

"Placerville, a unique historical past forging into a golden future."

City Manager's Report
July 14, 2015 City Council Meeting
Prepared by: Cleve Morris, City Manager
Item #: 12.2



Subject: Adopt a Resolution Approving a Cell Phone Reimbursement Policy for Unrepresented Employees.

Discussion: For the past several years, City employees have had a mix of uses of personal or City cell phones depending on need. Many employees use their personal cell phone and others use a City cell phone. Some are reimbursed for use of a personal phone and some are not. Of those that receive a reimbursement, the amounts are different from employee to employee.

Cell phones have become an effective and necessary mode of communication in almost all departments in the City. Although two-way radios are still being used, cell phones allow communication outside of those with two-way radios, including other employees, outside vendors, other jurisdictions, and emergency services. For those working outside, this enables them to communicate without returning to their home facility (Corporation Yard, City Hall, Town Hall, etc.).

For these reasons, staff has created the attached cell phone reimbursement program. The program, at this time, is only for unrepresented employees. Most, if not all, represented employees are issued a city cell phone for their use while on duty. Most of these are not required to carry a phone after hours except those who may be on call.

The policy provides a cell phone reimbursement for those employees who are required to have a cell phone for work. The amount of reimbursement is based on the estimated phone use as recommended by the department head with approval by the City Manager. Any employee who does not desire to receive a reimbursement can be provided a City cell phone. Under the reimbursement policy, employees can use the phone for personal use and work; however, personal use while on duty is limited to emergencies.

The attached document outlines the other provisions of the policy.

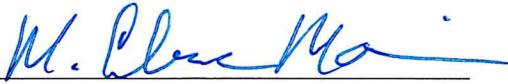
Options:

1. Approve the cell phone policy as submitted.
2. Approve the cell phone policy with amendments.
3. Reject the cell phone policy and continue with current practice.

Cost: The current analysis shows the cost to implement this policy, if all eligible City employees participate, at approximately \$205 per month, or \$2,460 per year.

Budget Impact: This cost is included in the 2015–2016 Fiscal Year budget.

Recommendation: Adopt a Resolution Approving a Cell Phone Reimbursement Policy for Unrepresented Employees.



M. Cleve Morris, City Manager

Attachments:

- City Cell Phone Policy
- City Cell Phone Use Agreement
- Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PLACERVILLE APPROVING A CELL PHONE REIMBURSEMENT
POLICY FOR UNREPRESENTED EMPLOYEES**

WHEREAS, cell phones are an effective and necessary means of communication for many employees in conducting City business; and

WHEREAS, the City of Placerville has recognized the need to document its Employee Cell Phone Policy, including cell phone reimbursement for unrepresented employees,

NOW, THEREFORE, IT HEREBY RESOLVED that the City Council approves the Employee Cell Phone Policy, a copy of which is attached to this Resolution.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on July 14, 2015, by Councilmember _____, who moved its adoption. The motion was seconded by Councilmember _____. A poll vote was taken which stood as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

Patricia Borelli, Mayor

ATTEST:

Susan Zito, MMC, City Clerk

City of Placerville

Section I. Employee Cell Phone Policy

- 1) **Policy:** Employees whose job duties include the frequent need for a cell phone may receive extra compensation in the form of a cell phone allowance to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance. The City shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. These phones are intended to be used only during work hours and personal use of these phones is strictly prohibited.

As a general rule, cell phones should not be selected as an alternative to other means of communication, e.g., land lines, pagers, and radio phones, when such alternatives would provide adequate but less costly service to the City.

- 2) **Cell Phone Allowance:**

- a) **Eligibility:** Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, mobile internet access, irregular work hours, or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The City Manager shall give final approval on all cell phone allowances.
- b) **Allowance Amount:** The monthly cell phone allowance amount shall be allocated based on the estimated amount of use. Three standard tiers for the monthly allowance shall be used:

Tier 1: \$15.00 – An employee is away from their desk at least 50% of the time and is expected to respond to phone calls. No data required.

Tier 2: \$40.00 - An employee may be away from their desk 50% or more of the time and is required to respond to email and phone calls. Limited data required.

Tier 3: \$60.00 – An employee is required to respond to email and phone calls both during and after regular work hours. Data required. Based upon the recommendation of a department head and with approval of the City Manager, recommended employees shall be provided a monthly allowance. No further reimbursement for cell phone costs is available to employees who receive an allowance.

- c) **Allowance Payment:** The approved cell phone allowance will be paid bi-weekly as part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.
- 3) **Employee Responsibilities:** The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their department head and the City's Technology Division and Finance Department with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and, if required by their position, off duty and respond when called for city business.

Employees may choose the cellular service provider and plan design of their choice. If available from the City's contracted cellular service provider, employees may be able to take advantage of discounts for their personal service plans if they utilize the same provider as the City.

Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

Employees are advised that because they are receiving an allowance to use their personal phone for city business, all phone records may be subpoenaed in a court of law, and possibly through a public records act request.

If, prior to the end of the cell phone contract, a personal decision by the employee, employee misconduct, or misuse of the phone results in the cell phone allowance being discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

- 4) **Department Assigned Cell Phones:** City-owned cell phones assigned to departments may be used by multiple employees on an as-needed basis during the work day or may be assigned to a specific employee and are intended solely for City business use. Personal use of such phones for anything other than a personal emergency shall subject the employee to disciplinary action and require appropriate reimbursement to the City. Such phones may only be taken home upon approval of the department head, such as periodically, when an employee is assigned by the department to be "on call" after normal work hours.
- 5) **Employee Assigned On Call:** Employees assigned to be on call as defined in the Cities Memorandum of Understanding will be assigned a cell phone to use during the time they are on-call. The assigned cell phone is for city business only and shall not be used for personal business except for emergencies.

- 6) **Department Heads:** Department heads shall have the choice of using a City assigned cell phone or a personal phone. City assigned cell phones are subject to the same provisions as outlined in Paragraph 4 above regarding personal use. As department heads, they are expected to carry the phone with them at all times and to respond to emergencies, if available.

- 7) **Violation of Policy:** Any violation of this policy shall be subject to discipline in accordance with the City Personnel Rules and Regulations Title XI, Employee Conduct and Discipline.

- 8) **Cell Phone Agreement:** All employees receiving a cell phone allowance shall be required to sign the attached cell phone use agreement.

**City of Placerville
City Cell Phone Use**

The City of Placerville is issuing cell phones to employees who have the need to use phones for City business. Phones shall be issued to employees as necessary. Employees who are assigned a phone agree to the following rules for use:

1. Phones will only be used for City business.
2. Phones will be used as a last resort when radios or land lines are not available for use.
3. Cell phone usage will be monitored on a monthly basis.
4. Employees who use phones for non-City related business, or do not properly maintain the phone, may be disciplined in accordance with City Personnel Rules and Regulations and Employee MOUs.
5. Employees are responsible for the safe care of phones assigned to them.

I agree to the above rules: _____
Employee Signature Date

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