

## OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

### Series 3000 – BUSINESS AND NONINSTRUCTIONAL OPERATIONS

#### Policy 3513.1

##### **Mobile Communication Device (MCD) Use**

In order to provide for efficient operations and the safety and security of staff, students, and others, the County Superintendent may provide a mobile communication device (MCD) to designated employees for conducting SCOE-related business. An MCD may only be provided to employees upon supervisor and department director approval. Mobile communication devices include cell phones or other hand-held electronic devices used for voice and/or data communication.

SCOE-owned MCDs may only be used for official SCOE business.

##### **Purpose of SCOE-Owned MCDs.**

MCDs provide communication for authentic business use during times and at locations in which other communication devices are unavailable or impractical.

The department director/manager of the employee may authorize the issuance of a SCOE-owned MCD if they determine that an employee's mobile business telecommunications are of a critical nature, but infrequent enough that supporting it by providing a stipend for a personally-owned device is not cost-effective.

In general, criteria for determining whether an employee qualifies for an MCD include that the employee is required to be in regular contact or safety contact with SCOE staff or SCOE clients/partners/consultants, and:

- The employee travels out-of-county frequently.
- The employee is frequently out of the office in the conduct of business.
- The employee has responsibility for multiple sites (e.g., Alternative Education or Special Education principal).
- The employee is assigned to job sites where wired telephones are not available to the employee.
- The employee has responsibilities which require immediate response/access during and/or beyond regular work hours for emergency situations (e.g., computer system emergency or facilities break-ins).

Approved orders for SCOE-owned mobile communication devices and services shall only be placed through SCOE's currently approved wireless carrier under the terms of its corporate services contract, the billing for which is managed by SCOE's Internal Business Services Department. Service through any other carrier or payment by any other means is not permitted. The employee shall be responsible for reimbursing SCOE for any plan overages unless otherwise approved by his/her supervisor as SCOE business-related use.

##### **Requesting an MCD**

Approved orders for MCDs are placed online through the currently approved wireless carrier via a technical support ticket, with approvals required by the appropriate supervisor and department director. The approving supervisor is responsible for notifying Internal Business Services of the associated budget code for the device and service.

##### **User Obligations and Responsibilities**

The County Superintendent or designee may establish guidelines and limits on the use of MCDs. Employees are authorized to use SCOE-provided MCDs in accordance with SCOE policy.

**Policy 3513.1 (Continued)**

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use SCOE-provided MCDs. Employees must sign the "User Agreement" in order to have access to SCOE MCDs. (Attachment A) These devices may not be used for any purposes which conflict with the goals and policies of SCOE or for illegal or unethical purposes. An employee's use of a SCOE MCD may be monitored at any time without advance notice or consent. The use of the MCD is a privilege which may be revoked at any time. Inappropriate use shall result in the cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with SCOE policy and administrative regulations.

Required Documentation of Personal Use of Cellular Services

A detailed, contemporaneous log of both personal and business use of the property must be maintained. The log includes:

- Employee name
- Cellular telephone number
- Month and year of service
- Date of the call/text
- Telephone number of the call/text made or received
- Name of the individual or company called or calling
- Reason for the call
- Employee signature
- Supervisor's signature

At the end of every month, the issuing department is responsible for ensuring each log is accurately completed and submitting all completed cellular telephone logs to Internal Business Services.

In the event a SCOE-owned device is used for personal use, to be able to exclude all use by an employee from taxable income, employees will reimburse SCOE for any personal calls made and a pro rata share of the monthly charge.

Audit by Internal Business Services

Internal Business Services will audit the cell phone bills and monitor phone usage, specifically looking for text messaging, roaming charges, and overages, to determine if any unusual charges have occurred. Excessive use will be reported to the employee's supervisor for review and/or further action.

Equipment Owned by SCOE

The MCD is the property of SCOE and may not be traded, sold, loaned, disposed of, or given away, except in accordance with SCOE policies and procedures.

