

CITY OF FRISCO PERSONNEL POLICIES
SECTION: COMPUTER NETWORK AND SYSTEMS

Subject: **Wireless Communications Device Policy** **Date:**04/03/2018
Approved by: Ordinance 18-04-17 **Revision Date:**

I. STATEMENT OF PURPOSE:

If a City of Frisco (“City”) Department Director determines the use of a wireless communication device (“Device”) is required and necessary for the performance of an employee’s job duties, this Wireless Communications Device Policy (“Policy”) will apply and the City may provide the employee with either: (1) access to a Device; or (2) provide a reimbursement allowance to the employee for use of his/her personal Device. Each year, the Department Director will determine the appropriate Device and/or reimbursement allowance for an employee who is designated to use his/her personal Device.

II. Eligibility:

The City may require designated employees utilize a City-owned Device or use a personal Device that is compatible with the City’s network and e-mail system, if job duties or operational requirements:

- Involve frequent travel or will routinely take the employee into the field to conduct business and the employee will have a need to remain in communication with others for City business purposes;
- Present a need for constant and immediate communications throughout the day if the position requires the employee to be away from the office or their desk frequently;
- Present a need after City business hours for an employee who significantly supports or is responsible for City programs, services, or systems;
- Require an employee to be available for emergency or business-related contact on a 24/7 basis; or
- Offer no other practical alternatives for cost-effective and timely communications using landlines or other communications methods.

Convenience alone is not a criterion for requiring an employee to utilize a Device for City business purposes.

III. FLSA / Overtime:

Supervisors must ensure that requirements for hourly employees to check e-mail or be available after normal working hours are clearly understood and explained to employees. Further, any overtime incurred because of such requirements shall be approved in advance and handled in accordance with the Fair Labor Standards Act (“FLSA”). Please reference City Time Keeping Policy: Overtime Pay. No overtime in conjunction with the use of a Device shall be allowed without prior written approval from a supervisor. Employees who fail to obtain written approval

from a supervisor may be subject to discipline in accordance with applicable policies.

IV. Wireless Device Options:

Employees eligible for a Device under this Policy will work with their Department Director to determine which of the following Device options is best suited to their individual situation:

- a. **City-Owned Device/City Sponsored Service Plan.** The City may provide a City-owned Device and appropriate voice/data service for use by City employees eligible for a Device under this Policy.

Any use of a City-owned Device, including long distance phone calls, shall be limited to City business purposes. All City-owned Devices are a public resource. The City reserves the right to require employees to reimburse the City for personal use of any City-owned Devices. The City will monitor usage reports and may audit billing amounts to ensure that employees are restricting personal calls from City-owned Devices. It is understood that excepted personal use may be necessary on a limited basis (i.e., in an emergency).

Use of a City-owned Device in any manner contrary to local, state, or federal laws, regulations and/or policies may result in adverse disciplinary action up to, and including: suspension of access; termination of privileges; suspension from employment; termination of employment; and/or any other disciplinary action consistent with City Policies and state or federal law.

Software or Applications. Employees shall not load software or applications on City-owned Devices without written approval from [MIS Manager].

Loss or Damage to City-Owned Devices: If an employee's City-owned Device is lost, stolen or damaged while in the employee's possession, the employee may be responsible for the replacement or repair of the Device. Failure to repair or replace a Device at the employee's expense will result in a deduction from an employee's final paycheck for an amount equal to the replacement value of the Device. Prior to receiving a City-owned Device, designated employees, must sign an acknowledgement of his/her obligation to return the device and obligation to pay an amount equal to the replacement value of the Device in the event it is not returned (including repayment by a deduction from the employee's final paycheck).

- b. **Device Allowance.** Employees approved to use their personal Devices, if compatible with the City's network and e-mail system, may submit a completed Wireless Communication Device Allowance Request Form to their supervisor and the Department Director for review and approval. The device allowance will not commence until the request is approved by the department in writing.

Contracting of Services. Employees who receive approval for a Device allowance are responsible for selecting and contracting with a service provider for approved voice/data service or voice only service in their own name. The contracted service must meet any specifications provided by the City to meet the City's technology / communication needs.

Amount of Allowance. At the beginning of each fiscal year, the Finance Department will publish the monthly Device allowance for payment toward the cost of service for FLSA exempt and non-exempt employees. The Device allowance is provided to employees to reduce expenses associated with City business. The Device allowance is not intended to cover the total cost of the fees and service provider charges incurred under an individual Device service plan. Any charges by the employee's service provider in excess of the allowance provided by the City are the personal financial responsibility of the employee and not the City. Device reimbursement allowances are a non-contractual benefit for employees and may be withdrawn by the City at any time with or without cause and/or notice.

