

## **Rule 3-37**

### **Mobile Devices**

**§§:**

[3-37-010 Purpose](#)

[3-37-015 Definitions](#)

[3-37-020 Policy](#)

[3-37-025 Applicability](#)

[3-37-030 Mobile Device Guidelines](#)

[3-37-035 Oversight and Authorization of Mobile Device Usage](#)

[3-37-040 Limiting or Revoking Access](#)

[3-37-045 No Responsibility to Repair or Replace Mobile Devices](#)

[3-37-050 Permissible and Prohibited Uses of County-Owned Mobile 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 Mobile Devices policy is to provide guidelines for usage of county and personally owned mobile devices for County related work.

#### **§ 3-37-015 Definitions**

- **Allowance:** Considered additional employee compensation subject to applicable payroll taxes. See Administrative Procedure, FIN-18.
- **County-owned Mobile Device:** A mobile device and the associated monthly services that are acquired by and paid for by Multnomah County and issued to employees to conduct county business.
- **Mobile Device:** A mobile device is an electronic device used for mobile communications including mobile telephone, email, text messaging or data transmission, over a mobile or Wi-Fi network. In addition to the standard voice function, mobile devices known as smartphones and/or tablets may support many additional services and accessories, such as application software (third-party “apps”), text messaging, email, internet access, camera and GPS. Additionally, cards for the purpose of providing mobile 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 mobile device.
- **Personal Mobile Device:** A mobile device and the associated monthly or prepaid services that are acquired by and paid for by the employee.

### **§ 3-37-020 Policy**

- A. The county authorizes certain employees to utilize county-owned mobile devices when such usage is required by the employees' job duties. Employees utilizing county-owned mobile 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 mobile 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 mobile device or to use their personal mobile device and receive an allowance pursuant to this policy. Any and all usage of mobile 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 mobile device usage should reflect considerations of cost effectiveness.
  
- B. County-owned mobile devices may be taken home or to other locations for work purposes by employees with prior approval of their manager. All equipment shall be returned upon separation from employment with the County.

### **§ 3-37-025 Applicability**

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

### **§ 3-37-030 Mobile Device Guidelines**

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

- A. Business use of personal mobile devices: Department Directors may authorize employees to utilize their personal mobile devices for work purposes on a voluntary basis, under the terms and guidelines of this policy.
  - 1. Compensation
    - a. A monthly allowance may be issued to those employees who are authorized by their Department Directors to utilize voice, text, and/or data services on personal mobile devices for work purposes. The county will pay an allowance as designated in Multnomah County Administrative

Procedure FIN-18 for use of a mobile device for voice, text, and/or data services.

- b. The allowance will be paid to employees in whole monthly increments rather than prorated for partial beginning and ending months of approved allowance period.
- c. Amounts different than those outlined in Multnomah County Administrative Procedure FIN-18, require approval from the Chief Financial Officer
- d. The mobile 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 mobile devices under this policy, of all allowance amounts, and changes in allowance amounts or eligibility.
- e. 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. In no event shall reimbursement of prior months cross fiscal years.
- f. 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.
- g. The employee's manager and the employee are both responsible for notifying the Department Director and Central Payroll, in writing, within ten (10) days, if the employee is no longer required to use a personal mobile device for job related tasks, if the personal mobile device has become disabled and not usable, or if there is a change to the monthly charges for the mobile device that would affect the amount of the allowance.
- h. 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 mobile authorization.

- i. If an employee loses their personal mobile device and the device contains county information such as e-mails, calendar notations, and texts:
  - i. The employee is responsible for immediately notifying their manager and the Help Desk; and
  - ii. The County has the right to destroy any data on the personal mobile device or take any other action to ensure the confidentiality of county information on the mobile device, without regard to potential loss of the employee's personal data or information.

B. County-issued mobile devices.

1. If it is determined that the use of a personal mobile 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 mobile device for business purposes under these rules.
2. If an employee receives a mobile allowance, they typically do not have a need for a county issued mobile device. The exceptions would be county issued mobile device that is shared by and rotated among multiple employees (including those that receive an allowance) for essential service coverage such as, but not limited to, Emergency Management Duty Officer or Call Center employees. Exceptions require Department Director approval.

