



City of Topeka Policy

Cellular Telephone

CELLULAR TELEPHONE POLICY

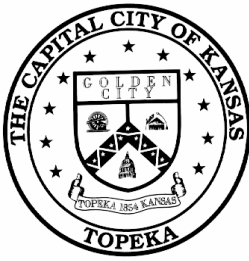
Purpose: To outline the authorized usage, liabilities and procedures while using city-owned and leased cellular telephone equipment.

Applicability: To all city employees.

Effective Date: November 23, 2009

1. DEFINITIONS

- A. Additional Fees means fees in excess of the Base Amount, which are charged to the City for Cell Phone use.
- B. Administrator means the person designated to administer the Call Plan, activate and deactivate Cell Phones, and handle the responsibilities of paying the Service Provider, monitoring bills for Additional Fees and extraordinary charges, and billing Employees for charges attributable to Personal Use of the Cell Phone.
- C. Base Amount means the amount that is the sum of the negotiated fees for line-access, additional features, and non-chargeable minutes, together with applicable taxes, billed to the City on a monthly basis. The Base Amount does not include any charges for calls outside the Calling Area, directory assistance fees, operator assistance fees, or use which exceeds the negotiated, non-chargeable minutes for Cell Phones under the terms of the Call Plan.
- D. Business Use means use of City-owned equipment and use of services paid for by the City for City business and in a manner consistent with the adopted policies and practices of the City, as well as any applicable City ordinance or Kansas statute.
- E. Calling Area means the geographic area designated by the Service Provider within which Cell Phone calls can be placed and received without incurring Additional Fees.
- F. Call Plan means the negotiated contract between the City and the Service Provider, which sets forth the parameters of Cell Phone use, including a monthly line-access fee, additional features such as voice mail and caller identification, the Calling Area, charges for calls outside the Calling Area, the number of non-chargeable (free) minutes for the Cell Phones, equipment types and costs, all



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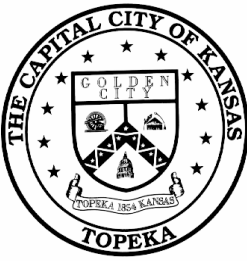
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billing terms, etceteras, as that contract may be amended or replaced according to then applicable City processes for contractual agreements.

- G. Cell Phone means any wireless telecommunications device, which is owned or leased by the City for use by its Employees.
- H. City means the City of Topeka, Kansas.
- I. City Manager means the person hired to serve in that capacity, and any successors or assigns.
- J. Department Head means the person appointed by the City Manager to serve as the director/executive for a designated department of the City, or such person's designee.
- K. Employee means any person engaged by the City to perform work, whether on a temporary, continuing, part-time, or full-time basis, and who is receiving wages or a salary from the City as compensation for such work.
- L. Request means the *Request for Wireless Telecommunications Device Form*, which is referred to as *Exhibit I*, as it may be amended and updated from time to time.
- M. Service Provider means the City-selected provider of Cell Phone service, and any successors or assigns.
- N. Standard Operating Procedure means the written document or documents, as approved by the Department Head, which set forth the procedures acceptable to carry out the Employee's job responsibilities.
- O. Use Agreement means the Employee Agreement for Use of a Wireless Telecommunications Device Form, referred to as *Exhibit II*, as it may be amended and updated from time to time.

2. Introduction

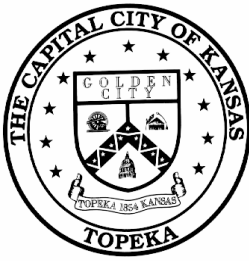
- A. The purposes of this Cell Phone Policy are as follows:
 1. To explain the procedures for obtaining, using, and returning a Cell Phone.
 2. To insure appropriate use and safekeeping of City-owned and leased equipment.
 3. To insure appropriate use of equipment and services paid for by the City, so that public funds are spent only for public purposes.



