



POLICY TITLE:	Cellular Telephones and Plans
POLICY NUMBER:	05.07
VERSION:	2,0
REVISED DATE:	October 4, 2022
REVIEWED DATE:	December 6, 2022
APPROVAL DATE:	
EFFECTIVE DATE:	
NUMBER OF PAGES:	4

A. OVERVIEW

1. **Description and Purpose** - This policy establishes policies and procedures for the use of wireless communication devices at work, the safe use of cell phones by employees while driving, and for provisions of a wireless communications stipend to employees who have documented an official City business need for a communications device and continue to meet this need under the eligibility requirements of this policy.
2. **Applicability** – This policy applies to all employees of the City.
3. **Failure to Comply** - Failure to comply with this policy may result in disciplinary action in accordance with all disciplinary policies of the City.

B. POLICY AND PROCEDURE

1. It is the policy of the City that use of personal cell phones (including text messaging) shall be limited during the workday.
2. This policy is established to assist the City in achieving maximum productivity by an employee using a wireless communication device and complying with IRS Regulations. The City will reimburse the employee for the costs associated with business use related to the wireless communication device owned by the employee.
3. This policy applies to City employees who, as a part of their official City employment, have a constant and recurring need for using a wireless communications device. The wireless communication stipend is intended to reimburse the employee for the business use of the device. The stipend is not intended to fund the cost of the device nor pay for the entire monthly bill. The assumption is that most employees also use their wireless communication devices for personal calls.

1. Use of Cell Phones

a. Personal Cell Phones

- i. Excessive personal calls (including text messaging) during the workday is not allowed, regardless of the phone used, as it can interfere with employee productivity and be distracting to others.

b. Safety Issues for Cell Phone Use

- i. Employees whose job responsibilities include regular or occasional driving must refrain from using a cell phone while driving. Safety must come before all other concerns.

Deleted: 1

Deleted: August 17, 2017

Deleted: March 13, 2018

Deleted: March 22, 2018

Deleted: April 2, 2018

Deleted: outlines

Deleted: (personal cellular telephones)

Deleted: , the personal use of City of Saint Paul (City) cellular (cell) telephones (phones), and

Deleted: The purpose of this policy is to provide guidelines regarding wireless communication devices. This policy enables the City to meet its fiduciary responsibilities.

Formatted: Font: Bold

Deleted: <#>

Deleted: any and all

Deleted: and City issued cell phones shall be utilized for City business purposes only and in a safe manner.

Formatted: Font: Times New Roman, 12 pt

Formatted: Indent: Left: 0.25", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Deleted: <#>The City recognizes that cell phones may be an important and necessary tool in the performance of certain employee's job duties. For those employees who have an approved and valid City business purpose, the City will, subject to specified terms and restrictions, provide a City owned cell phone for that employee's business use.

It is the intention of the City to strictly curtail and limit the number of City owned cell phones with Internet and/or data capability. When Internet or data capability is warranted, it is the intention of the City to make such provision by means of a cell phone allowance as specified herein.

Deleted: <#>During paid work time, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of any City owned cell phones.

Deleted: <#>Personal Use of City Provided Cell Phones
City owned cell phones should not be treated as if they were the employee's personal property. [1]

- i. Regardless of the circumstances, including slow or stopped traffic, employees must pull off to a reasonably safe location and safely stop the vehicle before placing or accepting a call.
 - a) If acceptance of a call is unavoidable and pulling over is not an option, employees are required to use hands-free options and are expected to keep the call short, refrain from discussion of complicated or emotional issues, and keep their eyes on the road.
 - b) Special care should be taken in situations where there is traffic; inclement weather or the employee is driving in an unfamiliar area.
 - ii. Except for extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving.
 - iii. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business/governmental use, are also expected to abide by the provisions above.
 - iv. Under no circumstances are employees allowed to place themselves at risk to fulfill business/government needs.
 - v. Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance.
 - vi. Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations.
 - vii. Violations of this policy will be subject to discipline, up to and including dismissal.
- c. Use of Cell Phones in Meetings**
- i. Cell phones must be either turned off or place in silent mode when in meetings.
 - a) Emergency personnel should leave the room if possible, to answer calls for emergency services.

2. Stipend Eligibility Requirements

- a. To qualify for the wireless communication stipend, the employee must have a City business need, defined and approved by the supervisor, that includes one or more of the following:
 - i. The duties of the position may lead to potentially dangerous scenarios and situations with no other acceptable or reliable means of alternative communications.
 - ii. The duties of the position require that the employee work regularly in the field away from land line communication and needs to be immediately accessible.
 - iii. The duties of the position are such that immediate emergency response is critical (i.e. police, fire, EMS or first responder personnel).
 - iv. The employee is responsible for critical infrastructure or operational support and needs to be immediately accessible at all times.

Deleted: are must pull

Deleted: <#>In situations where a City cell phone has been issued and the employee's job responsibilities include regular driving and accepting of business/government calls, hands-free equipment will be provided to facilitate the provisions of this policy.¶
With the exception of

Deleted: possible

Deleted: Determination of Cell Phone

Deleted: and Plan

Deleted: <#>The determination of which phone and plan is appropriate for each employee will be made by the City Manager or his designee. ¶
This determination will be made by taking into account the employee's individual job duties and related wireless communication needs. These needs will be determined by consulting with the Department Director and when necessary, the employee. Based on these individual needs, it will be the responsibility of the City Manager or his designee to procure the most cost-effective alternative of cell phone and plan.¶
Contract, polling of minutes, and free phone offers are examples of methods that will be used to establish the most cost-effective alternative for cell phones and plans.¶

Formatted: Font: Times New Roman, 12 pt

- v. Executive level employees (i.e. City Manager, City Clerk, Finance Director, Public Works Director, or Director of Public Safety),
- vi. The duties of the position require a significant amount of travel during regular work hours or outside normal hours but related to official City business and access to information technology systems, which in the judgment of the City, render the employee more productive and/or the service the employee provides more effective.
- vii. The duties of the position require response and decision making to life-threatening or public safety issues and situations.
- viii. The duties of the position make it necessary that the employee be accessible to communicate with City Administration at any time.
- ix. The City Manager deems it necessary to ensure the flow of information and critical support of the City mission.

