

Cellular Telephones

General Policy:

Department Directors are responsible for the issuance, review, and approval for all cell phones used within their department.

Cellular telephones are radio-frequency transmitters and receivers that broadcast signals which can be monitored by anyone having the proper equipment. Interception can occur at any time and employees and officials using cellular phones should avoid discussion of confidential matters, as they should not reasonably expect such conversation to be private.

The Government Standards and Practices Commission (GSPC) has issued Advisory Opinion 02A-1008, which states in part that employees are prohibited by law from using City issued cell phones to make or receive personal calls, except for notification of an emergency or for shift change purposes. Even though personal calls are permitted in those two limited situations, such calls should be infrequent and of limited duration. To assist you in adhering to this policy, the GSPC provides the following advice:

- 1) Do not list your business cell phone number on your business card;
- 2) Do not give your business cell phone number to personal contacts other than your immediate family, and then only with the understanding that it is for emergency use only; and
- 3) If you receive a non-business related call, immediately inform the caller you will return the call after business hours, and disconnect the call.

The violation of ORS 244.040(1)(a) occurs when a public official uses their public position to benefit personally from public resources that would not otherwise be available but for the holding of the position. Agency cost is not a determining factor.

For city employees needing a cell phone for City business purposes, there shall be two options:

City Cell Phones issued to employees:

- a. Employees with a business need for a cellular phone may be assigned a City issued phone.
- b. Use of City issued cellular phones is restricted to City business; personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in emergencies when these calls cannot be made from a land line within a reasonable period of time.
- c. Cellular telephone use is to be kept to a minimum. Cellular telephone calls should only occur when conventional telephones are not available.
- d. All cellular telephone calls made or received on a City issued cell phone shall be recorded on the 'City Issued Cell Phone Logsheet' for tracking purposes. This logsheet shall be turned in weekly and will aide management in auditing and ensuring the proper use of City issued cellular telephones.
- e. For City issued cell phones that are issued to a 'beat' or to 'on-call' personnel rather than a specific individual, only personal calls made/received must be recorded on the logsheet.

- f. City issued phones will be City property and will be on a cellular telephone plan provided by the City. All cell phone users will work with the plan administrator in their respective City Department in order to obtain or return City-issue cell phones.

Cellular telephone allowance provided as an employee benefit:

- a. The City recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cellular phone allowance in lieu of providing the employee with a City-owned cellular phone.
- b. Under this plan, managers may designate employees who will be provided with a monthly allowance to obtain a personal cellular phone to be used for City-related and personal business of the employee.
- c. The monthly allowance will be \$40. Managers will need to notify Payroll of the names of employees to receive the allowance. Since this method of payment is not expense-substantiated, the allowance is considered a taxable fringe benefit and will be included in the employee's end-of-month paycheck. For infrequent low monthly usage, the Department Director has the discretion to offer a reduced monthly stipend.
- d. The allowance may be adjusted periodically by Finance to attempt to conform generally to commercially available cellular telephone usage plans.
- e. Under this plan, the employee is allowed unrestricted business and personal use (during non-business hours) of his or her cellular telephone.
- f. Each employee who receives a cellular telephone allowance is responsible for obtaining their own usage plan, phone, and other equipment, and for the care and maintenance of said equipment. Employees receiving this allowance are further responsible for immediately notifying the City in the event their cellular plan is cancelled or terminated.

Operational Safety:

Use of any cellular phone at any time should be done in a safe, common sense manner. Use of a cellular phone while operating a vehicle on City business is strongly discouraged except in the case of an emergency.

The need for a cell phone or the discretion to issue a City cell phone or to provide the cellular telephone allowance shall rest solely with the respective Department Director.

Personal business is not to be conducted during business hours whether carrying a City cell phone or utilizing the cellular telephone allowance. Should an employee receive a personal call during business hours, they are to immediately inform that caller that they will return the call after business hours/during personal breaks, and disconnect the call.