



CITY OF HAMILTON, OHIO

No. 120

ADMINISTRATIVE DIRECTIVE

Effective Date: 2-8-16

Supersedes: Directive No. 120 dated 5/14/08
No. 120 dated 11/5/14

Approved by: Joshua A. Smith,
City Manager

SUBJECT: PERSONAL CELLULAR DEVICE REIMBURSEMENT IN LIEU OF CITY-ISSUED DEVICE

PURPOSE: Establish citywide standards and guidelines for eligibility, use, and responsibilities related to City employees opting out of the use of City-issued phones and the associated personal cellular device reimbursements and to create a method for employees to gain access to city email on their personal device.

1. Policy Statement.

- a. Employees should have the opportunity to use their personal cellular device instead of a city-issued device. Employees that wish to have access to city e-mail on their cellular device can request for that service.

2. Policy Provisions.

- a. Employee Opt-out of City-issued cellular device
 - i. If the City intends to equip an employee with a City-issued cellular device, the City may in lieu of providing the City-issued device, permit an employee to use the employee's own personal device, upon the employee's request. The decision to permit the use of a personal cellular device rather than the City-issued cellular device shall be at the City's sole discretion. Where permitted by the City, the permission to use the personal cellular device shall be conditioned on the employee signing an agreement with the City.
 - ii. The employee should review with a tax professional whether any of these costs may be deducted as a qualified business expense for tax purposes. The eligible employees may elect to receive a monthly allowance from the City to offset the service plan costs. The monthly allowance is not intended to fully reimburse the employee's out of pocket costs. The employee shall be responsible for paying the remaining balance. The City Manager's Office, after consultation with the respective department director will make the final determination as to what positions are eligible to receive a City allowance for a personal device.
 - iii. The reimbursement amount is determined by department heads. The City provides two tiers for reimbursement. Tier 1 is for employees who are only expected to answer phone calls and/or text messages. Tier 2 is for employees who are expected to receive and respond to emails, phone calls/text messages.

Tier	Monthly Reimbursement Voice/Text	Monthly Reimbursement Data	Total Reimbursement
Tier 1	\$10	\$0	\$10
Tier 2	\$10	\$20	\$30

- iv. The need for personnel to carry a cellular device (city issued or personal in lieu of) must be reviewed annually, to determine if those positions' status should be continued as-is, changed or discontinued. All cellular devices that are being used for City business must have a pass-code or password to lock the device.

- v. Employees providing their own personal cellular device must maintain a cellular device that is compatible with the IT technical specifications. If a cellular device is or becomes incompatible with the City's network requirements and is no longer able to access the network, then the City shall cease payment of the monthly allowance until the employee provides a cellular device sufficiently compatible to be able to access the City's network and resources.
- vi. Employees should presume that all work-related data put on their personal cellular device may be subject to disclosure under public record laws.
- vii. If an employee's personal cellular device breaks or becomes damaged while conducting City business, the City will not reimburse the employee for any repairs or replacements. Employees should consult with their personal cellular device's manufacturer or retailer for applicable warranty agreements or repair services. Employees may also want to consult with their service provider regarding the availability of replacement insurance for their personal cellular device. **The City will not pay for the purchase of personal cell phones, activation fees or insurance. The employee may, at his or her own expense, add extra services or equipment features, as desired. Additionally, all costs, including billing, purchase of equipment (cellular device accessories), and lost or broken equipment (cellular device accessories) is the responsibility of the employee.**
- viii. Cellular device reimbursements will be paid monthly through payroll and are included in the employee's direct deposit/check. The allowance will be identified on the employee's pay stub as a separate pay code. This allowance does not constitute an increase to the employee's base salary and will not be included in the calculation of any City benefits or annual raises. This reimbursement is subject to all applicable payroll taxes, but is not subject to pension withholding.
- ix. During the transition to this updated policy, the City will be terminating existing contracts as employees choose to receive reimbursement. Employees approved for the reimbursement will need to establish their own personal cell phone plan by January 30th, 2015. Any applicable fees associated with terminating the City accounts will be paid by the City. If the employee chooses to obtain ownership of a city-owned cellular device, the employee will have to pay current Fair Market Value (FMV) for the device. Once FMV has been determined for the cellular device through providing a screenshot from (<http://www.movaluate.com> or <http://swappa.com>) of the day of purchasing the device, the employee can pay the City the FMV of the cellular device and obtain ownership. The City will not reimburse employees for early termination fees if the employee decides, for whatever reason, to cancel any existing personal accounts.
- x. The Director of IT shall be responsible for maintaining current records of employees that have City-issued cellular devices as well as employees using personal cellular devices in lieu of a City-issued device. When an employee's telephone number has changed, he or she shall notify the department head as well as the Director of IT.
- xi. Upon separation from employment, the City shall be authorized to remotely wipe the terminated employee's registered personal cellular device containing City information. It is up to the employee to back up personal applications and data on the personal cellular device prior to this event, and to restore only personal information after the device has been cleared of contents. Former employees are not authorized to restore any application or data that originated through City employment.

