

Section 1: Purpose

The City of Manteca recognizes that cellular telephones enhance the level of City services by allowing employees to remain in contact with the office or with one another as the need arises. As technology has now made the cellular telephone both practical and economical for work-related use, a cellular telephone allowance policy is set forth herein.

Section 2 Policy

Effective immediately upon the approval of this policy, the City will no longer purchase new cell phones, nor will any existing City cell phone contracts be changed, renewed or extended to its current assigned employees. Effective July 1, 2008, the City will use one of the following methods to address cell phone usage made for official City business purposes:

1. Provision of a monthly allowance to be used for all, or a portion of, an employee's personal cell phone service plan.
2. Provision of a reimbursement for official City business cell phone calls made to or from an employee's personal cell phone service plan subject to submittal of proper paperwork for verification.
3. For emergency purposes, or under unique circumstances as identified by a Department Head, and approved by the Administrative Services Director and the Finance Director, the City may provide an employee a City-owned cell phone that may, or may not, involve pre-paid minutes that is to be used only for official City business purposes.

This procedure does not apply to City Council Members. Certain Public Safety employees may be subject to additional policies on cell phone use.

Section 3 Eligibility

An allocation of a monthly allowance, reimbursement, or provision of City-owned cell phone to an employee for the purpose of business use only will be made by the City Manager or Human Resources Director using the following eligibility criteria to include, but is not limited to:

Performance of work that requires the employee to be out of the office on a regular basis where availability of conventional telephones is limited and where the City Manager or Human Resources Director has determined that the employee needs to be in contact with the office or key City personnel at all times.

Performance of work that requires the employee to regularly serve in an off-duty, on-call status an average of two to three times per week.

Performance of work that requires the employee to stand by for emergency call back where, once called, time becomes a significant response factor (e.g., time is too critical to permit the employee to drive to a City facility to pick up a City-owned cellular telephone and then respond to the incident).

Where required by the terms of a labor agreement.

Where temporarily authorized by a department head to facilitate a night meeting or during the time an employee is away from the office on authorized travel for City business.

Where the safety of the employee or of participants at a City-sponsored program or event requires it.

If an employee's job duties do not include the frequent need for access to a cell phone for City related business, then the employee is not eligible to receive a monthly allowance to cover cell phone expenses. Simple convenience shall not be a criterion for cell phone need.

Section 4 Financial methods for cell phone allocation

Effective July 1, 2013, employees who meet the criteria for assignment of a cell phone for City business shall be accommodated by one of the following methods:

Monthly Cell Phone Allowance

A monthly cell phone allowance will be allocated to designated employees as determined by the City Manager and/or the Human Resources Director. Allowance amounts will be in the amounts of \$45 per month for a standard-style cell phone, or \$120 per month for use of a "Smartphone" device on any carrier network. . Other monthly allowances will be evaluated and updated based on need, minutes utilized and the service requirement for the position.

Periodically, the rates, plans and different carrier options will be evaluated which may reduce or increase the allowances and reimbursement.

Reimbursement for Smartphone devices shall be reserved for Department Managers or those designated by the City Manager or Human Resources Director. Apple i-Phones with a current version of Active Sync, Android operating system devices with a current version of Active Sync, or Microsoft Windows phones with a current version of Active Sync will be permitted to synchronize with City-owned mail servers and network systems and will be supported by the I.T. Division. If a user already receiving a standard cell phone allowance prefers to use a qualifying Smartphone, and can demonstrate a legitimate business need; they may be permitted to synchronize with the mail server, provided the City does not incur any additional costs, and such use is approved by the City Manager and/or Human Resources Director. All Smartphone users should check with the I.T. Manager prior to purchasing their device in order to make sure it will be compatible with City-owned systems.

The individual cell phone owner is responsible for any support issues they may have with their equipment or carrier. Any upgrades to devices shall be the financial responsibility of the device owner. All smartphone devices must be in compliance with the City's Mobile Device Policy and any other applicable policies

The monthly allowance is intended to cover the employee's projected business-related cell phone calls and data use only. An employee's personal cell phone airtime usage is not considered in determining the level of plan allowance.

The allowance shall be paid to the designated employee by the City on a semi-monthly basis and is subject to income tax. The monthly dollar amount allocated to each employee is determined based on fulfillment of the City or Department's needs for business usage.

