

CITY OF CHESAPEAKE VIRGINIA

NUMBER: 1.32

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 03/01/2013

**SUBJECT: DEPARTMENT OF INFORMATION
TECHNOLOGY - PERSONAL CELLULAR
TELEPHONE AND SMARTPHONE
STIPEND PROGRAM**

SUPERCEDES: N/A

I. Purpose

The purpose of this Policy is to define the manner in which an employee may be reimbursed for use of a personally-owned cellular phone or smartphone in lieu of a City-issued device to conduct City-business. This Policy will define the City's stipend policy for such use and will set forth rules, regulations, restrictions, and technical requirements.

The existing City of Chesapeake Administrative Regulation AR1.13 *Electronic Data Resources Acceptable Use Policy* remains the overall governing Policy, including the use of personal mobile cellular phones or any mobile device in the conduct of City business.

II. Background

In the past, authorized employees were provided cellular phones or smartphones (e.g., Blackberry) at City expense for use in conducting official business only and were required to reimburse the City for personal use of these City-provided mobile phones. As a result, many employees carry both personal and City-provided equipment; or have resorted to using personal cell phones for conducting official City business without reimbursement. Because mobile cellular phones and smartphones are owned and used by such a large percentage of employees, there is an increasing opportunity to allow personally-owned mobile cellular phones to be used for conducting business.

III. Scope

This policy covers the use of personally-owned cellular phones and smartphones, requirements for use, revocation of use, and loss/theft notification by users to the City under the rules governing City provided stipends when such devices are to be used in the performance of City business. It is specifically directed to voice (telephone) communication and synchronization between the mobile device and the City e-mail system.

IV. Eligibility

City employees who are authorized to use cellular telephones or other communication devices in conducting official City business, and who prefer to use personal communication devices to conduct that business, may apply to participate in the stipend program. Approval will be at the sole discretion of the employee's Department Head.

V. Policy Statement

A. Stipend

City employees who have been authorized by their Department Head to use cellular telephones or other smartphone devices for conducting official City business may request approval from their Department Head to use personal mobile devices for that purpose, and to be reimbursed for doing so. The employee's Department Head has full discretion to approve or deny a stipend request. Reimbursement will be in the form of a flat-rate monthly stipend having two tiers that are based on the employee's cell phone provider plan, as determined by the employee's Department Head.

- Voice only: \$20.00 per month.
- Voice and Data: \$45.00 per month. To qualify for a voice and data stipend, the employee must use a smartphone that is setup to synchronize its mail application with the employee's City Outlook/Exchange e-mail, referred to as 'active sync'. (Note the section on Device Wipe, below)

Employees already using personal cellular telephones for conducting official City business may submit a request for approval to begin receiving reimbursement. Retroactive payments will not be authorized. Employees currently using City-provided cellular telephones or other devices must return all equipment and accessories to their appropriate Department representative prior to being reimbursed for using personal equipment. All stipends will be reviewed on a yearly basis by the Department Head to determine if payment of the stipend is appropriate.

B. Published Phone Numbers

As is expected of employees using City-owned cellular telephones, acceptance of reimbursement for use of personal cellular telephones or other communication devices for conducting official City business requires that telephone numbers and other contact information will be published for official use, and that the employee will respond when called within the context of his/her employment classification or position description. Employees who no longer wish to receive a stipend for use of personal communications equipment must submit a request form via their Department Head to stop payments.

C. Contracts

Contracts for personal communications devices and services are between the employee and their selected service provider, and procurement of communications equipment, services and accessories is strictly the responsibility of the employee. Neither the City nor the employee's Department assumes any responsibility or liability for contracts between employees and service providers, nor for any costs associated with purchasing communications equipment, services or accessories.

In addition, neither the City nor the Department of Information Technology assumes any responsibility or liability for loss or corruption of personal data stored on communications devices used to conduct City business.

