

Section I - Purpose

The purpose of this policy is to provide guidance to City employees and supervisors concerning the utilization of City mobile devices and the use of personal mobile devices. Mobile devices have proven to be valuable tools for enhancing the efficiency and productivity of City employees. City mobile devices are intended for City business. Personal calls (incoming and outgoing) should be kept to a minimum. Acquisition and use of City mobile devices or personal mobile devices used for City business shall be controlled and limited as set forth in this policy.

Section II - Assignment and Reassignment of Mobile Devices

- A. Assignment of City mobile devices shall be made by City Department Managers for the purpose of business use by department/agency employees who travel from their Department's office on City business for a significant part of their normal work day, have a frequent and recurring need to communicate with others while away from their assigned work site and must be accessible at all times, and emergency service providers, as approved by the City's Information Technology Department
- B. Reassignment of City mobile devices to a different employee, vehicle, or department, and discontinuance of service, shall be reported by the Department Manager to the Information Technology Department as soon as possible after the reassignment has been enacted.
- C. Staff will return mobile devices to the IT Dept. upon separation from their City employment. The tablet will be wiped clean of information and restored to its original configuration.

Section III - Authorized Use of City Mobile Devices

- A. The use of City mobile devices are intended for the conduct of official business.
- B. The use of a telephone for personal calls is authorized if:
 - a. It does not adversely affect the performance of duties by the employee; and,
 - b. It is of reasonable duration and frequency; and,
 - c. It reasonably could not have been made at another time
- C. If a City cell phone is used for personal calls, an employee will reimburse the City if any costs are incurred above what the city would normally pay for services. The amount of reimbursement will equal the amount of increase in monthly charges to the City caused by personal calls / text messages. Example: if a personal call is made or taken during non-peak hours and shows a charge on the account, the employee must reimburse the City the cost of that call. If a personal call is made or taken during hours covered under the City plan, then no reimbursement is necessary.

- D. The City's Acceptable Use Policy for Internet Access will be enforced when utilizing City mobile devices for Internet use.

Section IV - Request for Cellular Telephone Equipment and Services

- A. All requests for City mobile devices shall be authorized by the department/agency head in accordance with the criteria set forth in this policy. The department head shall coordinate all requests with the Information Technology Department.
- B. Department/agencies shall include requests for City mobile devices in their annual budget submission to the Director of Finance.
- C. Requests for City mobile devices shall be reviewed by the Information Technology Department prior to the acquisition of such equipment.
- D. Requests for City mobile devices and services shall be submitted along with justification, to the Information Technology Department. Written justification certifying that the criteria established for mobile devices have been met must accompany the request. The justification must include the name and title of the user and a statement indicating why a cellular telephone is needed. A form is provided as part of this policy for City cell phone requests.

Section V - Acquisition of Cellular Telephone Equipment Services

- A. The Information Technology Department shall coordinate the acquisition of City mobile devices.
- B. City mobile devices shall be acquired using the open contract for mobile services established by the Information Technology Department only after approval of the request by the requesting Department's manager. The attached form will be completed upon receipt of the unit.
- C. Should the Information Technology Department disapprove a request for a City mobile device, the department/agency head may appeal the decision to the City Administrator, who shall render a final decision.

Section VI - Usage Review

- A. City mobile device usage and charges shall be reviewed monthly by the Managing Department and or Accounting Department for compliance with this policy.
- B. As part of the monthly review, the documented holder shall be responsible for identifying personal calls, and identifying those that cause increased charges to the monthly bill. Personal calls are to be reimbursed at the documented additional charge shown on the monthly bill.

- C. The Accounting Department and Information Technology Department may conduct random reviews of City mobile device usage and charges to verify continuation of the justification supporting the need for a mobile device. Any review indicating that the justification is no longer valid will be reported to the department head and the final disposition of the equipment and service shall be decided by the Information Technology Department.

Section VII – Personal Mobile Device Use by City Employees Conducting City Business

A Department Head may choose to allow a staff member to utilize their own personal mobile device to conduct City business. Staff would receive a monthly mobile device allowance (MDA) in lieu of a City issued mobile device.

- A. A mobile phone allowance is designed to offset the cost to the employee for using his/her personal device for City business. The amount of the monthly phone allowance shall be based on the communication requirements of the employee's job. The reimbursement amount(s) would be as follows:
 - a. Data Plan: \$20/month
 - b. Voice Plan: \$30/month

An employee would be eligible to receive both allowance amounts for a maximum benefit of \$50/month.

- B. The approved mobile device allowance will be paid monthly as part of the employee's paycheck. The allowance will be considered taxable income to the employee as it is a reimbursement for the business use of an employee's personal mobile device. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.
- C. An employee receiving a mobile phone allowance is solely responsible for acquiring his/her own mobile phone, replacing the batteries, maintaining the phone, and paying the mobile phone bill with all applicable taxes, penalties and fees.
- D. An employee receiving a mobile phone allowance is solely responsible for replacing his/her device within five (5) business days if it is stolen, lost, or damaged. The employee must notify the City of any lost or stolen device so that the City may take any action against unauthorized access to City information.
- E. An employee receiving a mobile phone allowance must maintain an active mobile 12 month or longer phone contract as long as the allowance is in place. There will be no allowance provided for pre-paid phone service. When specified by his/her department head, an employee may be expected to carry the mobile device on his/her person both on and off duty and respond when called for City business.
- F. An employee receiving a mobile phone allowance that is required to access City of Hagerstown email on their personal mobile device shall deliver the device to the City IT Department for certification and setup of the device. IT will support iPhone (iOS),

Android and Windows smartphone technologies. IT will NOT support the Blackberry device or operating system.

