

Rule 3-37

CELLULAR DEVICES

§§:

3-37-010 Purpose

3-37-015 Definitions

3-37-020 Policy

3-37-025 Applicability

3-37-030 Cellular Device Guidelines

3-37-035 Oversight and Authorization of Cellular Device Usage

3-37-040 Limiting or Revoking Access

3-37-045 No Responsibility to Repair or Replace Cellular Devices

3-37-050 Permissible and Prohibited Uses of County-Owned Cellular Devices

3-37-055 Confidentiality of Systems and Information

3-37-060 Employee Privacy Expectations

3-37-065 Electronic Records Retention and Access

§ 3-37-010 PURPOSE

The purpose of this Cellular Devices policy is to provide guidelines for usage of cellular devices for work purposes, both usage of county-owned cellular devices and usage of employees' personal cellular devices for work purposes.

§ 3-37-015 DEFINITIONS

CELLULAR DEVICE A cellular device is an electronic device used for mobile communications including mobile telephone, email, text messaging or data transmission, over a cellular network. In addition to the standard voice function, cellular devices known as smartphones and/or tablets may support many additional services and accessories, such as application software (third-party "apps"), text messaging, e-mail, internet access, camera and GPS. Additionally, cards for the purpose of providing cellular network access (this type of card requires some type of monthly service plan) for mobile computing devices such as a laptop are also considered a cellular device.

PERSONAL CELLULAR DEVICES A cellular device and the associated monthly or prepaid services that are acquired by and paid for by the employee.

COUNTY-OWNED CELLULAR DEVICE A cellular device and the associated monthly services that are acquired by and paid for by Multnomah County and issued to employees to conduct county business.

ALLOWANCE Considered additional employee compensation subject to applicable payroll taxes. See Administrative Procedure, FIN-18

§ 3-37-020 POLICY

The county authorizes certain employees to utilize county-owned cellular devices when such usage is required by the employees' job duties. Employees utilizing county-owned cellular devices must use the devices for authorized county business except as otherwise provided in this policy. The county will also authorize certain employees, on a voluntary basis, to use their personal cellular devices for work purposes when required by their job duties, with payment of an allowance under the terms of this policy and Administrative Procedure FIN-18. The allowance is considered additional compensation and will be subject to all applicable taxes and withholdings. When appropriate, the Department Director will provide the choice to the employee to either be issued a county-owned cellular device or to use their personal cellular device and receive an allowance pursuant to this policy. Any and all usage of cellular devices for work purposes must comply with all federal, state and county laws, rules including MCPR 3-35-050, regulations and procedures established by county departments and work units. Decisions by Department Directors about cellular device usage should reflect considerations of cost effectiveness.

§ 3-37-025 APPLICABILITY

This rule applies to employees' use of cellular devices for work purposes. This rule covers both county-owned cellular devices and personal cellular devices used for work purposes whether or not the employee is compensated for its use.

§ 3-37-030 CELLULAR DEVICE GUIDELINES

It is the county's preference to authorize an allowance for the use of personal cellular devices rather than provide county-owned cellular devices. The following are the scenarios by which a county employee may, if approved, utilize cellular devices for work purposes.

(A) Business use of personal cellular devices

Department Directors may authorize employees to utilize their personal cellular devices for work purposes on a voluntary basis, under the terms and guidelines of this policy.

(1) Compensation

(a) A monthly allowance will be issued to those employees who are authorized by their Department Directors to utilize voice and/or text services on personal cellular devices for work purposes. The county will pay an allowance as designated in Administrative Procedure FIN-18 for use of a voice and/or text cellular device. In no event will the allowance paid exceed the employee's actual monthly charges.

(b) An additional allowance, also designated in the Administrative Procedure FIN-18, will be allowed for data plan services for cellular devices if a Department Director determines the employee needs this additional

functionality for work purposes. The data plan allowance is for cellular devices that allow secure access to the County's e-mail environment or access to the county network. In no event will that allowance exceed the employee's actual monthly charges.

(c) The cellular device allowance is considered additional compensation and as such is a taxable item that will be added to the employee's monthly paycheck. The employee is responsible for submitting to the Department Director the pages of his/her wireless service bill verifying the charges. The Department Director is responsible for notifying Central Payroll of which employees have been approved to use personal cellular devices under this policy, of all allowance amounts and changes in allowance amounts or eligibility. In no event will any monthly allowance paid be greater than the actual monthly plan paid by the employee.

