, this policy recognizes that not all employees may require the use of a cell phone for business use.

This policy outlines the procedures employees must follow to ensure appropriate, efficient, ethical and legal use of a cell phone or smartphone.

Procedures:

Determining Eligibility – The Department Director or his/her designee is responsible for determining an employee's need for a cell phone within their respective department.

The City Manager or his/her designee would review a request made by a Department Director and shall have final authority to deny, modify or approve any Department cellphone request.

Determining Ownership and Payment – The City provides two options for employees that require the use of a cell phone for business use. In most instances, the City's preferred option is to provide the employee with a cell phone allowance. Certain departments may provide a limited number of cell phones for business use.

1. Cell Phone Allowance:

The Department Director or his/her designee shall determine when a cell phone allowance is in the best interest of the City. The cell phone allowance will assist in deferring the cost of a cell phone or smartphone owned by the employee, which will be used for business purposes.

If the allowance received is equal to or less than the actual cost of the monthly cell phone service, this allowance complies with IRS notice 2011-72 regarding Section 2043 of the Small Business Jobs Act of 2010, Pub.L.No. 111-240 that sets the guideline for cell phone allowances. The allowance would be a nontaxable benefit. The allowance will not be considered as part of the employee's base salary, nor will it be used for purposes of determining annual raises, retirement benefits or other benefits.

The cell phone allowance shall be set according to an average sampling of vendor costs within the Urbandale coverage area, times sixty percent (60%). This calculation shall include a plan for individual use and include unlimited phone, text and data usage of the market area. Most providers offer unlimited minute plans and employees are encouraged to consider such plans, as they may make the most financial sense where the cell phone is used for both business and personal use. The monthly allowance will be set by the City Council upon a recommendation from the Finance Director and would be reviewed as directed or needed. The cell phone allowance effective 1/1/2021 is set at \$34 per month, to be paid during normal payroll processing. Previous rate in effect from 2015 was \$32 per month.

An employee receiving the cell phone allowance must retain an active cell phone or smartphone as long as the allowance is in place. The employee must provide any change in cell phone number to his/her Department Director within 48-hours of such change. Members receiving a cell phone allowance are expected to carry the cell phone or smartphone on their person both on and off duty and respond when called for City business. Additionally, if an employee's monthly cell phone service charge becomes less than the monthly allowance, the employee must notify the Finance Director within 30-days of such change.

The cell phone or smartphone under this option is considered a personal item, owned by the employee. As such, the employee is responsible for all costs associated with replacing a lost, stolen or damaged cell phone or smartphone. The employee is also responsible for all costs associated with the purchase of accessories.

If, prior to the end of any vendor contractual obligations, a personal decision by the employee, or an employee's misconduct, or misuse of the cell phone or smartphone, results in the allowance being discontinued, the employee will bear the cost of any fees associated with that change or cancellation.

2. City Issued Cell Phone:

The Department Director or his/her designee shall determine when a City provided cell phone is in the best interest of the City. The City will pay for 100% of the cost of the City-issued cell phone and will determine the service plan level and related options/accessories for the employee. City provided phones will be added to existing City plans through a City-designated provider. No separate vendors/plans will be established.

Normal wear and tear of this type of equipment is expected. If the City determines the equipment needs repair or replacement due the employee's negligence, the cost of repair and/or replacement of the equipment will be the responsibility of the employee.

A City-issued cell phone should be used for business use and emergency personal use only.

If the cell phone is being used inappropriately or for personal gain, as defined in the City of Urbandale Ethics, Conflict of Interest and Gifts Policy, appropriate disciplinary action shall be taken.

General Use Conditions:

1. The Department Director and employee are jointly responsible for understanding the terms of this Policy, as well as the specific wireless vendor's contractual terms; for ensuring compliance with this Policy; and understanding the consequences of noncompliance with this Policy.
2. To observe safe vehicle operations, whenever practical and safely possible, the employee shall pull over to a safe off-of-the-roadway location to initiate or to continue any non-emergency call.
3. Use of a cell phone or smartphone in any manner contrary to department protocol and local, state, or federal laws will constitute misuse, and may result in appropriate employee discipline.
4. Employees who are charged with traffic violations resulting from the use of their cell phone or smartphone while driving will be solely responsible for all liabilities that result from such actions.
5. The employee shall surrender all City-issued cell phones and related equipment upon termination or upon the direction of the Department Director or City Manager. The cell phone allowance will cease upon termination or upon the direction of the Department Director or City Manager.
6. An employee who receives a City-issued cell phone shall be aware that **all** voice calls, data, metadata, emails, texts and any other applicable forms of communication done on the City-issued phone are public records and are subject to relevant provisions of Chapter 22 of the Iowa Code, as amended from time to time.
7. An employee who receives a cell phone allowance shall be aware that voice calls, data, metadata, emails, texts and any other applicable forms of communication to conduct official City business are public records, and are subject to relevant provisions of Chapter 22 of the Iowa Code, as amended from time to time.

8. An employee may request a cancellation of a City-issued cell phone or of the cell phone allowance at any time in writing to the employee's authorizing manager (i.e. Department Director, City Manager or designee). The authorizing manager may approve or deny the request based on the employee's position and need of the employee to have a cell phone.

Employee Handbook Conditions Related to Cell Phones:

1. Cell phones and smartphones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
2. Unless prohibited by department policy, employees may use a personal cell phones or smartphone while at work on a sporadic basis. If an employee's use of a personal cell phone or smartphone causes disruptions or loss in productivity, the employee may become subject to disciplinary action.

CELL PHONE AGREEMENT

The employee, by his/her signature, indicates that they have read, understand, and agree to the City of Urbandale's Cell Phone Policy.

Employee's Full Name: _____ (please print)

Employee's Signature: _____

Department: _____

Date: _____

Authorized by: _____ (please print)

Authorizing Signature: _____

[Select One]

Cell Phone Allowance:

Amount Approved: \$ _____ Date to Start: _____

Phone # (required): _____

By checking this box, I affirm that my monthly cell phone service charge is more than or equal to the allowance being received.

Starting Date: _____

City-Issued Cell Phone:

Device Type: _____

Model/Serial Number: _____

Phone #: _____

**PLEASE FORWARD a COPY of this AGREEMENT
to the HUMAN RESOURCE DEPARTMENT**