

County of Monterey Board Policy Manual

Policy Name Monterey County Staff Mobile Phone & Wireless Device Policy	Policy Number A-15	Page 1 of 5
Policy Category Accounting, Financing & Purchasing		

I. Purpose

To establish policy and guidelines for the provision of a mobile phone/wireless device stipend to employees who have documented an official business need for a mobile communications device and continue to meet this need under the eligibility section of this policy.

II. Background

The County strives to provide employees with technology tools required to do their jobs and to treat employees in similar roles equitably. The County recognizes, for practical reasons, many employees use a single device that supports both their work and personal use. County seeks to support employees' business technology needs while allowing users enough flexibility to choose devices and service plans that meet this criteria. This policy intends to provide a fair and practical reimbursement plan for employees use of personal phones to conduct County business on these communication devices while minimizing administrative overhead and in compliance with federal and State of California tax rules.

III. Policy

It is the policy of the County that those having a need for the use of mobile and wireless communication services adhere to the following adopted policy.

IV. Procedure

1. DEFINITIONS:

A. **Business Use**: Work-related tasks required to perform County assigned duties.

- B. **Mobile Phone**: The phone, adapter, battery pack and other accessory equipment specific to the phone used for County business purposes.
- C. **Wireless Device**: A device such as a tablet, adapter, battery pack and other accessory equipment that requires wireless data or cellular connectivity for County business purposes.

2. ELIGIBILITY

Eligibility Criteria:

- A.1 **Elected Officials and Department Heads**: All department heads and elected officials are eligible to receive a mobile phone and/or wireless device such as a tablet.
- A.2 **General County Employees**: Department heads and elected officials shall determine which employees will require mobile phones or wireless device for business use related to their functional area. Sufficient justification exists for assignment of mobile phone or wireless device when the department head or elected official determines that the employee's business use involves:
 - A.2.1 Wide mobility and simultaneous access to the communications network; or
 - A.2.2 Timely, business critical two-way communication for which there is no reasonable alternative technology; or
 - A.2.3 Emergency support and back up from a mobile environment; or
 - A.2.4 Special circumstances necessary for the efficient and effective operation of County business.

V. OWNERSHIP OPTIONS AND RESPONSIBILITIES

- A. **Employee Purchased, Owned and Operated**. Privately owned mobile phones or wireless device may be used for a combination of personal and business use. The County will provide an allowance to eligible employees for offsetting the incremental costs for business use of such communication devices. The employee receiving such allowance will be solely responsible for the costs of private ownership including but not limited to the purchase, activation, maintenance, support, monthly usage, late fees, interest, term commitments and replacement of such devices and any increase in personal income tax liability. Any employee who receives an allowance may add extra services, equipment or features as desired at his/her own expense.

B. County Purchased, Owned and Operated. County owned mobile phones and wireless devices shall be used exclusively for County business purposes except for occasional and infrequent use necessary for personal emergencies. Failure to comply with any part of this provision and IRS regulations may result in eliminating the use of county owned mobile phones or wireless device by the employee.

VI. MOBILE PHONE AND WIRELESS DEVICE SERVICE REQUIREMENTS

A. Specified Services, Coverage, and Equipment. Department heads may require for business related purposes that an employee be required to use a County purchased, owned and operated mobile phone or wireless device. However, the employee may elect to utilize their own (Option A) personal mobile phone or wireless device if the device is compatible with County communication systems, software, and networks, and has the pre-approval of the department head. When a department head for business purposes requires specific equipment and/or services, which are privately owned, the allowance assigned to such employee shall consider the actual cost of any such requirements (Option A). As an alternative, the department head may provide the employee with the required equipment and services (Option B).

B. Maintenance of Coverage. Any employee who receives an allowance for providing a mobile phone or wireless device for County business use shall maintain active service while receiving such allowance. Such communication devices shall be readily available for two-way communication during normal or special work hours, when responding to an emergency and/or when placed on standby by or call-back pay status.