Reporting lost or damaged MCDs

Lost or stolen MCDs should be reported immediately to Internal Business Services. MCDs lost or damaged due to negligence on the part of the employee may be charged back to the employee. Replacement of lost or stolen MCDs must go through the original approval process. (See section above titled Requesting an MCD.)

**Policy 3513.1 (Continued)**

Approved Cell Phone Stipend

It is important for designated employees to have a primary cell phone during and/or after work hours. It is also understood that it is best to designate one phone as a primary phone. SCOE understands the importance of having cell phones available after work hours for alarm calls, crisis management, and other necessary activities after the workday ends.

Personal use of SCOE-owned cell phones may create a taxable event and trigger cumbersome reporting requirements.

SCOE may provide an optional taxable stipend to designated employees with an approved business necessity for MCDs. The stipend is to offset the business use of the personally-owned device.

Stipend

1. Cell Phone (low usage under 300 minutes per month)

A three hundred dollar (\$300) annual stipend.

2. Cell Phone (high usage 300 minutes or more per month)

A six hundred dollar (\$600) annual stipend.

3. Data Device – Management Advisory Council (MAC) level or Approved by Superintendent

A one thousand four hundred forty dollar (1,440) annual stipend. The supervising Cabinet member must approve the higher stipend.

Stipends will be paid monthly and pro-rated accordingly. (See section below titled Processing Request for a Stipend.)

Funding Source for Stipend

Funding for the stipend is the responsibility of the department to which the employee is assigned.

Processing Request for a Stipend

Request forms for an active cell phone that have been approved by the employee's immediate supervisor and are received by Internal Business Services before the 10<sup>th</sup> of the month will be paid the stipend at the end of the month. Requests received after the 10<sup>th</sup> will be paid the following month.

The stipend will be paid to all approved designated employees who complete the Mobile Communication Devices (MCD) User Agreement and Stipend Request form.

Purchase and Ownership

All phone devices will be purchased, maintained, and owned personally by the employee. Employees are responsible for the loss and repair of their own equipment. The stipend is to provide for the business use including depreciation of the phone.

The employee will pay the monthly service invoice directly.

Employees are responsible for ensuring that the cell phone service provider is currently approved for access to SCOE's email server

**Policy 3513.1 (Continued)**

Certification

The employee will certify that s/he has a personal cell phone that is active and will notify SCOE of any change in phone number or cancellation of service.

Cancellation or Change of Phone Number

Any employee receiving a stipend for cell phone service must maintain the service. If the account is cancelled or the phone number is changed, the employee must immediately notify his/her supervisor of such change. The supervisor must then notify Internal Business Services of the change.

Refund of Stipend

If it is found that the employee does not have an active cell phone as listed on the stipend request, the employee will immediately reimburse SCOE for any stipends paid since the cancellation date.

Hands-Free Devices

Distracted Drivers are much more likely to cause vehicle collisions. Effective July 1, 2008, drivers may be cited for driving and using an MCD without a hands-free device. (California Vehicle Code 23123)

It is the policy of SCOE to provide a safe and healthful work environment for its employees and, to the extent reasonably possible, prevent injury to third-parties while employees are performing their work activities. From time to time, employees may be authorized and required to operate a licensed motor vehicle in order to perform their work activities.

If there is an emergency and it is necessary to use a cellular telephone while driving a motor vehicle during the employee's normal working hours, the employee must make every effort to safely pull over to the shoulder or off of the public or privately owned road to a location where the vehicle does not create a hazard to the employee or to a third-party, and bring the vehicle to a complete stop. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

This policy is intended to comply with existing federal, state, or local laws and regulations which may control the usage of a cellular telephone during the operation of a vehicle while on SCOE business and/or during the employees' normal working hours. SCOE reserves the right to amend or modify this policy at any time to comply with any such federal, state, or local law or regulation which controls the usage of cellular telephones while on SCOE business and during normal working hours.

Any employee who fails to comply with this policy will be subject to disciplinary action.

