

# **CELL PHONE USE POLICY**

## **Purpose**

The purpose of this policy is to promote a safe and productive work environment and increase public safety. This policy applies to both incoming and outgoing cellular phone calls.

## **Scope**

This policy is effective upon approval of the City Council and applies to all City employees.

## **City Issued Cell Phones**

A City-owned cell phone will be issued to all Department Heads as determined by the City Administrator or his/her designee, as well as City employees when required by that employee's job duties and/or as determined by the City Administrator or his/her designee. Such City-owned cell phones shall not be used by City employees for personal reasons other than incidentally and/or in emergency situations.

## **Unauthorized Cell Phone Use**

Employees are required to conduct themselves appropriately in the workplace and to refrain from using cell phones for activities that are unauthorized by this Policy, another applicable City policy, or other applicable law, rule or regulation. Unauthorized use of cell phones includes, but is not limited to, the following uses, all of which are prohibited:

1. Any use of City-owned cell phones for activities that are inappropriate to the workplace or are prohibited by any law, rule, regulation or City policy.
2. Any use of City-owned cell phones for furtherance of a non-City business or non-City employment, including, without limitation, consulting for pay, sales or administration of business transactions, or sale of goods or services, including assisting relatives, friends or other persons in such activities.
3. Any use of City-owned cell phones to engage in any outside fund-raising activity, endorse any product or service, participate in any lobbying activity, or engage in any prohibited political activity.
4. Any use of City-owned cell phones for personal reasons not prohibited by numbers 1, 2 or 3 above, except incidentally and/or in emergency situations.
5. Any use of personal cell phones during working hours that would violate numbers 1, 2 or 3 above.
6. Any use of personal cell phones for conducting City business, except incidentally and/or in emergency situations.
7. Any use of personal cell phones during regular working hours for personal reasons not prohibited by numbers 1, 2 or 3 above, except incidentally and/or in emergency situations.

8. Any use of any cell phone while driving a City vehicle or while driving any other vehicle while conducting City business. Drivers must comply with all federal, state, and local laws and regulations regarding the use of mobile devices while driving.

To the extent this Policy is in conflict with any other duly instituted Policy or General Order contained in the Rules and Regulations of the City of Beacon Police Department or Fire Department, such Rules and Regulations shall govern such police officer's / firefighter's phone usage, as applicable.

### **Privacy**

City employees do not have a right of privacy while using City-owned cell phones, whether for official or personal purposes, at any time. Any use of a City-owned cell phone is made with the understanding that such use is not private.

By using City-owned cell phones, whether for official or other purposes, City employees consent to the searching, monitoring and/or disclosing of the contents of any information maintained on or passing through the City-owned cell phone and of any logs or other records of the use of such equipment, including, but not limited to, billing records, call records, text records and pictures.

### **Liability**

Employees in possession of City-owned cell phones are expected to use reasonable care to protect the equipment from loss, damage or theft. Lost, damaged or stolen cellular equipment should be immediately reported to the employee's supervisor. Normal wear and tear is the expected decline in the condition of equipment due to normal everyday use. It is not caused by abuse or neglect. Normal wear and tear shall be assessed by the City Administrator, and, in his/her discretion, costs associated with the replacement or repair of City-owned cell phones based upon such may be paid for by the City. Additionally, damage inflicted in the course of an employee's official duties shall be assessed by the City Administrator, and, in his/her discretion, costs associated with the replacement or repair of City-owned cell phones based upon such may be paid for by the City. However, all costs incurred for replacement or repair of a City-owned cell phone due to an employee's negligent, reckless or intentional conduct will be the responsibility of the employee.

Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the City-owned cell phone for return or inspection. Employees unable to present the equipment in good working condition (notwithstanding normal wear and tear) within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement.

Any overage or other charges realized by the City as a result of an employee's personal calls shall be the responsibility of the employee and must be reimbursed to the City.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions.

### **Sanctions for Unauthorized Use**

Unauthorized use of City-owned cell phones may result in: (1) loss of use or limitations on use of City-owned cell phones; (2) financial liability for the cost of such use; (3) disciplinary or other adverse personnel actions, up to and including dismissal; and/or (4) civil and/or criminal penalties.