

HIDALGO COUNTY, TEXAS
ADMINISTRATIVE POLICY MANUAL

Procedure: W.1
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WIRELESS DEVICES COMMUNICATION SERVICES POLICY, GUIDELINES AND PROCEDURES

REFERENCE

Form W.2011.1 "Wireless Device Agreement"
Form W.2011.2 "Wireless Device Request Form"
Form W.2011.3 "Wireless Device Taxable Deduction Form"
Form W.2011.4 "Wireless Device Daily Use Log"

BACKGROUND

On March 17, 2009, the Hidalgo County Commissioners' Court revised the Cellular Telephone Policy, Guidelines, and Procedures. This change superseded the Cellular Telephone Policy, Guidelines, and Procedures approved on September 14, 2004, revised August 19, 2008. The wireless communication services policies, guidelines, and procedures set forth below are applicable to Hidalgo County Officials (elected or appointed), Department Heads and employees.

Hidalgo County recognizes the need for certain County personnel to own and use cellular phones to complete and enhance their job performance. Officials and department heads who determine that one or more of their employees require cellular telephone service in order to properly perform their work duties are provided the following two options, each having specific criteria:

Officials and department heads may request a cellular telephone(s) for use by their employees during normal working hours.

Officials and department heads may request an allowance for those employees requiring cellular telephone services during normal and after working hours because the employee needs to be immediately and regularly accessed outside of normal business hours (8:00am – 5:00pm). The allowance is intended to compensate for the business use of a personal cellular telephone not for the entire cost of the plan.

DEFINITION

The following devices and equipment are considered wireless devices:

Cellular telephone: Device that can send and receive incoming telephone calls through a cellular telephone network. These devices can also possess wireless data access and global positioning features however their primary function is voice communication. For the effects of this policy Blackberries, iPhones, Android and any other smart phone are considered cellular telephones. These devices can be assigned either to the department for OFFICE USE or to an individual County employee.

Data card: Device that can receive wireless data access through a cellular telephone network. These devices are used for internet connectivity when the County's network infrastructure is not readily accessible or when the user is out of the area on County business. These devices can be assigned either to the department for OFFICE USE or to an individual County employee.

Global Positioning System (GPS): These devices provide geographic location and time telemetry information through a cellular telephone network. The GPS equipment is directly installed on a County owned vehicle and has no user interface. These devices are incapable of making phone calls or accessing the internet, therefore cannot be used for personal business. These devices are assigned only as OFFICE USE.

POLICIES AND GUIDELINES

1.00 WIRELESS COMMUNICATION SERVICES ADMINISTRATION

1.01 **Wireless Communication Services Administrator:** The Chief Information Officer shall serve as the Wireless Communication Services Administrator. The Wireless Communication Services Administrator shall be assigned responsibility for administering the countywide Wireless Communication Services Program. Duties may be assigned to a designee, however ultimate responsibility for the administration of the Program remains with the administrator. The Wireless Communication Services Administrator's responsibilities include the following:

1. Reviews requests for cellular telephone service from Officials/Department Heads and request approval for the issuance of cellular telephone service from Commissioner's Court;
2. Maintain a master list of all authorized wireless communication devices. The master list should include, but is not limited to, the following information:

For departments or individual issued a wireless device:

- a. Department name or Department and individual name;
 - b. Department's budget/expense account number;
 - c. Wireless device telephone number;
 - d. Wireless device model number;
 - e. Wireless device serial number;
 - f. Plan type and cost;
 - g. Status of cellular telephone (i.e., active or inactive); and
 - h. Commissioners' Court approval date.
 - i. Wireless Taxable Status [Yes or No]
 - j. Employee Number
 - k. Employee Name
3. Maintain a list of wireless device allowances with the following information:
 - a. Employee name;
 - b. Employee number;
 - c. Employee cellular telephone number;
 - d. Allowance amount;
 - e. Effective date of the allowance; and
 - f. Commissioner's Court approval date.

