

HIDALGO COUNTY CELLULAR TELEPHONE POLICY

PURPOSE

The purpose of this policy is to provide guidelines for the assignment, use and control of cellular telephones administered to Hidalgo County ("County") employees and to ensure such equipment is used in the most efficient and ethical manner. For policy acknowledgement purposes, all cellular phone users must agree and sign the "**Cellular Phone Agreement**".

ADMINISTRATION

The Department Head or Elected Official shall be responsible for the administration and adherence of this policy. This policy can be made more restrictive if the Department Head or Elected Official deems necessary, but shall never be less restrictive. The Department Head or Elected Official will be held responsible for the damage and/or abuse of the phones as stated in the "Cellular phone Agreement".

ELIGIBILITY & ACQUISITION

Assignment of a cellular telephone shall be based on an employee's need for immediate two-way communication as deemed necessary by the Department Head or Elected Official. When making the determination whether an employee should receive a County issued cellular telephone, the Department Head or Elected Official must complete and sign the "**Cellular Phone Request Form(s)**" after carefully considering and certifying whether:

1. The duties of the position involve frequent travel or routinely take an employee into the field or away from routine telephone and radio communications and such duties require that the employee must be contacted on a recurrent basis and respond in an expeditious time frame; or
2. The employee must be contacted after normal business hours or on weekends and the employee will not have ready-access to other means of communication.

The assignment of a cellular telephone shall not be considered a benefit to County employees, but a necessary tool to be used for the benefit of the County. The Department Head or Elected Official shall not assign cellular telephones to an employee when a less costly communication alternative is safe and effective (i.e. pager, two-way radio, land line telephone, etc.).

The Purchasing Department shall maintain a master list of all employees who have been issued a County cellular telephone. All cellular telephones will be acquired through the County's contract provider. All changes in service must be reported by the Department Head or Elected Official to the Purchasing Department to keep records accurate. It shall be the responsibility of the Department Head or Elected Official to ensure that sufficient funds are budgeted for the monthly operational costs associated with cellular telephones and equipment prior to assigning a cellular telephone to an employee.

Please note that cellular telephone usage expenditures shall be charged to line-item "532 Telephone – Cellular" or any special revenue funds allocated for this type of service within each department's budget. Charges for air-time shall be paid from the appropriate budget line item as assigned. The equipment (cell phone, batteries, accessories, etc.), shall be charged to the appropriate line-item, depending on price(s) and item(s).

Employees shall make every effort to restrict the use of County-issued cellular telephones to official County business and personal telephone calls should be kept to an absolute minimum. The employee shall pay for any personal use of the County issued cellular phone at the rate of \$0.40 per minute as stated in the County Auditor's form, ARS-CA-035.

Upon receipt of an invoice, both the department and the employee are responsible for certifying that all cellular telephone use is for official County business and shall determine the amount of "personal use" of the cellular telephone. Invoices containing "personal use" costs shall be handled in the following manner:

1. The employee shall review the invoice for their County-issued cellular telephone; identify the calls that are not related to official County business; complete the "Affidavit for Cellular Telephone Usage (FORM ARS-CA-035)" and submit payment to the County for all personal use on a per minute rate.
2. The department shall collect all reimbursements for personal cellular telephone use and shall submit them to the County Treasurer in compliance with procedures established by the Auditor. <All employee reimbursements for personal calls must be deposited before the Auditor's Office will process payment(s) for its entirety.>
3. Reimbursements received from employees for personal use will be credited to the department's Telephone-Cellular budget line item.

USE OF COUNTY-OWNED CELLULAR TELEPHONES

- Cellular telephones are to be used only to conduct County business and should not be used for personal communication unless deemed an emergency; thus, employees are encouraged to obtain their own cellular phones for personal use.
- While the County strongly discourages the use of a County-issued cellular telephone for personal use, an employee who incurs a charge as a result of personal use, shall

be responsible for payment to the County for such charges.

- Cellular telephones should not be used when a less costly alternative is safe, convenient and readily accessible (i.e. pager, two-way radio, land-line telephone, etc).
- Cellular transmissions are not secure; therefore, employees should use discretion in relaying confidential information.
- Reasonable precautions should also be made to prevent equipment from theft and vandalism.
- County cellular telephones shall not be used for political gain, illegal, fraudulent, or malicious activity; entertainment (including games, radio or video), religious promotion, or activity on behalf of organizations or individuals having on affiliation with Hidalgo County.
- Employee shall not use a cellular telephone while operating a vehicle; hence, employee must stop a moving vehicle before using a County-issued cellular phone.

Business Use of Employees Personal Cellular Telephone

While traveling in or out of Texas, employees may be reimbursed for air-time charges incurred when using privately owned equipment in performing County business if the employee does not have service from the employee's County-issued cellular telephone at the destination to which the employee has traveled.

Hidalgo County is not liable for any damage to personal cellular telephone equipment whether or not being used for County business.

Reimbursement shall be only for an expense incurred to conduct County business. In order to claim reimbursement, the employee must include this expense on the "Travel Reimbursement Form" for cellular telephone usage available from the auditor's office.

Use of Personal Cellular Telephone - No Reimbursement

The usage cost of a personal cellular telephone for County business is not reimbursable unless:

1. An exception is approved by Commissioners Court for a particular person related to a specific use on an unanticipated occasion; or
2. Approved as part of travel expenses as described above in Business Use of Personal Cellular Telephone Equipment.

CELLULAR TELEPHONE MISUSE OR ABUSE

Any abuse in the use of a County-issued cellular telephone will be considered misconduct and neglect of duty, subject to ineligibility to use a County-issued cellular telephone and/or disciplinary action up to and including termination. The employee is responsible for repair and replacement costs if the cellular telephone is lost or damaged as part of an employee's personal activity or negligence by the employee. Misuse or abuse of cellular telephones or

related equipment shall be governed by Penal Code Sections 39.01 and 39.02.

INFORMATION TECHNOLOGY DEPARTMENT

The IT Department will assist in the following duties and responsibilities:

1. Programming any features requested by the Department Head, Director or Supervisor on special programming of the cellular telephone.
2. Promptly perform necessary input to remove an employee's cellular telephone usage upon determination that an employee should no longer be issued a cellular telephone.
3. Review the quarterly assessment of cellular telephone usage provided by the contract provider and forward recommendations for adjustments or changes to the Purchasing Department.
4. Any changes, increases or decreases of minute usage will be contingent upon the County's quarterly cellular telephone analysis.

Effective Policy Date

This policy shall become effective on Friday, October 1, 2004 or upon activation(s) of new cellular service from Hidalgo County's current awarded provider (SPRINT).

PASSED APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2004.

Hidalgo County Judge

ATTEST:

Hidalgo County Clerk