3. Responsibilities of Employees Receiving Stipend

- a. When a wireless communication stipend has been approved and provided to an employee for the conduct of official business, the employee must comply with the following:
 - i. The employee will provide the phone number to their supervisor and City Clerk within five (5) days of activation and will be available for calls (in possession of the wireless communication device and have it turned on) as allowed/prescribed by the applicable CBA.
 - ii. In most cases, the employee may select any wireless carrier whose service meets the requirements of the job responsibilities as determined by the City Manager. The City Manager will work together to determine carrier requirements if problems arise, or circumstances exist that require a specific carrier/technology be used.
 - iii. The employee must inform their supervisor and City Clerk immediately when the eligibility criteria are no longer met or within five (5) working days if the wireless service has been cancelled.
 - iv. The Finance Department will periodically request that the employee provide a copy of the first page of the phone bill to verify that he/she has an active wireless phone plan. The Finance Department will also periodically request documentation of substantial business use. At minimum, documentation is required when initially applying for the stipend and annually when the stipend is renewed. The Wireless Communications Stipend Status Form will be used for the yearly review and re-authorization, or cancellation of allowance.
 - v. The employee is responsible for all charges on his/her personal wireless plan, including early termination fees. If the employee leaves the position, he/she continues to be responsible for the contractual obligations of his/her wireless plan.
 - vi. The employee is personally responsible for complying with international, federal, state, and municipal laws regarding the use of wireless phones and other

Formatted: List Paragraph, Justified, Indent: Left: 0.75", Hanging: 0.38", Space After: 6 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Font color: Yellow

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Not Italic

Formatted: Font: Times New Roman, 12 pt

communication devices while driving. Under no circumstances will the City be liable for non-compliance.

vii. The employee should use discretion in relaying confidential business-related information over any wireless devices since wireless transmissions are not secure.

viii. The employee does not need to maintain a log for business and personal phone calls if receiving a wireless stipend.

4. Stipend Allowances

a. The City will provide a stipend to employees that are approved for a stipend in the amount of \$20.00 per month.

b. A stipend for the equipment will not be provided.

c. A stipend for early termination fees will not be provided.

5. Government Records

a. When the cell phone is used for City business, that record is, in nearly every case, a government record, subject to possible disclosure to the City.

b. Similarly, any message or email relating to City business that is left on a cell phone, is, in nearly every case, a government record, subject to possible disclosure to the City.

6. Special Responsibilities for Supervisory Staff

a. As with any policy, supervisory staff are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

C. FORM(S)

1. Wireless Communication Device Justification and Acknowledgement Request Form.

2. Wireless Communication Stipend Status Form

D. REFERENCE(S)

1. None.

E. DEFINITION(S)

1. Wireless Communication Device. A device that transmits and receives voice, data, and/or text without being physically connected to the City network. This definition includes but is not limited to such devices as cellular telephones, wireless internet services, wireless data devices, and cellular telephone/two-way devices. This policy does not include radio devices that interface with a defined non-public radio frequency such as the 800 MHz Statewide Radio System.

2. Wireless Communications Stipend. The wireless communications stipend does not constitute an increase in base pay, nor will it be included in the calculation of percentage increases to base pay. The stipend will be itemized and reported on employee pay statements and W-2s and subject to withholding taxes.

F. POLICY HISTORY

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Bold

Formatted: Font: 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: 12 pt

Formatted: Font: Times New Roman, 12 pt

Deleted: <#>Inventory and Assignment of Responsibility Required
The Finance Department is responsible to ensure that all City owned the respective departments inventory cell phones and a current, accurate inventory is maintained.
Responsibility for every City owned cell phone is assigned to an employee using the cell phone. The employee assigned the cell phone shall be responsible for use that occurs on the phone and payment for personal use.
Cell phones shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time.
Employees in possession of City cell phones are expected to protect the equipment from loss, damage, or theft.
Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested will bear the cost of a replacement.
Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. ... [2]

Deleted: <#>The use of cell phones, whether owned by the employee or the City creates a record of the nu ... [3]

Deleted: whether owned by the employee or the City,

Deleted: <#>Reimbursing the City for Personal Calls ... [4]

Deleted: None

Formatted: Font: Times New Roman, 12 pt, Not Italic

Formatted: Font: Times New Roman, 12 pt

Formatted ... [5]

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Italic

Formatted: Font: Times New Roman, 12 pt

Formatted ... [6]

Deleted: None.

1. This ~~a revised policy~~.

Deleted: is a policy new policy

Page 1: [1] Deleted Phillip A. Zavadil 10/4/22 3:56:00 PM

Page 4: [2] Deleted Phillip A. Zavadil 10/4/22 4:26:00 PM

Page 4: [3] Deleted Phillip A. Zavadil 10/4/22 4:32:00 PM

Page 4: [4] Deleted Phillip A. Zavadil 10/4/22 4:27:00 PM

Page 4: [5] Formatted Phillip A. Zavadil 10/4/22 4:41:00 PM

Normal, Justified, Indent: Left: 0.25", Space After: 6 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Page 4: [6] Formatted Phillip A. Zavadil 10/4/22 4:41:00 PM

Indent: Left: 0.25", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"