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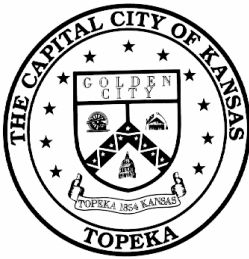
4. To disclose potential financial liability to City Employees.
 5. To address safety issues for City employees.
- B. Employees are not wholly barred from Personal Use of Cell Phones; however, the City discourages and limits Personal Use of Cell Phones, as explained in this document.
3. **Obtaining a Cell Phone**
- A. The Contracts & Procurement Division (“Purchasing”) of the City's Administrative & Financial Services Department, in cooperation and consultation with the City's Information Technology Department ("IT"), will centrally negotiate a Service Provider and a Call Plan for all City Cell Phones. Once a Service Provider has been selected, the designated Administrator will act as a liaison among IT, the Service Provider, and City Department Heads, or their designees.
 - B. A completed Request for each Cell Phone to be placed, or continued, in use will be submitted to the Administrator, who will arrange with the Service Provider for the activation or extension of the Cell Phone issued to the Employee.
 - C. At the time a Cell Phone is issued to an Employee, the Employee will be required to sign a Use Agreement, a copy of which shall be returned to the Administrator. The Employee shall receive a copy of the Cell Phone Policy at the time the Use Agreement is signed.
 - D. The Department Head shall be responsible to designate the number of non-chargeable minutes expected to be used by each Cell Phone in his or her Department. This shall be a reasonable estimate, which shall assist in the determination of Additional Fees by the Administrator.
- A. Prior to issuing a Cell Phone to an Employee, it shall be the responsibility of that Employee's Department Head to advise the Employee in the appropriate use of the Cell Phone. Such advice shall include not only the policies herein, but also basic information about the specific parameters of the Call Plan, including:
1. The number of non-chargeable minutes estimated to be used monthly for the Cell Phone issued to the Employee.
 2. The Calling Area applicable to the Employee's Cell Phone.



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3. What constitutes "use" of non-chargeable minutes, *e.g.*, incoming calls; mobile-to-mobile calls, if applicable; calls to directory assistance; outgoing calls, whether within the Calling Area or not.
 4. What types of calls and services will result in Additional Fees.
 5. What features are available in the Base Plan, *e.g.*, voice mail, programmable directory, etc.
 6. How to operate the Cell Phone, including establishing a password to retrieve voice mail.
 7. What constitutes Personal Use, together with the information that all Personal Use must be reimbursed to the City by the Employee.
- F. The Department Head shall agree that the monthly charges associated with each Cell Phone will be paid from the department's budget for the term of the Cell Phone contract, which is currently one (1) year from the date of issuance.
4. **Cell Phone Use**
- A. Cell Phones are for Business Use. They should not be used for non-work related communications, except in special circumstances as described herein, especially during normal work hours.
 - B. Cell Phones should not be used, even for a Business Purpose, when a less costly communication alternative is safe, convenient, and readily available.
 - C. Unless otherwise provided in the Standard Operating Procedure of the Employee's department, Cell Phones shall not be used while operating a motor vehicle. Instead, calls should be placed and answered prior to engaging a motor vehicle, or during a break from operation of the motor vehicle. In some jurisdictions where the Employee may travel, laws prohibit the use of Cell Phones while operating a motor vehicle. It is the City's intent and expectation that all Employees shall abide by the law.
 - D. Employees in possession of a Cell Phone are required to take appropriate precautions to safeguard the Cell Phone from damage, loss, unauthorized use, and theft. To facilitate this, Department Heads should require Employees who are not on standby for callback, or who are non-emergency personnel, to check in and leave the Cell Phone in a secure work site at the end of the Employee's workday and to check it out from that site at the beginning of the next workday.



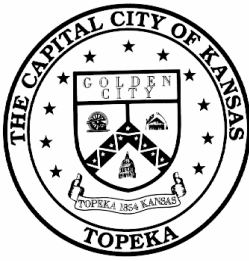
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- E. Cell Phone calls outside the Calling Area are prohibited, unless authorized by the Employee's Department Head, or in an emergency situation.
- F. Cell Phones are not secure devices and can be easily monitored; consequently, confidential information should not be discussed over a Cell Phone.
- G. Cell Phones are to be used primarily for outgoing calls; the Employee should take steps to minimize the number of incoming calls, particularly those not work-related.
- H. Employees should document all Personal Use of Cell Phones, whether outgoing or incoming calls, at, or as close as possible to, the time the call occurs.
- I. Employees should use appropriate communications etiquette with Cell Phones, including setting Cell Phones to be silent when the Employee is in a situation where audible use would disrupt business.
- J. In no instance will it be deemed acceptable for an Employee to use a Cell Phone to make harassing, threatening, or intimidating calls, personal or otherwise.