C. Security and Reporting Requirements. Any employee who uses a mobile phone or wireless device for County business use shall protect their communication device against loss, theft or damage and shall report the loss or theft of a mobile phone or wireless device to the County Information Technology Department and their supervisor as soon as possible for security reasons.

D. Compliance with Applicable Laws and County Policies. Any employee who uses a mobile phone or wireless device for County business use shall comply with all local, state and federal laws and County policies related to such use.

VII. ALLOWANCE PLAN FOR PRIVATELY OWNED EQUIPMENT

- A. Authority to Determine Appropriate Plan.** Department heads and elected officials shall determine the appropriate Plan Allowance for each employee within their area of responsibility who requires a mobile phone or wireless device for business use.
- B. Basis of Plan Allowances.** This policy does not intend to cover the full cost of an employee owned and operated phone. It does intend to cover the prorated cost for business use so that the County maintains responsibility for payment of its operational costs incurred by its employees.
- C. Mobile Phone/Wireless Device Allowances.** There shall be a multi-level reimbursement plan for employee purchased, owned and operated equipment based on assigned work duties and employee carrier plans as follows. However, the maximum allowance amount should be \$90 per month.

Plan 1 "Voice + Text" Allowance - \$30.00 per month

Plan 2 "Voice + Text" Allowance - \$45.00 per month

Plan 3 "Voice + Text" Allowance - \$60.00 per month

Optional Data Allowance - \$50.00 per month

- D. Payment.** Any mobile phone or wireless device allowance will be paid through the County payroll system upon receipt by the Auditor's Office of an authorized Mobile Phone/Wireless Device Request form along with an approved Employee Status Maintenance Transaction document (ESMT). Such forms shall be completed for any new, change or cancellation of services or eligibility for any allowance.

Employees put into a paid leave status shall not be affected, and shall continue to receive their approved allowance. However, no allowance will be paid to an employee that has been put into either an unpaid leave status, is permanently assigned a County owned and operated cell phone or wireless device, or terminates service coverage, all which shall become effective immediately.

The employee approved allowance will be paid for the first full month of mobile phone/wireless and/or data service coverage after the Mobile Phone/Wireless Device Request Form is approved by the department head, and the appropriate Employee Status Maintenance Transaction document (ESMT) and supporting documentation are received by the Payroll Division of the Auditor-Controller's Office.

Due to internal controls, no retroactive requests for allowance payments will be processed; all allowances must have the pre-approval of the employee's department

head and must be properly and completely activated by the County Auditor/Controller's Office before activation of a mobile phone or wireless device for reimbursement.

It shall be the full responsibility of the requesting employee to ensure that the allowance request has been fully and properly approved. Allowance payments will be included on the first payroll check of the month following the receipt, acceptance, and activation by the Auditor/Controller's Office. Employee shall be fully compensated for all approved and authorized mobile services related to this policy.

- E. Allowance Change/Cancellation.** Any employee who receives a monthly allowance and thereafter terminates service, receives a substitution of County owned and operated equipment or moves to an unpaid leave status, shall submit to their supervisor a revised Mobile Phone/Wireless Device Request form indicating the change. Department heads and elected officials shall transmit such document with an approved Employee Status Maintenance Transaction document (ESMT) for any allowance change or cancellation of allowance to the Auditor-Controller's Office within five (5) business days of the change in status. Terminations/Changes will occur effective the first full month after receipt in the Payroll Division. No retroactive adjustments will be processed.

- VIII. Protect County data:** Staff must protect County business-related data, whether on a County-issued mobile phone or wireless device or on a personal mobile phone or wireless device used for business purposes, and delete or preserve County data as required. Staff must wipe County data from their mobile phones or wireless device (personal or County-issued) when they are no longer actively using that data for their current role, e.g., when they leave the County, switch mobile phones or mobile devices, give their mobile phones or mobile devices away etc.

IX.

Review Date

1. This Policy will be reviewed for continuance by August 27, 2023.

X. Board Action

1. Legistar File Number No. 18-797, August 28, 2018.