Payment of Allowance. The taxable Device allowance will be processed through the payroll system and paid to the employee on each pay check for the time period during which the City approves the Device allowance. The allowance is supplemental income and is considered taxable income to the employee. The taxable allowance will be subject to required deductions such as Federal Insurance Contributions Act ("FICA") and Texas Municipal Retirement System ("TMRS"). As previously stated, the monthly Device allowance is non-contractual, not guaranteed and will not constitute an increase in base pay and will not be included in any percentage calculations for an increase to base pay.

Compatibility. To be eligible to receive the Device allowance, employees must purchase or utilize a Device that is compatible with the City's network and e-mail system.

Use of Personally-Owned Device. Because the Device is owned personally by the employee and the Device allowance is provided as taxable income, the employee may use the Device for both business and personal purposes. Maintenance and service of the Device is the personal responsibility of the employee. Use of the Device in any manner contrary to local, state, or federal law may violate City Policies and result in termination of the Device allowance and/or disciplinary action up to, and including, termination of employment. Noncompliance with City Policies, including acceptable use policies, may result in suspension of access; termination of privileges; suspension from employment; termination of employment; and/or any other disciplinary action consistent with City Policies and state or federal law.

V. Security:

The City reserves the right to load City-supplied software on the City-owned or personal employee Device. The software will assist in maintaining network and data security and integrity, including, but not limited to, antivirus and device management products. This software is required in order to access any City information/data, including but not limited to: City e-mail, City applications, City internet and City intranet sites, etc. The software may restrict access to sensitive or confidential information on the Device, manage City data on a Device used for both City and personal use, or delete or remove City data from the Device. From time to time, system updates and modifications may be necessary. To install these updates, the City may request the employee provide the Device to the City for the update, or may “push” updates remotely to the Device, without notice to employees. The City is not responsible for any decrease in functionality or damage to the Device that may result from Device maintenance or updates necessary to maintain compatibility with the City e-mail or network systems.

VI. Notification Requirements:

As a condition of receipt of the Device allowance and access to the City private networks or systems, the employee is responsible for immediately notifying the City’s IT Department and the employee’s direct supervisor if the employee’s City-owned or personal Device is: 1) lost; 2) stolen; 3) subject to a potential security problem; or 4) the Device otherwise becomes inoperable.

VII. City Access for Legitimate Business Purposes:

Access to the City’s network and e-mail system may be made available to eligible employees for legitimate City business purposes only. Access to the City network and e-mail system via a Device is a privilege, not a right. The City reserves the right to use the network and e-mail system for purposes as it sees fit and reserves the right to monitor all activity on the network or e-mail system, including individual user accounts. All users shall be required to acknowledge receipt and understanding of all City Policies governing the use of Devices, network, and/or e-mail and shall agree in writing to comply with such Policies.

Employees using a City-owned or personally-owned Device under this Policy consent to provide City access to City business-related information and communications on the Device. City related information and communications may be examined by an authorized City employee for “legitimate City business purposes.” Refusal to comply with a reasonable request for access to information in accordance with this Policy could result in disciplinary action. “Legitimate City business purposes” may be defined to include, but not be limited to, the following: workplace investigation, reasonable suspicion searches, response to an Open Records Request, or a litigation hold.

VIII. City Property:

City-owned Devices are the property of the City and all employees who have access to such Devices must return the City-owned Devices immediately upon request by the City. Failure to return a City-owned Device will result in a deduction from an employee's final paycheck for an amount equal to the replacement value of the Device. Prior to receiving a City-owned Device, designated employees, must sign an acknowledgement of his/her obligation to return the device and obligation to pay an amount equal to the replacement value of the Device in the event it is not returned (including repayment by a deduction from the employee's final paycheck).

IX. Separation from Employment:

Department Directors must notify both the IT Department and the Human Resources department immediately should an employee to whom this Policy applies separate from City employment. At the time of notification, the City IT Department or designee, will preserve City records, to the extent possible, and then delete all information from the City-owned Device, both work and personal, to return the Device to a "factory state." If an employee who uses his/her personal Device separates from City employment, the employee will be asked to provide City records for preservation, as outlined herein, and subsequently delete any City-supplied software from his/her device. The City will terminate access to the City's network and e-mail system immediately upon any employee's separation from employment with the City.

X. Exceptions. Special circumstances regarding an employee's position or duties may justify exceptions to this Policy. Such exceptions must be approved in writing by the City Manager or designee.

XI. Incorporation by Reference:

The City's Communication and Computer Acceptable Use Policy applies to the use of Devices and is incorporated fully herein. City employees subject to this Policy are expected to fully comply with the City's Communication and Computer Acceptable Use Policy.

XII. Disclaimer of Liability:

The City shall not be liable for an employee's inappropriate use of a Device and/or electronic communications resources; violations of local, state, or federal laws and/or regulations; an employee's mistakes or negligence; failure to provide full information in response to a request for public information; and/or for any costs incurred by employees through the use of the Device, network or e-mail system. The City shall not be responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the Internet. No warranties of any kind are offered either expressed or implied.