- b. Voluntary Access to City E-Mail system for Approved Employees
 - i. While certain employee positions do not provide a direct advantage to the City by being connected to City e-mail through a personal cellular device, the City recognizes that the common usage of personal cellular devices by employees may result in the employees having a desire to be connected to the City e-mail as a matter of convenience and personal efficiency in performing an employee's everyday job duties. In that regard, subject to compliance with specific conditions, employees, who are not assigned a City-issued cellular device and who do not hold a position with the City that is eligible for the City's cellular device allowance program, may still request that the City allow them to connect a personal cellular device to City resources. Said employee's connection to City e-mail is wholly voluntary, and is subject to the employee's strict compliance with the terms of this Administrative Directive, the IT specifications, and to the extent applicable, the City's Internet and Email Usage Policy.
 - ii. Further, nonexempt employees are directed that any use of their personal device to review or respond to city emails or communications, or to perform other work during non-working hours is not allowed. The sole exception to the foregoing is where said communications during non-working hours is permitted or necessary as part of the nonexempt employee being in on-call status, having received authorization for overtime work, or as permitted under a collective bargaining agreement.
 - iii. Employees that voluntarily request connection of a personal cellular device to City e-mail may have the connection terminated at anytime by the City for any reason, in the City's sole discretion, and the City shall terminate the connection where the employee fails to comply with the requirements of this Administrative Directive, the IT specifications, or City's Internet and Email Usage Policy.



AGREEMENT TO PERMIT USE OF PERSONAL CELLULAR DEVICE IN LIEU OF CITY-ISSUED DEVICE

The City of Hamilton finds it necessary that the below-named employee, hereinafter “Employee”, have access to a mobile communications device and accessories, hereinafter the “Device”, for purposes of fulfilling the Employee’s duties to the City.

Employee Printed Name	Cellular Telephone Number
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Employee, solely for Employee’s convenience, prefers that the City not assign a City-issued Device and the City, in its sole discretion, agrees to permit this arrangement provided that the Employee agrees as follows:

1. **Communication records involving City business are Public Records. Employee shall, upon request to the City, immediately provide detailed records for the Device. The intent of this item is to permit the City to provide prompt inspection of public records per ORC 149.43. Employee’s failure to provide full cooperation may result in disciplinary action.**
2. Employee shall provide a personal cellular device that is compatible with the IT Department specifications. The Device shall at all times be and remain Employee’s personal property. Personal cellular devices that are being used for City business must have a pass-code or password to lock the device.
3. Employee shall maintain an agreement with a third-party service provider; at a minimum, to provide the service(s) needed to fulfill the Employee’s duties to the City. The employee should review with a tax professional whether any of the costs incurred by the employee may be deducted as a qualified business expense for tax purposes. The employee may receive a monthly allowance to offset the service plan costs. This allowance is not intended to fully reimburse the employee’s out-of-pocket costs. It is assumed that the employee shall be responsible for the remaining balance.
4. Employee’s purchase of the Device and third-party service is not for public purposes and is not tax exempt. Employees shall pay all taxes.
5. Employee acknowledges that the telephone number assigned to the Device will be subject to disclosure as a public record.
6. By signing below, I hereby authorize the city to wipe my registered personal cellular device containing City information upon my separation from employment for any reason. This will result in the deletion of City information from the Device. I understand that it is my responsibility to back up personal applications and data on my registered personal cellular device prior to this event. I understand that I am not authorized to restore any application or data that originated through City employment following this process.

Acknowledged and Agreed this _____ day of _____, 20_____.