- g. Department Name;
- h. Department Account;
- 4. Provides department with a list of authorized allowances and wireless devices on quarterly basis;
- 5. Maintain contact information for the County's authorized wireless device service representative;
- 6. Receives County owned cellular phones from the County's authorized wireless device service provider and issues cellular phones to Officials/Department Heads;
- 7. Provides training of Officials/Department Heads and employees participating in the Program regarding the proper use of wireless devices in accordance with this policy. This may include: workshops, emails and other forms of communication.
- 8. Settle wireless device invoice disputes with the County's' authorized wireless device service representative for County owned devices and service plans;
- 9. Reviews the Wireless Communication Services Policy at least annually and presents recommendations for improvement to Commissioners' Court for approval; and
- 10. Will have final authority in approvals, changes and deletions. Has the authority to remove service from any individual at anytime upon his/her discretion.
- 11. Is responsible for other duties as outlined by this policy.

1.02 **Officials/Department Heads** shall be responsible for administering the Wireless Communication Services Program for their respective office/department. Duties may be assigned to a designee, however ultimate responsibility for the administration of the Program remains with the Officials/Department Heads. Officials/Department Heads responsibilities include:

- 1. Receives training upon requesting wireless communication services and annually thenceforth regarding administration of the program and responsibilities from the Wireless Communication Services Administrator;
- 2. Will be responsible for the receipt, processing, disputes directly with the provider and payment of their departments invoices;
- 3. Determine the potential need for an employee to utilize a cellular phone for County business and/or the appropriate monthly allowance based on business usage, not to exceed the Court approved amount of \$50 per month;
- 4. Submits requests for wireless communication services to the Wireless Communication Services Administrator;
- 5. Distributes wireless communication devices to the users if departmental or employee assigned wireless communication devices are approved;
- 6. Reviews cellular phone service invoices in detail on a monthly basis to ensure that calls are appropriate and made in accordance with this policy for departmental assigned cellular phones;
- 7. Reviews departmental assigned cellular phone statements and recommends approval of payment;
- 8. Maintains copies of cellular telephone service verification documentation (receipt or front page of statement) for all employees authorized a cellular phone service allowance. Copies should be maintained for a minimum of four (4) years in accordance with the Texas State Library and Archives Commission records retention schedule.

9. Ensures cellular phones are stored in a secure location while not in use; and
10. Is responsible for other duties as outlined by this policy.
11. Maintain contact information for the County's authorized wireless device service representative;
12. Settle wireless device invoice disputes with the County's authorized wireless device service representative for County owned devices and service plans;
13. The Official/Department head must fill out form W.2011.3 Wireless Device Taxable Deduction Form. This form is used to signal to the County Treasurer's the exact cost of the wireless service for taxing purposes. The form must contain the following information.
 - a. Account Number
 - b. Department Name
 - c. Employee number
 - d. Employee Name
 - e. Wireless Device Number
 - f. Billing Amount
 - g. Taxable Amount
 - h. Justification of Adjustment (If Available)
 - i. List only devices that will incur taxable amounts.
14. Submit the form to the County Treasurer's Office for processing.

2.00 CELLULAR TELEPHONE SERVICE ALLOWANCE

- 2.01 Officials/Department Heads may request a cellular phone service allowance for their employees only in the following cases:
- The anticipated level of business use is significant (over 400 minutes of cellular phone use) and;
 - The related cost is justified when compared with the alternative communication choices and;
 - The nature of this employees work is critical to the operation of the County and needs to be immediately accessed outside of normal business hours (8:00am – 5:00pm) and;
 - The employees' job requires that they work regularly in the field and needs to be immediately accessed or;
 - This employees' assigned work requires substantial travel and needs to be accessible or have access to information technology systems while traveling.
 - If the employee is assigned a county owned and issue data tablet device that can receive data service directly.
- 2.02 Employees' eligibility based on these requirements must be documented by the Officials/Department Heads on Form W.2011.2 "Wireless Device Request Form". Justification of need must be specified as to why other means of communication provided by the County (i.e.

office phones, email, etc.) are not adequate to meet the communications requirements of the employee's job.