- G. City business-related calls or data on an employee's personal mobile device may be subject to disclosure under the Public Information Act. Employees must follow the requirements of policies and directives related to open records, City business-related records and record retention.
- H. Employees leaving the employment of the City will be required to provide their mobile device to the IT Department so that the device may be wiped of all email, texts, and/or contact information as it relates to City business. Staff will do their best to ensure that no personal information is deleted from the device but will not guarantee some information may not be deleted.
- I. Employees receiving a mobile phone allowance may choose a provider and plan design of their choice that is of 12 months or longer in length. Because the employee owns the mobile device, the employee may use the phone for both business and personal purposes as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the allowance. If prior to the end of the mobile device contract a decision by the employee, employee misconduct, or misuse of the phone results in the mobile phone allowance being discontinued, or the need to end or change the mobile phone contract, the employee will bear the costs of all fees associated with that change or cancellation.
- J. Employees receiving a mobile phone allowance are responsible for notifying the City immediately if the monthly bill is less than the City allowance and, upon request of the City, providing recent phone billing statements. Personal use may be redacted from the billing statements. Employees will be required to acknowledge this information annually through paperwork submitted to the Director of Information Technology and Support Services.
- K. Non-exempt or hourly employees receiving a mobile phone allowance will not be expected to utilize their mobile device for business purposes outside of business hours, unless otherwise stated in their job responsibilities, directed by a Manager or Department Head, or if the employee is "on-call".
- L. Employees who abuse this policy for whatever reason may be subject to disciplinary action.

Section VII - Prohibitions

- A. Installation of City mobile devices in personal vehicles.
- B. Willful violations of this policy may result in administrative action, including suspension or dismissal.

D. When driving, it is imperative that the user utilize the mobile device in “hands-free” mode. If “hands-free” is not available, pull over safely to the side of the road to conduct the conversation. Members of the Hagerstown Police and Fire Departments may be exempt from this provision when operating a City-owned vehicle in conducting their duties due to state law.

EMPLOYEE CERTIFICATION FOR USE OF MOBILE DEVICE POLICIES / RESPONSIBILITIES

Mobile devices are assigned to City of Hagerstown employees whose need for telephone service is of an essential nature in the conduct of City business.

Mobile devices are to be used in instances where regular telephone service is not accessible, when an employee is away from the work site and is on City business, and as a back-up during emergencies when regular telephone service is not available.

Authorized users are responsible for reimbursing the City for the purchase price of a lost or stolen mobile phone if its loss or theft is due to their negligence.

Authorized users are responsible for reimbursing the City for unauthorized use (including by other individuals) or unauthorized charges. They must also review the monthly billings, verify the accuracy of the billing, and identify any calls where the charges are above the base rate of the billing plan for that mobile device.

Authorized users are responsible for returning the telephone to the City Information Technology Department when it is no longer required to carry out their City work assignments. They must reimburse the city for the purchase price if they do not return the telephone.

Employees violating these procedures are subject to disciplinary action.

EMPLOYEE CERTIFICATION

I have read and understand the requirements stated above and in the mobile device policy and agree to adhere to them.

Name of Authorized User:

Signature of Authorized User:

City Department Employed In:

Mobile Phone SIM Number:

Mobile Phone Model:

Mobile Phone IMEI #:

Mobile Phone Number:

Signature of Authorizing Manager:

**CITY OF HAGERSTOWN, MARYLAND
MOBILE DEVICE ALLOWANCE AGREEMENT**

I agree to the following regulations regarding the payment of a cell phone allowance to me:

1. I understand that I will be authorized a cell phone allowance to be used toward the costs of cell phone service to be used for City of Hagerstown business purposes.
2. I understand that my mobile phone will have at least a 12 month contract with my provider and that there is no use of a pre-paid service on this phone.
3. I understand that this allowance will be paid to me through payroll as taxable income.
4. I understand that I will be required to provide reliable cell phone service for all work related needs.
5. I agree to provide documentation to my department head as required to initiate and to continue my entitlement to the cell phone allowance.
6. I understand my entitlement to the mobile device allowance ceases if I am in an unpaid leave status.
7. I understand my entitlement to the cell phone allowance ceases if I am in a non-working status (example: FMLA, worker's comp, etc.)
8. I understand the cell phone allowance will cease immediately upon my termination of employment, whether for retirement, voluntary or involuntary reasons. Should I terminate employment mid-month, I understand the allowance will be pro-rated.
9. I understand that, upon separation from City employment, that my phone may be wiped clean of emails, text messages and/or contacts related to City business.
10. I understand that any current or future obligation with the cell phone service provider is exclusively my responsibility without any liability to the City of Hagerstown.
11. I have read and will follow the City of Hagerstown Mobile Device Usage Policy. Failure to comply with this agreement may result in cancellation of my entitlement to receipt of the cell phone allowance.

Employee Name (Print): _____

Service Provider's Name: _____

Cell Phone #: _____

Employee Signature _____ **Date:** _____

Department Head Signature: _____ **Date:** _____

IT Director Signature: _____ **Date:** _____

Payroll Coordinator: _____ **Date:** _____