

City of Mission Viejo

Personnel Policy

Subject: **Mobile Device Use and Allowance**

Statement of Intent:

The City has determined that certain employees are required to be accessible by mobile devices such as cellular telephones, smart phones, tablets, and/or other electronic communications at all times. This policy establishes a Mobile Device Use and Allowance Program to reimburse City employees for the purchase, maintenance, and use of Mobile Devices to conduct City business. The goal of requiring an employee to be accessible by Mobile Device and/or electronic communications is to provide an efficient method of enhancing City employee communications, improving employee productivity, and facilitating the establishment and maintenance of a key component of the City communications network in the event of an emergency.

Policy:

1. As determined by Department Directors, subject to City Manager approval, certain City employees may be required to be accessible at all times due to the nature of their position, job function, or duties. To facilitate this accessibility, Directors shall recommend to the City Manager those employees under their supervision who should be considered for a Mobile Device allowance. Requests shall be based on a genuine business need. The City Manager will make the final determination as to whether an allowance is appropriate for the employee, what type of an allowance will be provided, and the amount of the allowance.
2. There are two types of allowances plans: a voice only plan and a voice plus data plan. Recipients of a mobile device allowance of a voice only plan may purchase any type of mobile device. Recipients of a mobile device allowance of a voice plus data plan may purchase any type of mobile device that can be synced to the City's systems. Up-to-date requirements for connecting to City systems will be maintained on the City's network. The PDA device must be linked to the City's e-mail system. See specific requirements in Section 7 below as the stated requirements may restrict the service provider and the type of PDA device that may be used by the employee.
3. For those employees that are designated as a required Emergency Operations Center (EOC) leader, an additional EOC position allowance will be provided.

4. When the mobile device allowance has been approved and accepted, a proportional amount of the monthly allowance will be included as compensation in each biweekly paycheck issued to the employee. The monthly allowance is taxable income; therefore the employee will be taxed according to the regulations contained in the IRS code.
5. Recipients of the mobile device allowance will not be eligible to receive any additional reimbursements for the cost of their cell phone, PDA, equipment or service except as provided in section 23 below.
6. All costs related to the purchase and use of mobile devices are the responsibility of the employee. The service provider, not the City, will be responsible for technical support on all mobile devices purchased by the employee except as outlined in sections 16 through 19.
7. AT&T and Verizon provide the largest networks and coverage and are approved providers. Other providers may be used however it is the responsibility of the employee to insure the service provider of the mobile device offers signal coverage in Mission Viejo and any of its support cities.
8. The monthly mobile device allowance amount will include two components: (1) an estimate of the base monthly service fee for the voice plan and voice plus data plan and (2) 1/24 of the estimated amount of a replacement mobile device and related accessories. An employee designated as a required EOC leader shall have an additional EOC allowance for Government Emergency Telecommunications Service (GETS) fees and Wireless Priority Service (WPS) fees. The cost estimates will be based on what is currently available in the private marketplace.
9. The Director of Information Technology and the Director of Administrative Services will recommend to the City Manager for approval the cost estimates to be used for setting the allowance amounts. The amount of each type of allowance will be reviewed and adjusted periodically as determined by the City Manager.
10. Annually, at the beginning of the budget process, the Budget & Purchasing Analyst will provide each Director with a list of their employees who are receiving a monthly allowance. Directors will review these lists to determine if these employees should maintain their monthly allowance eligibility, including EOC leader designation. In the event it is determined that an employee is no longer required to be accessible at all times, the employee will be notified by their immediate supervisor of the change. The Director shall notify both the Administrative Services Director and the Information Technology Director of the change.

11. Directors or immediate supervisors must notify the Information Technology Director and the Administrative Services Director within three (3) business days of any changes to an employee's status outside of the above budget process review that would affect the employee's eligibility to continue to receive a Cell Phone or PDA allowance.
12. An employee not conducting his/her normal assigned work functions due to disability, workers' compensation, or modified duty (paid time off excluded) for an entire pay period will not receive a mobile device allowance. The allowance will resume the following pay period upon the employee returning to his/her normal assigned work functions.
13. All recipients of a mobile device allowance are required to maintain an active device and account with a service provider for as long as they are required to be accessible. Employees are also required to provide the mobile device number to their immediate supervisor and also agree to publish this number in the City's contacts databases, Intranet and as needed for the conduct of City business.. In addition, for those employees that are expected to report to the City's Emergency Operations Center, the mobile device number shall be provided to the City's Emergency Services Manager. Any change to an employee's mobile device number is to be reported to the employee's immediate supervisor and the Information Technology Director within 24-hours of the change.
14. All recipients of a mobile device allowance agree to have the Information Technology Department place Mobile Device Management software on the phone and shall be subject to the terms and conditions set forth under the Technology Use Administrative Regulation and applicable software license(s).
15. Because of the sensitivity of the data that may be contained on a mobile device such as internal email communications, contact lists, and possibly passwords to access City resources, they are subject to additional restrictions. The mobile device must be protected at all times and unlocked by fingerprint, pass code or equivalent technology managed by the Mobile Device Management system.
16. All recipients of a mobile device allowance must notify the Information Technology Department, their Department Director, and immediate supervisor of a lost, stolen, broken or breached mobile device immediately and no longer than 24 hours to allow the City's Information Technology Department to secure, wipe or delete the device data. The employee may ask the Information Technology Department in writing to have all device data be removed in cases when the device is stolen or lost.

17. When an employee is to no longer receive a mobile device allowance for any reason, the Information Technology Department shall remotely utilize Mobile Device Management software to wipe or delete all City data from the mobile device. Examples of City information to be deleted include, but is not limited to, city email, city calendar items, city contacts, and any city files or programs.
18. Employees who receive a mobile device allowance are responsible for the security and care of the device. Employees are responsible for costs incurred for replacing a lost, stolen, or damaged mobile device.
19. It is the City's expectation that an employee replace the lost or stolen cell phone/PDA within three (3) business days of loss. In the event that the time to replace the missing equipment is longer than three (3) business days, the employee must notify their Department Director to suspend the allowance until the replacement equipment has been received and operational.
20. Employees accepting monthly allowances are expected to answer all work related calls and/or electronic communications. Failure to abide by this expectation may result in discipline.
21. If an employee does not receive a mobile device allowance and rather uses their own personal mobile device for voice communication to conduct City business, the employee may submit to the Administrative Services Department an itemized request for reimbursement of the proportional cost of the City business usage to the total usage cost detailed on the invoice received by the employee from their service provider. The reimbursement request must include the purpose and nature of each City business item to be reimbursed.
22. An employee designated as a required EOC leader shall submit to the Administrative Services Department and the Emergency Operations Manager an itemized request for reimbursement for any WPS and/or GETS per minute charges incurred during a City-designated emergency and/or emergency training exercise. The itemized request shall be provided by the employee within (30) calendar days measured from the date of the wireless provider's invoice documenting the charges.

Public Disclosure:

1. Employees participating in the Mobile Device Allowance program understand and acknowledge that acceptance of the allowance will cause City business communications on the equipment (e.g. text messages, emails, phone call records, etc.) to be subject to disclosure under the California Public Records Act. Employee agrees to cooperate in good faith with the City to respond to any public records act request or usage audit conducted by the City.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Adopted: Resolution 08-45, July 7, 2008 - Effective August 1, 2008.

Revised: Resolution 09-28, July 20, 2009 - Effective July 21, 2009.

Revised: Resolution 15-44, September 22, 2015.