2.03 Obtaining a Cellular Telephone Service Allowance

1. The Officials/Department Heads shall make requests to the Wireless Communication Services Administrator for a cellular phone service allowance using **Form W.2011.2 "Wireless Device Request Form"** form.
2. The Officials/Department Heads must fill out **Form W.2011.2 "Wireless Device Request Form"** form with the following information:
 - a. Name of the Employee requesting cellular phone service;
 - b. Employee number;
 - c. Position Title;
 - d. Budget account number;
 - e. Estimated amount of business use per month (in minutes);
 - f. Allowance amount based on usage level;
 - g. Justification for cellular phone service; and
 - h. Officials/Department Heads signature.
3. Department heads shall submit the request for cellular telephone allowance to the Commissioners' Court Executive Officer for review and approval.
4. The Commissioners' Court Executive Officer will provide the Wireless Communication Services Administrator with approved request for cellular telephone allowance.
5. Officials shall submit the request for cellular telephone allowance to the Wireless Communication Services Administrator for review.
6. The Wireless Communication Services Administrator will submit the request from 4 and 5 above to Commissioners Court for approval.
7. Request for cellular telephone allowance submitted by departments under Commissioners' Court must first be approved by the Commissioners' Court Executive Officer before being submitted to Commissioners' Court for approval.
8. The Wireless Communication Services Administrator shall obtain approval from Commissioners Court before authorizing an increase to the cellular phone allowance.
9. Once approval is obtained, the Wireless Communication Services Administrator must provide a copy of the Court approved **Form W.2011.2 "Wireless Device Request Form"** form to the Treasurer's Office to include the taxable cellular phone allowance in the employee's paycheck.

2.04 Form W.2011.2 "Wireless Device Request Form" form will be distributed to Officials/Department Heads on or around December of each calendar year to verify the need for the allowance. These forms will have to be approved by Commissioners Court to continue the cellular telephone allowance.

2.05 Wireless Communication Allowance Amount

- a. Cellular Telephone stipend: \$50 a month.
- b. Data pad stipend: \$25 a month.

2.06 The cellular phone allowance will be paid in the second paycheck of each month beginning the first full pay period following Commissioners Court approval and evidence of cellular phone service has been established by the allowance recipient.

2.07 A maximum of one cellular telephone allowance and a data pad stipend will be approved for each qualified employee, for a total of no more than \$75 a month.

2.08 Recipient Responsibilities

1. The employee will provide his or her cellular telephone number to the Wireless Communication Services Administrator and the Official/Department Head upon activation.
2. The employee will purchase cellular phone service and equipment and assumes responsibility for vendor terms and conditions.
3. The employee is responsible for plan choices, service levels, calling areas, service and phone features, termination clauses, and payment terms and penalties.
4. The employee is responsible for the purchase, loss, damage, insurance, and/or replacement of phone equipment.
5. The employee shall maintain active cellular phone service. Documentation verifying continuous service, such as a copy of the first page of the monthly cellular phone bill or payment receipt, must be provided to the Officials/Department Heads or his designee on a monthly basis.
6. The employee agrees to carry the cellular phone with them, keep it charged and in operational condition, and be accessible for business use as required by their department head or supervisor.
7. The employee must immediately notify the Officials/Department Heads or his designee and the Wireless Communication Services Administrator if there is a change in cellular phone number
8. The employee must immediately notify the Officials/Department Heads or his designee and the Wireless Communication Services Administrator if wireless service is cancelled.
9. The employee shall remain responsible for plan obligations if the employee leaves position.
10. The employee shall use discretion in relaying confidential information.

2.11 Guidelines for Cellular Telephone Use by Employees receiving a Cellular Telephone Allowance

1. Personal use – the Wireless Communication service policy assumes that the cellular phone will be used for both personal and business calls. Since the cellular phone allowance amount is taxable as income, the employee is not required to track business vs. personal use to report to the County;
2. Appropriate use – the employee agrees to use the phone in ways consistent with County policy and all applicable local, state or federal laws. Inappropriate and unlawful use of cellular phone features is prohibited;
3. Use of a cellular phone while operating a vehicle – cellular phones users must be aware of state and municipal laws regarding the use of phones while driving. The laws vary widely by location.