The cell phone will be personally owned and under the responsibility of the employee. As the cell phone is personally owned by the employee, and the provided allowance is taxable income, the employee may use the cell phone for both business and personal purposes, as needed. Upon termination of employment, the cell phone allowance will cease, however, the former employee will be able to continue use of the cell phone at his/her own cost.

In certain circumstances, additional reimbursement for cell phone costs may be available to employees who receive a monthly allowance. Any additional reimbursement is subject to the same verification outlined in the "Monthly Cell Phone Reimbursement" section of this policy. Reimbursement rates and qualified equipment are subject to periodic review and adjustment by the City Manager or Administrative Services Director.

Monthly Cell Phone Reimbursement

Designated employees who are not assigned a monthly cell phone allowance may be eligible for reimbursement of business related cell phone calls made in a one-month period as approved by the City Manager and/or the Human Resources Director.

Reimbursement for business use of personal cell phones will be as follows:

- Divide the monthly phone call portion of the bill by the total number of minutes used to determine a per-minute cost.
- Identify the number of business call minutes and multiply the per-minute cost to these minutes calculate the total amount of requested reimbursement
- If applicable, add any specific roaming or long distance charges attributable to the business calls.
- Attach a copy of the cell phone bill that identifies the business calls.
- Include the calculation method of how the requested reimbursement was determined.

- Submit reimbursement requests no more than two months from the billing date on the applicable statement.

A monthly reimbursement shall be capped to the maximum monthly allowance given to an employee unless the City Manager and/or Human Resources Director has authorized an additional sum based on special circumstances requiring the related business calls.

Assignment of a City Owned Cell Phone

For emergency purposes, or as determined by the City Manager and/or the Human Resources Director, designated employees shall be provided a City-owned cell phone, which may, or may not, involve the use of pre-paid minutes.

In the instances where the City is providing cell phones for use by City employees, an employee's use of a City-owned cell phone is limited to official City business only. There shall be no personal use of City cell phones except in response to family emergencies, or unforeseen work schedule changes, and even under these circumstances, only when it is impossible or unreasonable to use a City landline telephone, public pay phone, or personal phone.

When personal use is necessary, employees shall reimburse the City for the charges within a month of the City's receipt of the bill. Reimbursement will be based on the IRS ruling regarding "Listed Property." Employees should immediately report unauthorized use, theft or loss of a City-owned phone to their supervisor and/or Department Head.

In the case of a lost or damaged City-owned phone or accessory, the employee may be responsible for reimbursing the City for the value of the equipment if the employee is determined to be negligent for its loss.

Section 5 City Responsibility

The Finance Department will maintain a list of all employees that are authorized to receive a monthly cell phone allowance, and a copy will be forwarded to each department. When a position with a cell phone allowance becomes vacant, or when circumstances change relative to the employee's need for a cell phone to conduct City business, department heads will be responsible to inform Finance of the discontinuance of the allowance.

Individual departments shall be responsible for maintaining a list of assigned City cell phones, monitoring of cell phone usage for reimbursement purposes, and development of a check-in/check-out method for the equipment.

Section 6 **Employee Responsibility**

An employee who is authorized to receive a monthly allowance is responsible for the following:

1. Contracting with a cell phone service provider.
2. The purchase and/or acquisition of the cell phone itself and all associated equipment expenses.
3. All activation fees and any incidental charges relating to the plan they choose.

No additional allowance is provided by the City to replace lost or damaged equipment. The employee will also bear the cost of any fees imposed by the cell phone service provider associated with changing or cancelling a cell phone plan.

Employees who receive a monthly cell phone allowance shall have the cell phone in operating condition and in their possession during their regular working hours, or during hours specified by their supervisor. They will be expected to be available via cell phone during said hours, or as work demands require.

Employees are expected to not let cell phones, whether personally owned or City-provided, become a distraction to the performance of their duties.

Employees are responsible for operating City-owned vehicles and potentially hazardous equipment in a safe and prudent manner, therefore, employees should refrain from using cell phones while operating such vehicles. As of July 1, 2008, the State of California requires the use of a hands-free device while operating a motor vehicle; it shall be the employee's responsibility to purchase and use the appropriate equipment to be in compliance with this law. In addition, employees shall not use cell phones while driving in states where prohibited by law.

An employee's failure to provide a current cell phone number, or failure to notify the City that a cell phone contract has been terminated while the allowance is still being given, will result in disciplinary action, up to and including termination of employment.