

Document Type: Regulation
Number: 4.30b
Effective: 11-22-06
Revised: 10-01-07
07-13-09
01-01-11
01-01-16
Legal References: I.C. § 16-1605
I.C. §16-1627

MOBILE DEVICE (CELLULAR PHONE) USAGE AND REIMBURSEMENT

I. INTRODUCTION

The purpose of this regulation is to provide employees with a set of guidelines governing the use of cellular telephones as well as other similar mobile devices, and to provide reimbursement criteria and conditions for business use of personal cellular telephones. Throughout this regulation the term mobile device is used and includes cellular telephones, smartphones, PDAs, etc.

While at work, employees are to exercise the same discretion in using personal mobile devices as they do for City-owned devices. Excessive personal calls, texting, or other mobile device use during the workday, regardless of the device used, interferes with employee productivity and can be distracting to others. Therefore, excessive personal use, regardless of the device used, during an employee's workday is prohibited. Flexibility may be provided in circumstances demanding immediate attention.

II. MANAGEMENT

Departments shall be responsible for oversight of employee mobile device usage and shall monitor and review such usage to ensure that use is appropriate and that prudent fiscal management guidelines are followed. This periodic review, no less than annually, shall include an assessment of each authorized employee's need to use a mobile device for business purposes.

III. ELIGIBILITY

Employees who hold positions that include the need for a mobile device may receive a reimbursement to compensate for business-related costs incurred when using their individually-owned mobile devices. Departments shall evaluate and determine the appropriate level of mobile device service each employee's job requires, if any. Department Directors or designee may then approve a mobile device reimbursement at their discretion for employees who **are required to regularly use his or her personal mobile device for work purposes.**

The reimbursement is considered a non-taxable fringe benefit to the employee, paid via direct deposit with their scheduled payroll. The reimbursement will not be considered part of the employee's base pay and will not be included in the

calculation of percentage increases to base pay or be used in the calculation of retirement benefits. If the employee chooses to participate in the reimbursement program their personal mobile device phone number will be made available to other staff members in their department.

The level of the reimbursement will be determined by a person's job duties as it relates to the mobile device use and access. The mobile device reimbursement program is designed to compensate employees for the **business use portion** of their service. The Department Director and employee shall sign a Request and Authorization stating the reason a mobile device is required and the agreed upon reimbursement level. On an annual basis the department will determine the appropriate monthly reimbursement in accordance with the standardized reimbursements listed in this regulation.

Any reimbursement agreement will be immediately cancelled if an employee receiving a reimbursement terminates employment with the City of Boise. In case of a change in job positions or department, a new Mobile Device Reimbursement Agreement must be submitted to Payroll to establish a continued business need for a cell phone.

IV. STANDARDIZED MONTHLY REIMBURSEMENT

The City of Boise has established the following standardized reimbursements:

\$35 – Voice only

\$65 – Voice and data access such as email and internet

V. REIMBURSEMENT PROCESS

The mobile device reimbursement process works as follows:

- A. Employee submits a Mobile Device Reimbursement Request form to the Department Director, or designee.
- B. The Department Director or designee approves or denies the request.
- C. All approved requests are forwarded to the HR Payroll office for processing.
- D. Once processed the HR Payroll office sends the approved request to the employee's personnel file.

VI. OTHER REQUIREMENTS

The employee is responsible for the purchase of his or her mobile device and obtaining mobile device service. An employee receiving a reimbursement for personal mobile device use for City business in accordance with this regulation will be expected to maintain the mobile device in working order and available for City business calls as needed and as reasonably expected.

The request form shall identify the employee and the employee's personal mobile device number.

Department Directors receiving a reimbursement for use of their personal mobile device shall follow this process with approval from the Mayor, or designee.

- A. The City will not be liable for damage or loss of personal mobile devices brought into or used in the workplace.
- B. The employee is responsible for the administration and payment of all personal mobile device bills and will in no way create financial liability for the City beyond the amount agreed to by department management as listed in the reimbursement authorization agreement.
- C. Should a special project or assignment result in a temporary increase or decrease in business use of a mobile device, departments can authorize a temporary adjustment to the monthly reimbursement by completing and filing an amended authorization form.

VII. PERSONAL USE OF CITY PROVIDED MOBILE DEVICES

The City may issue a business mobile device to an employee for work-related communications. Minimal personal use is permitted, but employees will be required to reimburse the City if such personal use results in plan limit overage. Reimbursement to the City will be "actual cost."

Failure to reimburse the City for the cost of the mobile device use will result in tax liability for the employee, as well as possible disciplinary action up to and including dismissal.

Employees in possession of City equipment such as mobile devices are expected to protect the equipment from loss, damage or theft. Repeat damage or loss of mobile devices shall be at the employee's expense when the department deems necessary. Upon resignation or termination of employment or at any time upon request, the employee will be asked to produce the mobile device for inspection and return.

Employees unable to present the mobile device in good working condition within the time period requested (for example, 24 hours) will be expected to bear the cost of a replacement.

VIII. BUSINESS USE OF PERSONAL MOBILE DEVICES

The City realizes that some employees may use personal mobile devices for periodic business use while out of the office. The City will reimburse the employee for "actual cost" if business use results in plan limit overage. Reimbursement will require the employee obtain Department Director or designee approval and provide a full copy of the mobile device bill with City charges identified. The department is responsible for keeping the entire copy of the bill which is to be filed and retained per the City's file management guidelines.

IX. MONITORING AND PRIVACY

The City monitors the use of its mobile devices to ensure that these resources are used effectively, appropriately, legally, and in accordance with the City's

policies and regulations. The City may monitor randomly, in response to a particular problem, or, in some cases, continuously. The City reserves the right to inspect any and all information stored on or in mobile devices. The City also reserves the right to inspect any and all messages and data sent and received. The City may also choose or be required to publicize this data.

Employees using mobile devices expressly waive any right of privacy in anything they create, store, send, or receive on a City mobile device or through the City provided Internet, other computer network and/or any other City resources.

Employees should not consider any electronic communication, media or services to be either private or secure. Although mobile devices can be protected by passwords, employees should not assume that the passwords provide them with privacy or ownership of their mobile device account or the records within it.

X. SAFETY

Employees who use mobile devices on City business, regardless of how the devices are issued and funded, are required to read and follow the Vehicle Usage Regulation 4.80a that governs mobile device use while driving motorized vehicles.

XI. MISCELLANEOUS

The City reserves the right to modify or terminate any and all conditions of this administrative regulation, depending upon changing needs as defined by the City.