



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Subject:	Wireless Communications Systems & Equipment
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Accepted By:	Ken Nordhoff, City Manager

WIRELESS COMMUNICATIONS POLICY

PURPOSE:

The purpose of this policy is to establish guidelines for the use, purchase and maintenance of wireless communications systems and devices including cellular phones, pagers, PDA's and other forms of communication equipment.

RESPONSIBILITY:

All City Departments, Divisions, and City Officials. Any substantial violation of the provisions contained herein shall constitute sufficient grounds for disciplinary action, up to and including termination.

REFERENCES:

- California Government Code Section 3100 - 3101
- California Vehicle Code Section 165
- California Vehicle Code Section 410
- California Vehicle Code Section 471
- California Vehicle Code Section 655
- California Vehicle Code Section 23123

DEFINITIONS:

Device - Any commercial wireless communications device which operates over a voice, video, data, telemetry, or other infrastructure not owned by the City of San Rafael, for which a usage fee is paid for by the City; which includes, but is not limited to, cellular, PCS (personal communications service), ESMR (Enhanced Specialized Mobile Radio), pagers, licensed and unlicensed devices, and any wireless device regulated by the Federal Communications Commission.

Service - Any commercial wireless carrier providing a voice, video, data, telemetry, or other infrastructure not owned by the City of San Rafael, for which a usage fee is paid for by the City; which includes, but is not limited to, cellular, PCS, ESMR, and paging services, licensed and unlicensed services, and any wireless service regulated by the Federal Communications Commission.

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Equipment - Any commercial wireless equipment, device, or system operating over a voice, data, video, telemetry, or other infrastructure which is owned by the City of San Rafael, or operating without a fixed infrastructure; which includes licensed and unlicensed devices, and any wireless device regulated by the Federal Communications Commission.

POLICY:

1. All City Devices and Equipment are the property of the City of San Rafael.
2. This policy applies to all City employees: management, salaried positions identified by bargaining groups and their respective Memorandum of Understanding, plus part time, hourly, seasonal, intermittent, or contract employees and volunteers using the Devices, Equipment, or Services described in this Policy.
3. Approval for the purchase and/or installation of any communications device shall be the responsibility of the Department Director or his/her designee.
4. All Departments will consult with IT for recommended solution providers and devices/equipment to meet their operational needs.
5. Devices or Equipment are to be used for official City business and shall be deployed only to enhance employee efficiency and/or safety. The Devices and Equipment shall be used in accordance to other City policies (use of email, etc.) and shall not be used to transmit or receive text messages, emails, photo's, or other things that are personal, inappropriate, and/or would reflect negatively upon the City.
6. Devices provided by City or for which City provides reimbursement are to be used solely for official City business, with the following exception:
 - a. In the event an employee is assigned a City-owned Device and that Device is capable of operating two or more independent telephone numbers, the employee may activate a second telephone number on said Device. Payment of charges resulting from a second telephone number shall be the sole and exclusive responsibility of the employee, shall be billed to the employee's residence or other personal mailing address, and City shall incur no liability as a result of the use of the second telephone number. Should the City discontinue the issuance of said Device to an employee, the employee shall have no right to retain the Device, and shall have the second telephone number immediately removed from the Device.
7. Employees may carry their own individually owned Device while on duty subject to the following conditions:
 - a. Carrying an individually owned personal Device is optional.
 - b. The Device shall be purchased, used, and maintained at the employee's expense. The City is not responsible for the loss or damage of any personal Device.
 - c. Each Department Director shall regulate how their employees are to carry a Device on his/her person (visible, out of sight, in a case, etc.).