 Employee Signature



VOLUNTARY PERSONAL CELLULAR DEVICE CONNECTION AGREEMENT

Subject to the terms set forth below, the City of Hamilton permits the below-named employee, hereinafter “Employee” to voluntarily connect a personal device to city. Employee can acknowledge they have read Administrative Directive 331 and they agree to the terms of the “Voluntary personal cellular device connection agreement” by completing the form below.

_____	_____
Employee Printed Name	Telephone Number
_____	_____
Employee Position	Exempt/Nonexempt

NOTICE TO ALL NONEXEMPT EMPLOYEES:

- **AS A NONEXEMPT EMPLOYEE, YOU ARE NOT ALLOWED TO CHECK CITY EMAIL DURING NON-WORKING HOURS, UNLESS YOU ARE IN AN ON-CALL STATUS.**

Employee, solely for Employee’s convenience, requests permission to voluntarily connect a personal device to City resources and the City, in its sole discretion, agrees to permit this arrangement provided that the Employee agrees as follows:

1. **Employee acknowledges that all work-related communications, including data put on their personal device, may be subject to disclosure under public records law. Employee shall, upon request of the City, immediately provide their billing records and other such information as requested for the Device. The intent of this item is to permit the City to provide prompt inspection of public records per ORC 149.43. Employee’s failure to provide full cooperation in this regard shall result in disciplinary action.**
2. In order to voluntarily access City resources, Employee shall provide a personal device that is compatible with City resources. The device shall at all times be and remain Employee’s personal property and no compensation shall be paid to employee for connection of the personal device to City resources.
3. Employee’s purchase of device and third-party communications service to access to City resources is voluntary and not required for public purposes and is not tax exempt. Employees shall pay all taxes.
4. Employee received and understands the City’s policy for the use of Devices and hereby agrees to abide by all the provisions therein to the fullest extent applicable.
5. By signing below, I hereby authorize the city to wipe my registered personal cellular device containing City information upon my separation from employment for any reason. This will result in the deletion of City information from the Device. I understand that it is my responsibility to back up personal applications and data on my registered personal cellular device prior to this event. I understand that I am not authorized to restore any application or data that originated through City employment following this process.

Acknowledged and agreed this _____ day of _____, 20_____.

Employee Signature

Cellular Device Issuance Criteria

The need for personnel to carry a cellular device (city issued or personal in lieu of) must be reviewed annually, to determine if those positions' status should be continued as-is, changed or discontinued

During the transition period from city-issued cellular devices to using personal cellular devices in-lieu of a city issued device, as well as annually, each department head will review the applicability of their staffs' responsibilities against the criteria for city-issued phone allowance. The following criteria will determine if a position is eligible for a city-issued cellular device and/or the reimbursement for using a personal cellular device in-lieu of a city-issued cellular device. If the position requires one of the following criteria, that specific position is permitted use of a city-issued cellular device or personal cellular device in-lieu of.

Tier 1 Criteria (Voice/Text):

- Emergency Call Back: Job Function requires continuous accessibility for critical City services (e.g., On-call responsibility) and employee does not have convenient access to a land-line; or
- Public Safety Operation: Job function directly supports Police and Fire operations and requires employee to routinely use a mobile phone to be accessible; or
- First Responder: Job Function is designated as a “first responder” to emergencies; or
- Mobile Work Environment: Job function routinely requires extended time away from a convenient landline (greater than two consecutive hours) and it is essential to the City that the employee be accessible during those times; or
- Personal Safety: Job Function displays personal safety concerns for individuals while traveling, working evening hours, working in isolated areas, or working in high crime areas.
- After Hours Use: Job Function requires being available for contact after normal business hours on a regular and consistent basis.
- Shared Use: Mobile phone is assigned to multiple individuals, a vehicle, a facility, or used during specific times throughout the year.

Tier 2 Criteria (Data):

- Access to Email/Data: Job function routinely requires access to email/data outside of office or beyond normal working hours and it is essential to the City that the employee be able to send/receive emails during those times

Employee Name

Cellular Number

Department Head Approval



Cell Phone Assignments

Department Name: _____

Division: _____

Employee Name	Position	City-Issued (Y/N)	Tier 1	Tier 2	Cell-phone #	Carrier

 Department Head Approval

 City Manager Approval