In addition, use of phones while driving can cause hazardous distraction, especially in adverse weather, heavy traffic, or limited visibility conditions; and

4. Institutional data on personally-owned cellular phones – many smart phones have advanced capabilities close to mobile/portable computers. As the devices become more widely deployed, the amount and level of institutional data that is stored may also increase.
 - a. Do not store County confidential, or sensitive personal information on a personal cellular phone or mobile device. The risk is too great that the device can be lost and/or compromised. Confidential and sensitive personal data should always be left and maintained on central systems and servers.
 - b. Do not transmit County confidential, or sensitive personal information through insecure channels such as email.
 - c. Always protect the device with a password or PIN to prevent casual access.
 - d. Some of these devices have the capability to be remotely wiped/re-formatted. These features should always be setup and configured.
 - e. Avoid or limit the amount of institutional data that is stored on your device.
 - f. Certain legal and regulatory requirements may necessitate that the County review and preserve relevant data that is stored on a personally-owned device.
 - g. If an employee separates employment from the County, it is their obligation and responsibility to delete and remove any and all County data from their personally owned device. An affidavit certifying such information has been removed must be provided to the Wireless Communication Services Administrator.

3.00 HIDALGO COUNTY OWNED DEVICES ASSIGNED TO THE DEPARTMENT

3.01 There are some circumstances where a “departmentally assigned wireless communication device” (e.g. cellular phones, data cards, GPS devices) may be provided by the County that is assigned to the Department. In these cases, the County will provide wireless communication service and equipment. Departments may qualify for wireless communication service only if the Officials/Department Heads has determined it to be required for the department’s performance and the following must be true:

1. The anticipated level of business use is significant; and
2. The related cost is justified when compared with alternative communication choices; and
3. Employees are frequently away from access to traditional land-based phone services; or
4. Employees work requires substantial travel.

3.02 Eligibility based on these requirements must be documented by the Officials/Department Heads on **Form W.2011.2 “Wireless Device Request Form”** form. Justification of need must be specified as to why other means of communication provided by the County (i.e. office phones, email, etc.) are not adequate to meet the communications requirements of the employee’s job.

3.03 Guidelines for Hidalgo County Owned Cellular Telephones

1. Hidalgo County owned cellular telephones are to be used for County business only. Personal use of County owned cellular phones, other than *de minimis* use, is a clear violation of this policy and subject to disciplinary actions.
2. Appropriate use, the employee agrees to use the cellular telephone in ways consistent with County policy and all applicable local, state, or federal laws. Inappropriate and unlawful use of cellular telephone features is prohibited.

3. Use of a cellular telephone while operating a vehicle – cellular telephones users must be aware of state and municipal laws regarding the use of phones while driving. The laws vary widely by location. In addition, use of cellular telephones while driving can cause hazardous distraction, especially in adverse weather, heavy traffic, or limited visibility conditions; and
4. Institutional data on Hidalgo County owned cellular telephones – many smart phones have advanced capabilities close to mobile/portable computers. As the devices become more widely deployed, the amount and level of institutional data that is stored may also increase.
 - a. Do not store County confidential, or sensitive personal information on a personal cellular phone or mobile device. The risk is too great that the device can be lost and/or compromised. Confidential and sensitive personal data should always be left and maintained on central systems and servers.
 - b. Do not transmit County confidential, or sensitive personal information through insecure channels such as email.
 - c. Always protect the device with a password or PIN to prevent casual access.
5. Cellular phones that are assigned specifically to individuals are subject to IRS regulations and may be taxed accordingly. For more information consult:
<http://www.irs.gov/govt/fslg/article/0,,id=167154,00.html>, *EXAMPLE 2*.
 - a. Some of these devices have the capability to be remotely wiped/re-formatted. These features should always be setup and configured.
 - b. Avoid or limit the amount of institutional data that is stored on your device.
 - c. Certain legal and regulatory requirements may necessitate that the County review and preserve relevant data that is stored on a Hidalgo County owned device.
6. Use of additional services, including long distance, directory assistance, direct connect charges, text messaging, data and third party services, and equipment insurance protection not included in the rate plans approved by Commissioners' Court is prohibited. Employees may be held personally liable if these types of charges are incurred. In addition, reimbursement to the County Treasurer's Office must be immediately made.

3.04 **Obtaining a County Owned Wireless Communication Device**

1. The Officials/Department Heads shall make requests to the Wireless Communication Services Administrator for wireless communication services using **Form W.2011.2 "Wireless Device Request Form"** form.
2. The Wireless Communication Services Manager must fill out **Form W.2011.2 "Wireless Device Request Form"** form with the following information:
 - a. Department name;
 - b. Department's budget/expense account number;
 - c. Wireless communication service type;
 - d. Estimated amount of business use per month (in minutes);
 - e. Number of wireless communication devices needed;
 - f. Justification for wireless communication service; and
 - g. Officials/Department Heads signature.
3. The Wireless Communication Services Administrator will submit the request to Commissioners Court with a recommendation.