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- d. While employees may use individually owned Devices for personal business during authorized breaks, such usage should be discreet and not used in such a way as to reflect negatively upon the City.
 - e. The City may elect to activate specialized services on some employees' individually owned personal devices in order to facilitate such employees' communications during a local proclamation of an emergency or a Governor's proclamation of an emergency that applies to the City. The City will make such arrangements at the City's discretion and only with the concurrence of the employees involved. The City will pay for these services or otherwise reimburse employees for any related costs for such services based on actual usage and with proper documentation.
8. It is the responsibility of individual Department Directors to ensure that their respective employees are in compliance with this policy with regards to personal use of City communications Devices and Equipment. Any employee reimbursements and billing discrepancies shall be reported to the Finance Department. This report shall be made in a timely manner and in no event later than twenty business days from receipt of the invoice. Any reimbursement which may be required for personal usage shall be included with the report.
 9. Every employee using a Device or Equipment shall make every effort to avoid using directory assistance (both local and long distance) since such calls result in charges to the City. Departments that frequently need to make calls to other calling areas should purchase and keep on hand appropriate telephone books. Internet-based phone books are also available.
 10. Calls to "user-pay" phone numbers (e.g., 900, 976) are prohibited unless absolutely necessary for purposes of contacting Vendor Company "help lines". Every attempt has been made to block these numbers on the desktop telephone system. Accessing these numbers through other means on City communications equipment is prohibited.
 11. Employees assigned Devices or Equipment shall maintain said Equipment and Devices in charged, operable condition at all times, and shall safeguard the Equipment and Devices against loss or damage.
 12. In the event of loss, damage, or discovery of a non functional condition of the Devices or Equipment, the employee to whom the city owned Equipment or Device is assigned shall immediately report the condition to his or her supervisor. If loss or theft of the city owned Equipment or Device is confirmed, or can be reasonably presumed, a report shall immediately be filed with the San Rafael Police Department, and a copy of the Police Report shall be provided to the appropriate Department Director.

SAFE USAGE:

1. When driving/operating a City-owned or personal vehicle on City business, employees are required to make safe and defensive driving their first priority. While the vehicle is in motion, drivers/operators shall refrain from operating City owned as well as individually owned cellular telephones (including a cellular phone with a push-to-talk feature), laptop computers, PDA's, navigational devices, Pagers, and any other device that may cause vehicle operator distraction while operating a City-owned vehicle or privately owned vehicle in the course of conducting City business. Drivers/operators shall make every attempt to properly park their vehicle or use a hands-free device when using such a Device or Equipment. Drivers/operators should remember that they will be held accountable for all actions while driving/operating a vehicle.

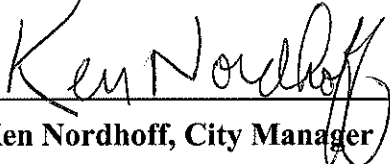
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2. Text messaging using City owned as well as individually owned handheld Devices is prohibited while driving/operating a City-owned motor vehicle.
3. This section does not apply to the use of a MERA radio and a Computer Aided Dispatch (CAD) system.
4. This section does not apply to a person using a wireless telephone to place an emergency call to a law enforcement agency, fire department, or emergency medical service.
5. Should this policy conflict with any section of the California Vehicle Code pertaining to the use of wireless telephones while driving, employees shall comply with whichever is more restrictive.
6. Even though the California Vehicle Code has an exemption for an emergency services professional using a wireless telephone and driving an authorized emergency vehicle in the course and scope of their duties, City employees that fall within the California Vehicle Code's definition and exception should make every attempt to use due care and regard based on traffic conditions, and whenever feasible, they should use a hands-free Device when using such equipment. Currently, the only City employee's who would normally fall within the California Vehicle Code exemption are Fire Fighters or Sworn Police Officers driving an emergency vehicle.
7. In the event of a local proclamation of an emergency or a Governor's proclamation of an emergency that applies to the City, all San Rafael employees are classified as Disaster Service Workers. During times of major emergency or disaster, disaster service workers support the city's response and recovery efforts and are utilized as emergency staff. At times, disaster service workers may be assigned field responsibilities. The City will make every effort to provide these employees with hands-free capabilities in support of their roles. However, if the emergency or disaster situation has made unfeasible the issuance of hands-free kits, the City recognizes and supports the employees need to communicate emergency/disaster information using traditional hand-held mobile phone and direct connect communications.

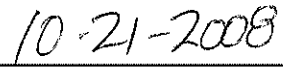
ATTACHMENTS:

- California Department of Motor Vehicles New Cellular Phone Laws FAQ's
- Internal Revenue Service - Government Entities – Employee Cell Phones
- Office of Traffic Safety Fact Sheet
- California Highway Patrol Fact Sheet

APPROVED BY:



Ken Nordhoff, City Manager



Date