

**CITY OF WHITE SALMON, WASHINGTON
RESOLUTION NO. 2017-06-454**

**A RESOLUTION OF THE CITY OF WHITE SALMON, WASHINGTON REVISING THE
CELL PHONE USE POLICY**

WHEREAS, the City has in place a cell phone use policy, and the City Council finds the revision of this resolution to be in the best interest of the City;

NOW THEREFORE BE IT RESOLVED, the City Council for the City of White Salmon hereby adopts the following revised policies as described in Exhibit "A", attached hereto and incorporated by reference, for the benefit of the city, which will amend the Personnel Policy.

APPROVED AND PASSED by the City Council of the City of White Salmon, Washington at its regular meeting this 21st day of June 2017.



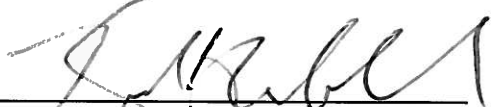
Jason Sabourin, Mayor Pro Tempore

ATTEST:



Darla Clifton, Deputy Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney

Exhibit "A"

City of White Salmon Cell Phone Use Policy

PURPOSE

The purpose of this policy is to provide cell phone use guidelines. This policy enables the City of White Salmon to meet its fiduciary responsibility to the taxpayers. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Cell phones are a valuable resource for certain personnel in order to conduct City business in an effective and timely manner.

DEFINITIONS

Employee—A person employed by the City, does not include an independent contractor.

City Business—Official City business is business that relates directly to a person's work function and benefits the City.

Cell Phone—Cellular telephones including smart phones: any device that is used, by any measure, to send or receive wireless voice or data transmissions including text messaging.

POLICY

This policy shall apply to all City employees.

1. The City recognizes that cell phones are an important and necessary tool for certain employees to perform their job duties. For this purpose, the City will provide a cell phone.
2. The City Administrator will determine which employees require a cell phone by considering the individual job duties and related wireless communications needs. The Clerk/Treasurer will procure the most cost effective cell phone and plan. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used to establish the most cost effective alternative for cell phones and plans.
3. The use of a cell phone, whether owned by the employee or the City, creates data that is stored on the devices, including, without limitation, e-mails, text messages, communication logs (such as records of the numbers called and received). When the cell phone is used for City business that record is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act. It is the employee's responsibility to ensure that all cell phone data related to City business is retained consistent with this policy and all City rules, regulations, policies and procedures.
4. All communications created or received using a City cell phone and all data stored on the 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 a City-owned cell phone, any record of such communications and all data stored on City cell phones, including, without limitation, e-mails, text messages, communication logs (such as records of the numbers called and received) to ensure that all use of a City cell phone is consistent with this policy and all City rules, regulations, policies and procedures.

PROCEDURE

1. Determination of Cell Phone Eligibility

- a. Eligibility is based on the need for frequent use of a cell phone, such as an employee who needs to be frequently available for emergency contact, and whose duties require him/her to be quickly contacted, anywhere, anytime as determined by the City Administrator.
- b. Employees leaving City employment must turn in City-owned cell phones as part of their termination process. Employees transferring or promoting within the City must re-establish their eligibility in their new position.

2. Determination of Phone or Plan

- a. The City Administrator is responsible for projecting business use, and for communicating this estimate to the Clerk/Treasurer. The Clerk/Treasurer is responsible for purchasing City-owned cell phones and establishing plans with cell phone providers that best meet the City's business needs at the lowest cost.

3. Use of Cell Phone

- a. Except for incidental personal use, City-owned cell phones shall be used for business purposes only. Incidental personal use is defined as use that is infrequent and insubstantial. Incidental personal use phone calls shall be made at times that do not adversely affect the performance of official duties and are brief in duration and frequency. Whenever possible, incidental personal calls shall be made during breaks. Use of a City-owned cell phone for non-City business, or more than incidental personal use, will result in the entire cost of the phone and plan to be added to the employee's taxable wages as a taxable fringe benefit.
- b. Employees are prohibited from Speaking or listening or sending, reading, or writing text message to a cell phone while driving except as authorized by applicable laws
- c. Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all associated liabilities.

- d. In many cases, cell phones operate as a camera or as a way to access the internet or email. Employees operating a City-owned cell phone in these capacities must comply with the City's policy regarding "Internet Access," and "Email."
- e. There are certain cell phone uses that are prohibited and can result in disciplinary action at the discretion of the City Administrator. They include:
 - Commercial use other than City business.
 - Harassment of any member of the public, any governmental employee or any vendor.
 - Making or receiving any calls of a sexually explicit nature.
 - Inappropriate language including obscenity, vulgarity, profanity or expressions of ill will.
 - Subjects of political nature.
 - Misrepresentations or release of information of a confidential nature.
 - Speaking or listening or sending, reading, or writing text message to a cell phone while driving except as authorized by applicable laws.

4. City Paid Monthly Stipend for Use of Personal Mobile Phones

- a. At the department director's discretion employees who would otherwise be provided with a City issued mobile phone can request to receive a monthly stipend for using their personal mobile phone for City business. The monthly stipend is paid through the payroll system as a taxable benefit, and the amount of the monthly stipend is based on one of two plan options as determined appropriate by the employee's director, or designee:

- A. Phone only
- B. Phone with data

The amount of the monthly stipend will equal the rate of the plan paid by the city, inclusive of taxes. Employees who receive a monthly stipend agree to purchase a device that meets the City's technical standards and use their personal phone for City business. In addition, employees must execute a Monthly Mobile Phone Stipend Agreement to be submitted to the employee's manager/supervisor for approval. The monthly stipend process is administered and overseen by the Clerk/Treasurer.

Special Responsibilities for Managerial Staff

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

Public Records Act – Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

RECEIPT OF THE CITY OF WHITE SALMON'S CELL PHONE USE POLICY

Please read the policy carefully to ensure that you understand the policy before signing this document.

I certify that I have received a copy of the City of White Salmon's Cell Phone Use Policy. I understand that it is my responsibility to read and comprehend this policy. I read and understand the content, requirements, and expectations of the Policy and I agree to abide by the Policy guidelines. I understand that if at any time I have questions regarding the Policy, I will consult with my immediate supervisor or the Personnel Office.

I agree to observe and follow the Cell Phone Use Policy. I understand that failure to abide by the policy could result in the loss of cell phone privileges and/or other disciplinary actions.

Employee Name (Signature)

Employee Name (Please Print)

Department

Date