**§ 3-37-035 Oversight and Authorization of Mobile Device Usage**

A. Oversight: Department Directors shall be responsible for oversight and approval of each employee's request for a county-owned mobile device, or to utilize their personal mobile 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 mobile 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 mobile device for a business purpose.

B. Authorization

1. The county must authorize the employee to use a personal mobile device or a county-owned mobile device for county business. Authorization forms shall be signed by the employee and the employee's manager, 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 are available on Multco Commons: Authorization to Use a County Issued Cell Phone or Mobile Device

and Multnomah County Administrative Procedure FIN-18 - Allowance for Business Use of Personal Mobile Devices Application / Approval Form.

2. The Department Director is responsible for authorizing an employee to use a personal mobile device for business purposes or to use a county-owned mobile device, based on the following factors:
  - a. Departmental requirements indicate utilizing a mobile 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 mobile device, or upon authorization for an employee to use a county-owned mobile 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 mobile devices for business purposes must provide the Department Director and their manager with their current telephone number.

#### **§ 3-37-040 Limiting or Revoking Access**

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

#### **§ 3-37-045 No Responsibility to Repair or Replace Mobile Devices**

- A. Under no circumstances will an employee be authorized to personally seek to repair a county-owned mobile device on their own. For employees who continue to utilize county-owned mobile 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 mobile devices used for work purposes.

### **§ 3-37-050 Permissible and Prohibited Uses of County-Owned Mobile Devices**

- A. Usage of county-owned mobile devices is restricted to county business, except as allowed in these guidelines.
- B. Limited personal use of county-owned mobile 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 mobile devices, consistent with these rules, is considered an incidental benefit under MCPR § 4-20-110 (C).
- C. Permissible personal uses of county-owned mobile devices include:
  - 1. A brief email;
  - 2. A brief text 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, e.g., photographs, documents, and digital music, so long as they have been virus scanned with any software the County has made available for that purpose;
  - 8. Data streaming provided the mobile device is using a Wi-Fi connection and not the county's mobile data plan, and there is no interference with county business; and
  - 9. If the employee is not assigned a county desk phone the employee may use a county-owned mobile 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 mobile devices, except as provided above in MCPR § 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; and
  4. Data streaming while using its mobile data plan.
- E. The following additional guidelines apply to employees' usage of county-owned mobile devices:
1. Employees will not use county-owned mobile devices if regular telephone service is available.
  2. Employees will avoid lengthy conversations on county-owned mobile 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 mobile 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 Personally Identifiable Information (PII). 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 mobile devices to prevent unauthorized disclosure of financial, medical, and other personal client or employee information, or any confidential information contained in a system or on their personal mobile devices. The storing of PII (including but not limited to Personal Health Information (PHI)) on personal mobile devices is not allowed. Employees must immediately notify their manager and the IT Help Desk of any potential breach/unauthorized access to their mobile devices used for work purposes in accordance with Multnomah County Administrative Procedure PR 3-10-020 (Q).
- B. Electronic data should be transported or stored on mobile devices only as necessary to conduct County business. Employees are required to ensure that mobile devices are properly secured via password protection. This includes both personal mobile devices used for business purposes and county-owned mobile devices.

### **§ 3-37-060 Employee Privacy Expectations**

- A. Privacy expectations for use of county systems and work records on mobile devices used for work purposes are stated at MCPR § 3-35-045.
- B. Department Human Resources Units, Central Human Resources, and the County Attorney's Office may request reports detailing employee mobile device usage for county-owned mobile 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 emails 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.
- C. Upon request, employees will provide to the County any work records on personal mobile devices and third party websites, including but not limited to emails, electronic documents, texts, chats, voice mails, and social media posts, whether or not the employee is compensated for its use per this rule, to the extent required by public records laws and other legal requirements. The county may use this information in disciplinary or other legal proceedings.

### **§ 3-37-065 Electronic Records Retention and Access**

Work-related electronic records existing on mobile devices used for work purposes, including personal mobile 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 Multnomah 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](http://web.multco.us/records/retention-schedules).