D. City Issued Equipment

Department Heads will determine which employees need to use cellular phones or e-mail-capable smartphones to conduct City business, and will determine which employees may qualify for a personal mobile device stipend. Those employees who are required to use cellular telephones, Personal Digital Assistants (PDAs), or Smart Phones for conducting official City business but who prefer not to use personal equipment and receive the associated stipend, or whose request for stipend has been denied by their Department Head, will receive department-standard, City-provided equipment and accessories in accordance with the existing City-wide contract for cellular/wireless services.

E. Multiple Devices

Under this Policy a stipend shall not be paid for using a personal cellular phone (voice stipend) or smart phone (voice and/or data stipend) if a comparable voice or e-mail synchronization function is provided by another portable communication device issued to the employee by the City. Also, under this Policy no employee shall be authorized to receive a stipend for more than one personal cellular phone or smartphone. Any exceptions must be justified and documented by the appropriate Department Head. Department Heads must make every effort to prevent abuse of this privilege.

F. Freedom of Information Act

All employees using City-provided communication equipment, or being reimbursed for use of personal equipment to conduct City business, should be aware that voice communications, e-mails, data communications or any other information transmitted, received or stored on personal communication devices may be subject to disclosure under the Freedom of Information Act (FOIA).

G. Records Retention

In conducting City business, all City employees must abide by the records retention and disposition requirements set forth by the Library of Virginia (LVA), the implementer of the Virginia Public Records Act. LVA provides requirements in the form of Records Retention and Disposition Schedules which define each type of public record and the corresponding retention and disposition rules for each. Employees participating in the stipend program and who use their mobile device to conduct City business using telephone calls, voicemail, e-mail, documents, messaging, or any other form of communication, must comply with the requirements as they would when using City-provided equipment.

Personal mobile devices have some characteristics to consider when conducting City business:

- Documents downloaded to a mobile device, received via Bluetooth or texting, or are authored on the device in notepad and word processing applications may qualify as "public records." Employees must ensure that a 'record copy' of each is transferred electronically or via printing to City-owned or approved facilities.
- Voicemail messages relating to the conduct of City business are covered by LVA schedules whether received on an employee's personally-owned telephone or on a City-provided telephone.

The employee's Department Records Coordinator or the City's Records Manager can provide guidance in applying the retention and disposition requirements to the types of records created or received.

H. Use Requirements

1. USE OF PERSONAL MOBILE DEVICES FOR CONDUCTING CITY BUSINESS

- a. Based on business requirements, the employee's Department Head will determine whether the employee's mobile device is needed for voice communications only or if it is also needed for e-mail usage. The personally-owned device must be capable of meeting the requirement.
- b. Employees who employ a personal device to support their work at the City of Chesapeake under the stipend program must sign the Personal Cellular Telephone or Smartphone Stipend Request Form prior to being granted use privileges.
- c. Non-regular personnel (e.g., temporary, intern, contractor, consultants) may, at their overseeing Department Head's discretion, use their own personal mobile device to support their work at the City, but cannot participate in the stipend program.
- d. Employees may not receive a stipend for a device that is owned by another individual or another business entity.

2. MINIMUM DEVICE REQUIREMENTS

Stipends can be used for any personal mobile telephone or smartphone capable of voice communication to standard telephone numbers and, if required, capable of syncing with City e-mail.

3. SUPPORT SERVICES FOR PERSONAL MOBILE DEVICES

City Information Technology support services will provide support for employee personally-owned devices on a best effort basis for configuring connections to City e-mail. All other support should be directed to the User's device supplier.

4. APPLICATION AND DATA MANAGEMENT

- a. Users may use their primary cellular provider's back up utilities supplied with their device, if any, to back up data and configurations.

- b. Use of Internet or other provider based “Cloud” applications or services for storing or sharing unencrypted City Data is forbidden.
- c. Users are required to delete all City data (excluding contacts) from Backups or other non-City provided data stores when transitioning to a new personal device or when they are no longer using the device to support their business duties.

5. NOTIFICATION OF LOSS, THEFT, OR REPLACEMENT

- a. If a mobile device containing City data cannot be located, the user is responsible for contacting his or her Department Head and the City IT Help Desk by the next business day after the loss.
- b. Wiping policies as described below in the “Device Wipe” section are applicable.

