

A. Purpose

Cellular devices, used appropriately, provide an opportunity to improve productivity and improve the excellent level of customer service that the City of Kettering delivers. This policy is a guide for employees who, by the nature of their work, routinely use mobile communication devices in the performance of their jobs.

This policy establishes appropriate use of cellular devices and the extent to which the City may issue cellular devices or subsidize, through a cellular device stipend, personally-owned cellular devices used in the conduct of City business. This policy provides flexibility to select a cellular device, service, and features that meet personal and organizational needs.

B. Definitions

1. Cellular service, for the purpose of this policy, is any service that is being used, in any measure, to make or receive wireless voice or data calls or interactions on public cellular telephone networks.
2. Cellular device, for the purpose of this policy, is any device capable of using the services provided by public cellular telephone networks. These devices vary from a simple mobile telephone device that allows calls to be made and received; to more complex telephones that can perform text messaging, maintain synchronized contact databases, calendars, email and Internet browsing; to general purpose computing devices capable of utilizing a cellular service.

C. Determining Employee Eligibility

1. Positions authorized for cellular device storage usage are determined using the following criteria:
 - a. Safety requirements indicate having cellular device service is an integral part of performing the duties listed in the position job description.
 - b. Position is required to be contacted on a regular basis in the field.
 - c. Position is required to be on-call or available outside of normal working hours as a job expectation.
 - d. Position is a critical decision-maker (specifically Department Directors).
2. The employee's Department/Division Director, with City Manager approval, is responsible for determining eligibility of any employee for use of a cellular device. Based on job responsibilities, employees may qualify for a taxable stipend to cover the business use of personal cellular devices. Eligibility for a stipend is determined at the sole discretion of the City Manager.

D. Issuance of City-Owned Cellular Devices

The model of cellular device chosen for an individual staff member will be based on need as determined by the Department Director and the Administrative Systems Director with approval of the City Manager.

E. Application for Cellular Device Stipend

A City employee must complete and submit, in advance, a Cellular Device Stipend Authorization Form to the City Manager for approval of a cellular device stipend each calendar year. Approval for a cellular device stipend expires at the end of each year on December 31. The Administrative Systems Department will maintain a file of Cellular Device Stipend Authorization Forms, and a copy of each form will be provided to the Finance Department.

F. Amount and Payment of Cellular Device Stipend

1. The City Manager will review cellular device needs on an annual basis to determine whether stipends should be changed, continued, discontinued, or if new stipends are needed. All stipends are charged to the employee's Department/Division budget. The City of Kettering requires employees approved to use a cellular device for business to purchase and maintain a cellular device and service plan in exchange for a taxable stipend provided by the City and funded by the Department/Division. The stipend is intended to reimburse the employee for the business use of the telephone, not to pay the entire telephone bill, under the assumption that the device will be used for both personal and business purposes by most employees.
2. The employee's cellular device stipend is taxable income. Other employee deductions, such as retirement, are not affected by the stipend.
3. Payment of the cellular device stipend will be made on a monthly basis, as an addition to the employee's payroll check, subject to all applicable taxes and reporting requirements. The stipend does not constitute an increase in base pay and will not be included in any percentage calculations for increases to base pay.
4. If the employment of an employee receiving a cellular device stipend is terminated or the employee and/or the City discontinue the cellular device stipend during any month prior to the end of the calendar year, the employee's pay will be adjusted to reflect payment for the period of time authorized. This could result in an additional payment or a deduction.
5. The City is not responsible for any additional costs associated with the cellular telephone (i.e. shipping, taxes, insurance, accessories, overages, early termination fees, etc.). Employees receiving the stipend shall not attempt to charge the City for any calls, local or long distance, texts or other related costs charges to their personal cellular device.
6. The City reserves the right to suspend, cancel, or terminate the cellular telephone stipend at any time if the employee fails to maintain compliance with this Cellular Device Policy or for any other reason at its sole discretion.
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G. Use of Cellular Devices and Service

1. All use of cellular devices shall comply with Section R.C. 4511.204 (Driving while Texting) of the Ohio Revised Code.
2. No one should place or receive cell phone calls while driving a City vehicle or driving a personal vehicle on City business unless using a hands-free device. The Police and Fire Departments are exempt from this rule. If you receive a cell phone call while driving, let the call go to voicemail, pull over and return the call.
3. Use of City-owned cellular devices shall be limited to business related activities. Employees may be responsible for reimbursing the City for overage charges incurred due to the employee's excessive personal use of a City device.
4. City business conducted via voicemail messages, email, and text messages made and/or received on City-owned cellular devices, or on devices for which an employee receives a cellular device stipend, may be subject to Ohio's Public Records Laws and the City's Records Retention Schedules. Refer any questions about definitions of public records to the Law Department or Administrative Systems.

5. Non-exempt employees who use a cellular device for City business purposes under the scope of this policy are expected to limit work related use of the device to regularly scheduled work hours. Use of the cellular device outside of regularly scheduled hours does not entitle the employee to additional paid time unless authorized in advance, in writing, by the employee's Department/Division Director.

H. Employee Responsibilities

1. Any cellular device that has been used to access City private networks, data or information technology services:
 - a. Must be reported immediately to the Administrative Systems Director or Information Systems Manager if the device is lost or stolen.
 - b. Shall have all City data (email, contacts, wireless network credentials, etc.) completely removed in the event the device is being replaced, disposed of, or removed from use.
 - c. Shall comply with any City-wide best practices for mobile device management and security.
2. Employees who are issued a City-owned cellular device have the following responsibilities:
 - a. Upkeep and care of City-owned devices will be the responsibility of the user. If the device or its associated parts fail to operate in the manner intended, a report must be made to the Administrative Systems Director or Information Systems Manager who will arrange for repair or replacement.
 - b. Take care that the cellular device is not used in a manner that generates additional expense to the City. Cellular service features and usage limits that are included in City cellular service plans will be made available as needed.
3. Employees who are recipients of a City cellular device stipend have the following responsibilities:
 - a. Purchase cellular telephone service and equipment, and assume responsibility for vendor terms and conditions. The employee can select any service provider, plan and features that meet the requirements of the job. The employee is responsible for plan choices, calling areas, service features, termination clauses, activation fees, and for paying all charges associated with cellular telephone service and equipment. Under no circumstances are City funds to be used to purchase cellular device equipment or service to be used under the stipend plan.
 - b. Purchase, repair, maintain, insure, and/or replace phone equipment and accessories, including lost, damaged, or stolen equipment and accessories.
 - c. Ensure that the service provider selected has service in required usage areas.
 - d. Establish the employee as the billing party. Regardless of cost, the employee is responsible for any additional expenses above the City stipend.
 - e. Maintain an active service agreement for the duration of the stipend. Types of service agreements can include contractual, month-to-month, or prepaid.
 - f. Notify the Department/Division Director within two working days if the eligibility criteria are no longer met; if the service is cancelled; or when the phone number, service provider, or plan eligibility changes.
 - g. Provide proof of an active cellular service plan upon request.
 - h. Request a stipend renewal by completing a Cellular Device Stipend Authorization Form at the end of each calendar year.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

12/20/22
Date

Mark Schwieterman
Mark Schwieterman
City Manager

Issued:

12.22.22
Date

Jenny Smith
Jenny Smith
Human Resource Director