



CELLULAR TELEPHONE POLICIES

You are receiving a cellular telephone to facilitate your work efforts. Before you accept the telephone read the statements below. Once you have read the statements below, sign at the bottom of the last sheet and return this to the Purchasing Agent. The Johnson County Sheriff's Department is excluded from this policy.

Johnson County is providing this cellular telephone as a courtesy to you so that your work can be facilitated. You are encouraged to use regular telephones whenever possible. If a regular telephone is not available, you are encouraged to use the cellular device.

Purpose

The purpose of this instruction is to provide for the implementation of a formal procedure for the acquisition and inventory of cellular equipment and the tracking and auditing of the cellular services used by Johnson County employees at Johnson County's expense.

Concept

Johnson County recognizes that the communication capability afforded through cellular technology is a tool that can increase employee productivity and workflow when away from a landline telephone.

To minimize the cost of using this technology, the Purchasing Agent enters into agreements with cellular providers for voice and/or data service, devices and accessories. All Johnson County owned cellular phones shall be purchased through the approved agreements and managed through the County's central accounting system. There are master bills for each account currently in place with our cellular telephone provider, which enables the appropriate accounting processes to take place. No other provider shall be solicited to provide a cellular telephone service outside of the current accounts already in place.

Employees who are issued cellular telephones shall be responsible for the operation, condition and security of that telephone while it is in their possession and, as such, shall take all necessary precautions to ensure that the telephone is not subjected to conditions that would adversely affect the telephone or for which it was not designed.

General Johnson County Policies:

Use of Technology Resources: Johnson County technology resources include but are not limited to computers, software, telephones, facsimile (FAX) and photocopy machines. Johnson County owns and maintains technology resources for the purpose of carrying out Johnson County's business. While Johnson County recognizes that employees may occasionally need to use technology resources for personal reasons, all such personal use should be incidental and kept to a minimum. This standard of usage applies to all Johnson County equipment at all times.

Telephones: Personal calls from provided landline or cellular phones should be brief in nature and limited to calls which are immediately necessary. Employees shall not charge personal long-distance calls to any Johnson County account.

Calls made on County-owned equipment for purposes of entertainment, such as any "900" calls, are prohibited except for an official law enforcement investigation.

Calls made to Directory Assistance operators on County-owned equipment are strongly discouraged and are not reimbursable. Should an employee place a call to Directory Assistance on a County-owned phone, the employee shall pay any fees charged by the wireless provider for the Directory Assistance call.

Use of telecommunications devices for illegal, fraudulent or malicious activity; or activity on behalf of organizations or individuals having no affiliation with Johnson County is strictly prohibited.

Generating, soliciting, viewing, storing, transmitting or other use of data or other material which is abusive, profane, pornographic, vulgar, contains offensive sexual content, or otherwise offensive to a reasonable person, except when used for an official law enforcement investigation, is strictly prohibited.

IRS Policies:

According to IRC §132(e); Reg. §1.132-6(b), De minimis fringe benefits include any property or service, provided by an employer for an employee, the value of which is so small in relation to the frequency with which it is provided, that accounting for it is unreasonable or administratively impracticable. The value of the benefit is determined by the frequency it is provided to each individual employee, or, if this is not administratively practical, by the frequency provided by that employer to the workforce as a whole.

Personal use of cell phones being provided by the employer primarily for a business purposes, may be excludable as De Minimis Fringe Benefits when they are occasional, infrequent, and not routine.

Cell Phone Stipend:

Upon the recommendation of the County Mayor, Johnson County employees may be provided with a cell phone stipend in lieu of being issued a Johnson County cellular telephone. The amount of the allowance will be in line with one of the cell phone service plans in place and used by Johnson County. At least once per year the appropriateness of the level of the allowance shall be re-examined by the Director of Accounts & Budgets to determine if the allowance needs to be adjusted.