6. DEVICE WIPE

Connecting to City e-mail using the active sync facility of Outlook/Exchange will allow most devices to be wiped.

- a. Depending upon the features the device supports, a wipe may be limited to City e-mail data or it may apply to the entire device contents. The City is not able to provide any guidance on which operation is supported by any device at any time.
- b. Mobile Devices may be wiped under the following circumstances:
 - i. The device is identified as stolen.
 - ii. The device has been lost for at least five (5) days.
 - iii. The User is terminated with cause from the City.
 - iv. The User resigns or is terminated from the city as part of a reduction in force or similar activity.
 - v. The device user is finished using the device to support City work.
 - vi. The City believes that the information on the device is not being maintained appropriately or not being kept sufficiently secure.
 - vii. The Department Head determines the employee has violated any portion of this Policy and/or any other City regulation governing proper use of City electronic data resources.

7. REVOCATION OR TERMINATION OF MOBILE DEVICE PRIVILEGES/ACCESS

- a. Employees failing to report the device as lost or stolen may have future mobile device access privileges revoked.
- b. The City may terminate this policy at any time.
- c. The employee’s Department Head may terminate an individual employee’s permission to use personal mobile devices for conducting City business at any time.
- d. User privileges automatically expire upon separation from employment.

- e. Users are required to remove all City data (except contacts) from all back-up upon suspension of privileges.

VI. Payment Procedure and Tax Treatment:

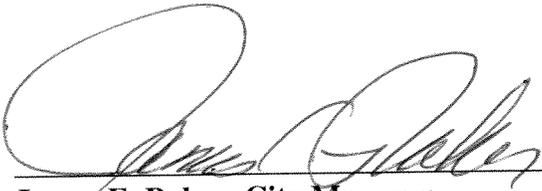
Cellular telephone stipends are an employee business expense reimbursement under a **non-accountable plan**. Payments to an employee for necessary expenses of a business under a non-accountable plan are treated as supplemental wages subject to federal and state income tax withholding and payment of social security and Medicare taxes. The payments are treated as paid under a non-accountable plan if:

- A. The employee is not required to or does not substantiate those expenses to the City with receipts or other documentation.
- B. The City advances an amount to the employee for business expenses and the employee is not required to or does not return any amount he or she does not use for business expenses.
- C. The City pays an amount to the employee without regard for anticipated or incurred business expense.

To set up the cellular telephone stipend, the Finance Department must receive the approved cellular telephone stipend request form. This payment will start the following pay period and no retroactive payments will be processed. Employees will be paid the cellular telephone stipend every pay period and it will be recorded as a separate pay type, "Cell Phone Stipend."

To stop the cellular telephone stipend, an approved stipend request form must be submitted. Once received in Finance, the change will take effect the following pay period.

Cellular telephone stipends will be included on the employee's W-2 as taxable wages.



James E. Baker, City Manager

3/1/13

Date

CITY OF CHESAPEAKE

**PERSONAL CELLULAR TELEPHONE OR SMARTPHONE STIPEND
REQUEST FORM**

1. NAME: _____

2. EMPLOYEE NUMBER: _____

3. MUNIS FUNCTION CODE:

4. MONTHLY STIPEND AMOUNT: _____ Pay Cycle: _____

5. ACTIVATION DATE: _____ CANCELLATION DATE: _____

6. REQUEST/JUSTIFICATION:

7. I hereby acknowledge that I have read and understand the provisions of the City of Chesapeake Administrative Regulation x.xx, *PERSONAL CELLULAR TELEPHONE AND SMARTPHONE STIPEND PROGRAM*, and agree to abide by its requirements.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

<p>Department Head – Initial one:</p> <p><input type="checkbox"/> Request to start stipend Approved</p> <p><input type="checkbox"/> Request to terminate stipend Approved</p> <p><input type="checkbox"/> Request to start stipend DENIED</p> <p>Department Head Signature: _____ Date: _____</p>