(d) The allowance will begin the month following the date of the Department Director's signature on the authorization form. A request for reimbursement of prior months must have a written justification signed by the Department Director attached to the form, and is subject to the approval of the County Chief Financial Officer.

(e) The employee is responsible for submitting to the Department Director, on an annual basis, the pages of his/her most current wireless service bill verifying the charges and confirming that the employee continues to have the service. Documentation is to be received by January 15th to continue the employee allowance.

(f) The employee's supervisor and the employee are both responsible for notifying the Department Director and Central Payroll, in writing, within 10 days, if the employee is no longer required to use a personal cellular device for job related tasks, if the personal cellular device has become disabled and not usable, or if there is a change to the monthly charges for the cellular device that would affect the amount of the allowance.

(g) The Department Director is responsible for notifying Central Payroll, in writing, if the employee terminates their employment with the County, if the employee transfers to a new unit, or if the Department Director revokes personal cellular authorization.

(h) If an employee loses their personal cellular device and the device contains county information such as e-mails, calendar notations and texts:

(1) The employee is responsible for immediately notifying their supervisor and the Help Desk; and

(2) The County has the right to destroy any data on the personal cellular device or take any other action to ensure the confidentiality of county

information on the cellular device, without regard to potential loss of the employee's personal data or information.

(B) County-issued cellular devices.

(1) If it is determined that the use of a personal cellular device does not meet the business needs or the employee does not wish to utilize that alternative, a Department Director may authorize an employee to use a county-owned cellular device for business purposes under these rules.

§ 3-37-035 OVERSIGHT AND AUTHORIZATION OF CELLULAR DEVICE USAGE

(A) Oversight

Department Directors shall be responsible for oversight and approval of each employee's request for a county-owned cellular device, or to utilize their personal cellular device for business purposes. Requests are made on the basis of a genuine business need, not by the requestor's job classification alone. The Department Director shall review cellular device usage annually, or on a more suitable frequency as may be requested by IT, to ensure that the use is appropriate and that prudent fiscal management guidelines are followed. This periodic review shall include an assessment of each authorized employee's need to use a cellular device for a business purpose.

(B) Authorization

(1) The county must authorize the employee to use a personal cellular device or a county-owned cellular device for county business. Authorization forms shall be signed by the employee and the employee's supervisor, and then submitted to the Department Director for approval and authorization to be indicated by the Director's signature. A copy of the authorization form will be retained by both the employee and the department. A copy of the forms is attached and is also available on Multco Commons:.

<https://commons.multco.us/dca-administrative-hub-services/document/request-business-use-cellular-devices> and
<https://commons.multco.us/document/32307/download> (personal cellular).

(2) The Department Director is responsible for authorizing an employee to use a personal cellular device for business purposes or to use a county-owned cellular device, based on the following factors:

(a) Departmental requirements indicate utilizing a cellular device is an integral part of performing duties of the job description;

(b) More than 50% of the employee's job duties are performed in the field;

(c) The employee is required to be contacted for business reasons on a regular basis;

(d) The employee is required to be on call outside of normal work hours as a job requirement; or

(e) The employee is a critical decision maker.

(3) The Department Director is responsible upon approval of an allowance for business use of a personal cellular device, or upon authorization for an employee to use a county-owned cellular device, to approve the plan that is the “least-cost” to the county for employee usage, and to review that plan annually or anytime charges greater than the base plan costs are experienced. IT may assist in identifying the plan with the lowest overall cost to the county, considering usage patterns experienced. Employees utilizing personal cellular devices for business purposes must provide the Department Director and their supervisor with their current telephone number.

§ 3-37-040 LIMITING OR REVOKING ACCESS

The county may revoke or limit permission for use of cellular devices for work purposes at any time without cause or explanation. Department Directors may issue department specific limitations on use of cellular devices that are more restrictive than this rule.

§ 3-37-045 NO RESPONSIBILITY TO REPAIR OR REPLACE CELLULAR DEVICES

(A) Under no circumstances will an employee be authorized to personally seek to repair a county-owned cellular device on their own. For individuals who continue to utilize county-owned cellular devices, the county will continue to provide support and repair services for those devices.

(B) The county has no responsibility for repair or replacement of personal cellular devices used for work purposes.