Johnson County shall not be responsible for the employee's personal cell phone nor its maintenance and repair. While the allowance is intended to cover the cost of all work-related calls/texts/messages/data, ultimately if the employees plan allowance is exceeded, the burden rests with the employee.

Such allowances are to be treated as taxable income pursuant to IRS guidelines. Accordingly, the value of the allowance will be included in the employee's statement of taxable income.

Use of Hand-Held Devices While Driving:

If use of a cellular device is necessary while driving or while operating heavy machinery, employees should make use of hands-free accessories, pull over to the side of the road and/or shut down machinery. Johnson County requires employees to follow all current State Laws regarding using cellular devices while driving on public roadways when driving county vehicles during official working hours.

Cellular Telephone Procedures:

1. Employees are issued cellular phones upon the request of their supervisor. The supervisor will request the cellular telephone through the Purchasing Agent. The Purchasing Agent will determine with the help of the Director of Accounts & Budgets, if appropriate funds are available for the monthly plan fee.
2. Employees are placed on a plan as determined by need and funds availability. Mutual agreement between the employee's supervisor, the Purchasing Agent, and Director of Accounts & Budgets shall determine which plan is implemented. Phones issued under the Sheriff Department plan hold different requirements, and will be issued in a manner consistent with the most current method agreed upon by the Sheriff & Purchasing Agent.

3. Telephone devices are ordered directly from the cellular provider by the Purchasing Agent, and according to current device availability with the cellular provider.
4. When the telephone is received, it is prepped and then issued to the employee.
5. As the cellular telephones are used, they will wear out. Batteries will die. Accessories may be needed. As employees have needs, they may check with the Purchasing Agent to help determine what is needed to remedy the request of the employee.
6. If a telephone seems to be having mechanical problems, the employee is to take the phone to the Purchasing Agent for an assessment. A decision will be made whether it is better to repair or replace the unit. In either case, the Purchasing Agent will arrange for the service or the purchase.
7. Johnson County will replace cell phones due to normal wear and tear. However, intentional or preventable damage or destruction of the unit will obligate the employee to repair or replace the unit at his or her cost.
8. Each month, the Director of Accounts & Budgets reviews the cellular bills. They will look for patterns of excessive usage and for patterns of personal usage. Typically, excessive usage occurs if personal usage pushes Johnson County over the allotted minutes for the month, or if text/data usage seems unreasonably high compared to other users.

If a significant pattern develops, the employee may be required to reimburse Johnson County for all personal calls/text messages/ or data usage. The current reimbursement rate is \$0.25 per minute/per text message/per 1000 mb of data usage for personal use. The Director of Accounts & Budgets will contact the employee's supervisor and inform the supervisor of the pattern.

Continued excessive personal use may lead to disciplinary action.

9. When you leave this employment, you must return your County owned cell phone. Failure to return the cell phone will result in the value of the phone and the outstanding service bill being deducted from your last paycheck.
10. Johnson County reserves the right to reduce your cellular telephone usage or discontinue provision of a cellular telephone or stipend altogether as it sees fit.
11. The use of cellular devices should be maintained for Johnson County official business only, & as authorized by your supervisor. All voicemails, text messages, and any data contained within the provided cellular phone is the property of Johnson County, TN, and subject to the Tennessee Public Records Act where applicable. All emails and text messages are subject to other Internet & Email Policies where applicable. The Johnson County Public Records Request Coordinator shall accommodate members of the public who request access to emails, text messages, and/or cellular phone bills according to current records request policy and procedures.

12. **Users of Johnson County cellular equipment should have no expectation of privacy while using County-owned or leased equipment.** Johnson County maintains the right to monitor and review, without notice or a user's permission, all types of usage of County-owned equipment including communications of any kind 24 hours a day.

CELLULAR TELEPHONE RECEIPT AND POLICIES ACKNOWLEDGEMENT

Employee Name: _____

Employee's Location: _____

Date: _____

I _____ agree to abide by the terms and conditions of cellular telephone usage as described within this document.

Signed: _____ **Date:** _____