5. Personal Use of a Cell Phone

- A. As previously stated, Personal Use of a Cell Phone is not wholly barred; however, personal use must be limited and reasonable. Personal Use should not be so extensive that it results in Additional Fees. If an Employee routinely incurs Additional Fees for Personal Use, which must be reimbursed to the City, the Administrator shall notify the Department Head, and the Employee's Cell Phone privileges will be reviewed, with possible revocation. Additionally, excessive or improper Personal Use of a Cell Phone may result in disciplinary action, up to and including termination.
- B. Personal Use of a Cell Phone not resulting in Additional Fees is permitted, subject to reimbursement by the Employee. However, the Employee is expected to exercise good judgment and professionalism, including adherence to the following criteria:
 - 1. Personal calls should be limited to one (1) to two (2) minutes in duration; the Cell Phone is a business phone, and it should be open for business calls.
 - 2. Personal calls shall not be made or received while operating a motor vehicle.



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3. Personal calls to "phone sex," "psychic hotline," or similar numbers are prohibited.
4. Personal calls to numbers outside the Calling Area, except in the event of an emergency, should not be made on the Cell Phone without the prior approval of the Employee's Department Head.
5. Whenever possible, personal calls should be made during work breaks, or before or after the Employee's regularly scheduled work hours.

6. Return of a Cell Phone

- A. Upon an Employee's separation from service, whether voluntary or involuntary, the Cell Phone will be returned to the Administrator, in good and working condition, reasonable wear and tear accepted. The Employee's Department Head shall notify the Administrator of the Employee's separation from service, within five (5) business days of learning of the Employee's intention to separate.
- B. The Administrator may require return of a Cell Phone from any Employee who fails to reimburse the City, within thirty (30) days of the date an invoice has been issued, for Personal Use for that Cell Phone.
- C. The Department Head may require the return of a Cell Phone from any Employee who the Department Head determines no longer needs the Cell Phone for Business Use. It shall be incumbent on the Department Head to notify the Administrator within five (5) business days of such decisions.
- D. An Employee may return a Cell Phone that is no longer in working order to the Department Head, with a request for a replacement Cell Phone. It shall be incumbent upon the Department Head to notify the Administrator within five (5) business days of receiving such request. At such time, if the Department Head determines that a replacement Cell Phone should be issued, a completed Request and a new Use Agreement must be forwarded to the Administrator.
- E. Upon return of a Cell Phone, the Administrator shall note on the Request form that the Employee returned the Cell Phone, and the Administrator shall specify on the Request form whether the Cell Phone is in good and working condition, reasonable wear and tear excepted.

7. Safety Guidelines

- A. As previously stated, Cell Phones should not be used while operating a motor vehicle, unless such use is allowed under the Standard Operating Procedures of the Employee's department, for that Employee's position or situation.



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- B. No final determination has been made on the effects of radio frequency emissions from Cell Phones on physical health. Radio frequency emissions are generally regarded as dangerous, and workers in broadcasting, aviation, and similar fields generally try to avoid prolonged exposure to transmitting antennas. Early cell phones, in which the antennas were mounted outside cars, were not thought to be dangerous, but the newer hand-held models place the transmitting antenna directly against the skull. Further, unlike earlier two-way radios, cell phones are "duplex," meaning that their transmitters remain on, even when the user is listening rather than talking, thus increasing the total amount of time the user is exposed to radio waves. Any Employee who believes that use of a Cell Phone is a risk to the Employee's health will not be required to use a Cell Phone, unless a hands-free device, which places the antenna a few feet away from the body, is provided by the City. Such placement is generally accepted to minimize or eliminate the risk. The decision to use a Cell Phone, with or without a hands-free accessory, is left to the Employee's discretion. Certain positions may require the incumbent to use a Cell Phone; in those situations, the Department Head shall determine whether an Employee's refusal to use a cell phone may be grounds for discipline up to and including demotion, transfer, or termination.
- C. Employees are expected to use the Cell Phone to report emergency situations, whether personal or business.

THIS POLICY SPECIFICALLY REPEALS AND REPLACES PRIOR CITY POLICIES AND ADMINISTRATIVE MEMORANDA RELATIVE TO CELL PHONES.

Approved:

Norton N. Bohaparte, Jr., City Manager & CEO
November 23, 2009