§ 3-37-050 PERMISSIBLE AND PROHIBITED USES OF COUNTY-OWNED CELLULAR DEVICES

(A) Usage of county-owned cellular devices is restricted to county business, except as allowed in these guidelines.

(B) Limited personal use of county-owned cellular devices is permissible, and must always be on the employee’s own time, at virtually no cost to the county, and be brief and infrequent. In addition to uses which may have a direct cost, such as making toll calls, personal uses which have an indirect cost are also prohibited. Personal use of county-owned cellular devices, consistent with these rules, is considered an incidental benefit under MCPR 4-20-110(C).

(C) Permissible personal uses of county-owned cellular devices include:

- (1) A short e-mail or text message.
- (2) A pager message.
- (3) A brief and infrequent telephone call.
- (4) A brief and infrequent toll call that is not charged to the county.
- (5) Brief and infrequent internet access or web searches for personal research, or self-study.
- (6) Brief and infrequent postings using social media if the content or purpose is personal.
- (7) Storage of limited copies of personal electronic files (no more than 500 megabytes) e.g., photographs of family members or friends, as long as they have been virus scanned.
- (8) Data streaming provided the cellular device is using a WiFi connection and not the county's cellular data plan, and there is no interference with county business.
- (9) Downloading a third-party application or "app" on a county-owned cellular device provided there is no cost or charge to the county and no interference with county business.
- (10) If the employee is not assigned a county desk phone the employee may use a county-owned cellular device in the same manner as a desk phone so long as it amounts to virtually no cost to the county, or if it results in additional cost for the county, the employee will reimburse the county for the added cost.

(D) Prohibited personal uses of county-owned cellular devices, except as provided above in § 3-37-050(C), include but are not limited to:

- (1) Making toll calls.
- (2) Sending or knowingly receiving personal emails or texts with large file attachments (more than 500 megabytes) e.g., graphics, photos or sound files.
- (3) Uses which require significant data storage or data transmission (bandwidth) capacity.
- (4) Data streaming while using its cellular data plan.

(E) The following additional guidelines apply to employees' usage of county-owned cellular devices:

(1) Employees will not use county-owned cellular devices if regular telephone service is available.

(2) Employees will avoid lengthy conversations on county-owned cellular devices. If an employee anticipates that a call will last more than a few minutes, the employee will arrange to call the person back from a regular telephone, to the extent possible.

(3) Employees will minimize use of county-owned cellular devices outside the home service area, to the extent possible.

§ 3-37-055 CONFIDENTIALITY OF SYSTEMS AND INFORMATION

(A) Various county, state and federal laws, rules, regulations and policies restrict access to and disclosure of confidential and sensitive data and information, such as employee or client medical information, and social security numbers, for example. Employees will not disclose or allow access to such sensitive and confidential information or data, except in accordance with county or departmental rules, practices or procedures. Employees with such access are responsible for the safekeeping and handling of their cellular devices to prevent unauthorized disclosure of financial, medical, and other personal client or employee information, or any confidential information contained in the system or on their personal cellular devices. Employees must immediately notify their supervisor of any potential breach/unauthorized access to their cellular devices used for work purposes.

(B) Electronic data should be transported on cellular devices only as necessary to conduct County business. Employees are required to ensure that cellular devices are properly secured via password protection. This includes both personal cellular devices used for business purposes and county-owned cellular devices.

§ 3-37-060 EMPLOYEE PRIVACY EXPECTATIONS

(A) Privacy expectations for use of county systems and work records on cellular devices used for work purposes are stated at 3-35-045.

(B) Department Human Resources Units, Central Human Resources, and the County Attorney's office may request reports detailing employee cellular device usage for county-owned cellular devices. These reports include information that specifies internet sites employees accessed or attempted to access, how long employees spent on internet sites, and copies of e-mails or similar messages sent and received, and phone numbers called or from which the employee received calls. Managers who believe they need access to usage reports shall contact their Department Human Resources Unit for approval to access such reports.

§ 3-37-065 ELECTRONIC RECORDS RETENTION AND ACCESS

Work-related electronic records existing on cellular devices used for work purposes, including personal cellular devices, are public records. As such, they are subject to the same laws and rules for public inspection and retention that apply to all other county records, including but not limited to the state public records laws and rules, County Executive Rules 300 and 301 and County Administrative Procedure REC-1. Employees should refer to the retention schedules for their Department to determine what must be retained and what can be destroyed. Retention schedules are at <http://web.multco.us/records/retention-schedules>.