

**CITY OF PETALUMA
ADMINISTRATIVE POLICY**

05/26/2009

Use of Cellular Telephone / Communication Devices

I. Purpose

This policy establishes the City of Petaluma's standards and requirements for the use of City-owned cellular telephones and other wireless communication devices.

Employees of the City are to be efficient, economical, and ethical in their use and management of City resources. The City provides cellular/wireless communication devices to improve productivity, enhance public safety services, and enhance customer service to the citizens of Petaluma. Cellular/wireless communication devices are a City resource and are provided for business purposes only. Employees are to ensure their usage complies with City requirements and policies.

II. Policy

This policy covers all wireless communication devices and all communications on any such device including, but not limited to, cellular telephones and pagers, radios, personal data assistants (PDAs), BlackBerries, facsimiles, emails, and text messages. This policy does not cover the use of Police Mobile Computers.

All City employees assigned a City-owned communication device are required to use the devices:

1. For City business only, except in the event of an emergency. If an employee uses the device for an emergency, he/she shall let their supervisor know of the use.
2. In compliance with the City of Petaluma policies, and local, state, and federal laws.
3. In a safe manner.

Communication devices shall not be used to defame, harass, threaten, or transmit obscene, suggestive or offensive messages or communications, political endorsements or activities, outside employment messages, or engage in any illegal activity.

III. Use of A Personal Cellular Telephone for City Business

An employee may choose to use his/her personal cellular telephone for City business. If an employee opts to use his/her personal cellular telephone, he/she is required to pay for any expenses for the personal cellular telephone and the City will not reimburse the employee for the cost of its use. Communications made on a personal communication device for City business may be subject to disclosure under the Public Information Act.

IV. Use of Communication Devices While Operating Vehicles

An employee shall only use a cellular/wireless communication device when it is safe to do so.

An employee shall only use a cellular/wireless communication device that is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

An employee may use a digital two-way radio that utilizes a wireless telephone that operates by depressing a push-to-talk feature and does not require immediate proximity to the ear of the user, when driving certain vehicles, as defined in the California Vehicle Code.

This requirement does not apply to police and fire employees using a wireless device for emergency purposes as defined in the California Vehicle Code.

Text messaging is prohibited at all times when operating a vehicle.

V. Conformance With Policy and Prohibited Personal Use

Department Directors are responsible for ensuring compliance with this policy.

The City prohibits personal use of City-owned communication devices. The City excludes the value of City-owned cellular telephones from an employee's taxable income by this written policy and by routine audits of employee telephone billings to confirm that personal calls are not made.

Department Directors or his/her designee shall:

1. Review cellular telephone billings monthly to ensure conformance to this policy. Inappropriate personal use of City-owned communication devices shall be addressed in accordance with City rules, regulations, and policies.
2. Monitor and review at least quarterly cellular telephone service plans to ensure cost effective use of service plans.
3. Periodically review an employee's business need for a communication device.
4. Notify the Information Technology Division of account or equipment changes, and monitor and return any unused devices and/or equipment that are no longer needed.

The Finance Department shall periodically audit the City's compliance with the Internal Revenue Service substantiation requirements regarding business use of City-owned cellular telephones.

Misuse or abuse of the City's communication devices, contracts, or programs under this policy shall result in disciplinary action up to and including dismissal of employment.

VI. Right To Access and Disclose Any and All Communications

All communications created or received using City communication devices and all data stored on City communication devices is the property of the City. Employees have no personal or property right in these communications and data and no expectation of privacy with regard to their use of City communication devices. Furthermore, the City reserves the right to access and monitor any and all communications created or received using City communication devices, any record of such communications and all data stored on City communication devices, including, without limitation, e-mails, text messages, facsimiles, communication records and communication logs to ensure that all use of City communication devices is consistent with this policy and all City rules, regulations, policies and procedures.

VII. Safekeeping of Return of Communication Devices

An employee is responsible for the safekeeping, care, and custody of communication devices. Lost or stolen communication devices shall be reported to the appropriate Department supervisor or manager and the Information Technology Division as soon as possible.

Any City-owned communication device shall be returned to the City when the need for such devices no longer exists or when employee separates from employment.

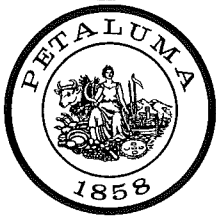
Approved:



John C. Brown, City Manager

5-21-09
Date

Established: 05/26/2009



**CITY OF PETALUMA
ACKNOWLEDGEMENT OF THE
USE OF CELLULAR TELEPHONE / COMMUNICATION DEVICES
POLICY**

To be completed by Employee

I. Acknowledgement

I acknowledge receipt of the Use of Cellular Telephone / Communication Device Policy.

I understand that I have the option to use my personal cellular telephone in lieu of a City-owned cellular telephone. If I opt to use my personal cellular telephone, I understand that by making that choice that I pay for any expenses for the personal cellular telephone phone and the City will not reimburse me for the cost of its use.

I understand that communications made on a personal communication device for City business may be subject to disclosure under the Public Information Act.

I understand that I am responsible for reading, understanding and complying with the policy and standards of use of City-owned cellular telephones and other wireless communication devices.

Employee Name (Please print)

Employee # and Position Title

Employee Signature

Date