- 4 Request for wireless communication services submitted by departments under Commissioners' Court must first be approved by the Commissioners' Court Executive Officer before being submitted to Commissioners' Court for approval.
5. The Wireless Communication Services Administrator shall obtain approval from Commissioners Court before authorizing wireless communication services.
- 6 Once approval is obtained, the department must prepare a purchase order for the full amount of the equipment and yearly service.
- 7 The purchase order should then be forwarded to the Information Technology Department for ordering of the equipment and service plan.
- 8 Once the cellular phone is received by the I.T. Department, the Officials/Department Heads must sign **Form W.2011.1 "Wireless Device Agreement"**.
- 9 The cellular phone is assigned to the department.

3.05 Departmental Responsibilities

1. The department must maintain **Form W.2011.4 "Wireless Device Daily Use Log" (the "log")** for each wireless communication device that is issued directly to the department and not an individual. The log should include the following:
 - a. The name and employee number of the employee who was issued wireless communication device;
 - b. The reason why the wireless communication device was issued to the employee;
 - c. The time the wireless communication device was issued out; and
 - d. The time the wireless communication device was returned;
2. Ensures wireless communication devices are stored in a secure location while not in use; and
3. The department must periodically review the number and frequency of use of each wireless communication device to assess whether changes should be considered.

3.06 Payment and Reconciliation

1. Officials/Department Heads and employees will review the billing statements and immediately notify the provider of billing errors, if any, and proceed to process the departmental statements automatically UNLESS the individual departments raise a specific issue.
2. For OFFICE USE devices, the Official/Department Head will verify that required information is entered on the **Form W.2011.4 "Wireless Device Daily Use Log"** by department users.
3. Officials/Department Heads will verify that personal use, if any, of a cellular telephone is kept to *de minimis* use.
4. Officials/Department Heads will ensure that a purchase order has been requested for the estimated amount of wireless communication service charges for the remainder of the year.
5. Officials/Department Heads will review invoices on a monthly basis to ensure:
 - a. **Form W.2011.2** form is on file for each wireless device listed on the invoice;

- b. Wireless devices and rate plans invoiced have been approved by Commissioners' Court;
 - c. Charges for additional services (long distance, directory assistance, direct connect charges, text messaging and third party services, and equipment insurance protection) not included in the rate plans approved by Commissioners' Court are included in the invoices;
 - d. Sufficient funds exist in the applicable purchase orders for payment of the invoice.
6. The Officials/Department Heads will make every effort to ensure balances are paid in full each month (other than disputed charges).
 7. Verification and reconciliation of invoices must be completed within 5 work days of receiving the invoice. Reconciled invoices shall then be forwarded to the County Auditor's Accounts Payable Section for payment by the time prescribed.

4.00 GLOBAL POSITIONING SYSTEM PROGRAM

The Global Positioning System (GPS) program for the County is designed for the use of tracking county owned vehicles, in order to maximize efficiency, improve employee safety and track the county's investment in its vehicle fleet. The program is structured in a centralized manner. The County's Executive Officer will be the primary administrator of the program and Chief Information Officer will be designated secondary.

Because of the nature of the service and data provided by the GPS devices these units must be managed, financed, maintained and monitored in a structured and centralized manner. This structure will allow for a structured process, standardization of equipment, licensing, software, installation, management practices, equipment maintenance and any issues that may arise.

Both administrators of this program will have the authority to add units to the program, request funding, requisition, procure and submit billing information for GPS services on the respective object code any financial account on a county wide basis. This will allow the program funding to be always available and will prevent any one department from opting out of the GPS monitoring. GPS units do not require a request form.

5.00 DISCIPLINARY ACTIONS FOR POLICY NON-COMPLIANCE

- 5.01 Non-compliance of the Wireless Communication Services Policy may result in the following disciplinary actions:
 1. Cellular phone services privileges taken from employees;
 2. Reimbursement to Hidalgo County for unauthorized use of a County issued cellular telephone;
 3. Employee dismissal; or
 4. Other disciplinary action at the Officials/Department Heads discretion.