- Attachments: (A) Mobile Communication Devices (MCD) User Agreement and Stipend Request Form  
(B) Mobile Communication Device Log

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**Policy 3513.1 (Continued)**

Legal Reference:

EDUCATION CODE

- 35213 Reimbursement for loss or damage of personal property
- 44032 Travel expense payment
- 48901.5 Electronic signaling devices

VEHICLE CODE

- 23123 Wireless telephones in vehicles
- 23125 Wireless telephones in school buses

CODE OF FEDERAL REGULATIONS, TITLE 26

- 1.132-5 Working conditions fringe benefit

Policy Cross-Reference:

- 0450 Safety Plan
- 3270 - Sale and Disposal of Books Equipment and Supplies 2008
- 4040 Employee Use of Electronic Info Resources
- 4156.3 Employee Property Reimbursement

ATTACHMENT A

Policy 3513.1 (Continued)

**Mobile Communication Devices (MCD) User Agreement and Stipend Request Form**

Solano County Office of Education personnel requiring the use of an MCD to perform their daily duties will be provided with the following options, effective January 1, 2009.

Please check the appropriate box:

- SCOE-owned MCD with SCOE-paid cellular service –  
SCOE-paid cellular service on SCOE-owned devices is for business use only. By signing this form the employee that is provided a SCOE-owned MCD agrees to use the SCOE-paid cellular service solely for business purposes. Should a non-business related cellular call or connection be made or received on a SCOE MCD, it will be the responsibility of the employee to reimburse SCOE a pro rata share of the monthly service fee. By signing this form, the employee acknowledges that the use of the SCOE MCD cellular service may be monitored at any time without advance notice or consent. The attached form must be completed and submitted to Internal Business Services along with a reimbursement check made payable to the Solano County Office of Education.
- Standard Allowance (for employee-owned cell phones used for SCOE business) –  
A low-usage (under 300 minutes) cell phone allowance of \$25 per month will be provided to an employee, upon the approval of his/her supervisor, when business necessity dictates that conditions are present to require the employee to carry a cell phone for the efficient and cost-effective conduct of SCOE business. Employees who elect to receive a cell phone stipend must inform their supervisors, and other SCOE employees as needed, of their cell phone accessibility during work hours.
- Standard Allowance (for employee-owned cell phones used for SCOE business) –  
A high-usage (300 or more minutes) cell phone allowance of \$50 per month will be provided to an employee, upon the approval of his/her supervisor, when business necessity dictates that conditions are present to require the employee to carry a cell phone for the efficient and cost-effective conduct of SCOE business. Employees who elect to receive a cell phone stipend must inform their supervisors, and other SCOE employees as needed, of their cell phone accessibility during work hours
- MCD (cellular device with data plan) Allowance (for employee-owned smart devices used for business) –  
When approved by the supervising Cabinet member at the request of the employee’s supervisor, an employee will be eligible for an allowance of \$120 per month. All conditions that apply to a regular MCD stipend apply to the smart device stipend. Only smart devices compatible with SCOE’s messaging servers will be supported in this fashion, so employees pursuing this stipend must check with SCOE’s Information and Technology Services Department prior to purchasing a smart device.

*In order to receive a smart device allowance, the device needs to be synchronized with SCOE’s network. A “P.O.D.D. Authorization” (Personally-Owned Data Device) form needs to be submitted to SCOE’s Administrative Services Department for this to occur. A stipend will not be approved for payment until this step is complete.*

*Note: Standard Allowance rate may be appealed to the Associate Superintendent of Administrative Services and Operations on an individual basis. High usage allowance adjustments will be effective no more frequently than quarterly.*

I acknowledge that I have read, understand, and will abide by the regulations of SCOE Administrative Policy #3513.1 in its entirety.

Cell Phone Number: \_\_\_\_\_

Smart Device Serial Number: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Employee Name (print): \_\_\_\_\_

I certify that the above mentioned employee is entitled to the selected stipend(s):

Supervisor Signature: \_\_\_\_\_

Cabinet Member Signature: \_\_\_\_\_

Budget Line: \_\_\_\_\_

