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<b>Subject:</b>	<b>Cellular Telephone Policy</b>				

**1.0 PURPOSE**

The purpose of the Cellular Telephone Policy is to establish the regulations and procedures under which employees of Collin County will utilize these devices in the conduct of official business and other specifically approved purposes.

Elected Officials/Department Heads and Managers are responsible for ensuring that their employees follow this policy.

This policy documents the appropriate use of cellular telephones and defines misuse. Users may be disciplined for non-compliance with this policy. In addition, users must recognize that the policy cannot govern every operating circumstance. As such, users must always employ good judgment relative to the use of cellular telephones, and report to the appropriate manager any special or unique circumstances not encompassed by this policy.

The use of cellular telephones is subject to the laws of the United States of America and the regulations established by the Federal Communications Commission under authority granted by Congress. This policy is subordinate to such federal law or regulation. Additionally, any personal use of cellular telephones, as permitted by this policy, is subject to the regulations of the Internal Revenue Service.

This policy, to the extent as permitted by law, is also subordinate to any collective bargaining agreement, employment, contract, or other employment agreements. Collin County may add to or change this policy at any time.

**2.0 SCOPE**

Not Applicable

**3.0 REFERENCE**

Not Applicable

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#### 4.0 BACKGROUND

The use of cellular telephones was permitted in the 1980's when the Federal Communications Commission, acting under the authority of the Telecommunications Act of 1934 (as amended) reallocated frequency spectrum to create a new wireless telephone service for use by the general public on an unlicensed basis. Prior to this time, almost all individual use of the public airwaves required an operating license from the Commission. Even though specific licensing requirements for users were eliminated, federal law and regulations continue to be applicable and will be incorporated under this policy.

The FCC established the cellular telephone service as a means of providing relatively inexpensive personal communications for the citizens of the United States. The vision of the FCC has materialized as cellular telephones and service are well within the financial means of the average American family. Statistically, over 50% of the U.S. population now owns a cellular telephone.

Through advancements in technology, cellular telephones are becoming more powerful devices incorporating voice, data, and video services. These unique services will grow as newer cellular technology; today known as "third-generation" cellular, comes to the marketplace. As the functionality of these devices increases, county employees assigned cellular telephones will have additional opportunities for enhancing productivity, a result encouraged by this policy. Conversely, enhanced technology will potentially permit new distractions and inappropriate use of cellular telephones.

The county treasures its dedicated work-force and will continue to provide technological tools to individual employees as appropriate. This policy is intended to identify the appropriate use of the technology now and into the future. Concomitant with the growth in technology, the county recognizes that new uses of cellular technology may evolve. Should such growth in the technical capabilities of the technology result in a conflict with this policy, the persons to whom a cellular telephone has been issued are encouraged to report such potential conflict to their supervisor for appropriate resolution.

Collin County desires to provide its citizens with the highest level of governmental service. To that extent, our work-force is encouraged to use cellular telephones appropriately and in a manner that enhances the productivity of government. The county believes that this policy empowers the work-force to be productive and appropriate in the use of technology.

#### 5.0 POLICY

##### 5.1 Authorized Users

The Collin County Commissioner's Court has delegated to county government elected

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officials/department heads the authority to authorize the staff use of cellular telephone service. Pursuant to county budget policy, adjustments to the operating budgets of county departments will be performed resulting in the appropriate establishment of funds to pay for official use. In every case, a department head shall carefully examine the need for a cellular telephone before authorizing such use. No person shall be considered an authorized user if his or her department head has not authorized such use, amended the departmental budget according to County policy, and obtained cellular service through the Information Technology Department. Authorized users must fill out an Authorized Payroll Deduction form provided by Human Resources.

## 5.2 Authorized Use

The use of cellular telephones is permitted in the discharge of one's duties as an elected official or employee of Collin County. The use of a county-owned cellular telephone, except as permitted by county policy, is limited to "official business" purposes.

### 5.2.1 Personal Use

Employees who have entered into a payroll deduction agreement will be permitted to use their assigned cellular telephone for personal use in a fair and reasonable manner. The elected official or department head will define fair and reasonable usage.

### 5.2.2 Additional permitted uses include:

- a) Calls to 911 and any other emergency centers for the purpose of reporting an emergency or related matter requiring appropriate public safety service assistance.
- b) Calls on behalf of citizens requiring assistance, e.g., disabled motorists, stranded children, etc.
- c) Collin County cellular telephone plans are limited to 300 pooled plan minutes and 100 free text messages with the exception of smartphones are unlimited data and text.

## 5.3 Assistance to the General Public

As noted within the section identified as "Authorized Use", authorized users are permitted to use cellular telephones to assist members of the general public when appropriate. It is the expectation of the county government that authorized users will come to the aid of citizens, when appropriate, identify themselves as Collin County employees, and provide reasonable assistance through use of the cellular telephone.

## 5.4 Care of County Owned Cellular Telephones

Any person assigned a county-owned cellular telephone shall take reasonable care of the device and ensure that the device remains in good working order. County-owned cellular telephones

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should not be taken into environments where the equipment is likely to be damaged or destroyed, unless the possession of the telephone within such an environment is necessary for the performance of an employee's official duties. Malfunctions or cellular telephone failures should be reported to the Information Technology Department promptly.

Persons assigned county-owned cellular telephones and accessories, including car kits, shall maintain possession or control of these devices at all times. Staff members may not permit others to use a county-owned cellular telephone except as permitted by this policy. If a county-owned telephone is stolen, the theft must be reported to the appropriate law enforcement agency and the Information Technology Service Desk as soon as practical.

#### 5.5 County Selection of Cellular Telephone Services

The Information Technology Department shall support the Purchasing Office in the issuance of public solicitations for cellular telephone service and equipment. This assistance of the Information Technology Department shall extend to the evaluation of vendor proposals offering cellular service and equipment. Once cellular telephone services have been obtained, pursuant to normal procurement practices, recommendations will be brought to the Commissioner's Court for final review and adoption.

The Purchasing Office, in cooperation with the Information Technology Department, may also recommend the adoption of cellular telephone services and hardware acquired through a public procurement of the State of Texas or other local government, provided that such other local government acquired cellular telephone services in a manner as permitted by Texas law.

#### 5.6 Definition of Cellular Telephone Service

Cellular telephone service is defined as a wireless communications product licensed by the Federal Communications Commission utilizing one of the following technologies: code division multiple access (CDMA), global service method (GSM), or time division multiple access (TDMA). Cellular telephones are capable of communicating with other telephones solely through the cellular carriers equipment and public switched telephone network (PSTN).

In addition to cellular telephone services, as defined above, the Purchasing Office may propose the use of other wireless technology services including but not limited to:

- a) Commercial two-way radio services such as AT&T Enhanced Push to Talk devices
- b) Other specialized commercial mobile radio (SMR) services
- c) Wireless data services, e.g., AT&T Mobile Data

#### 5.7 Departmentally Assigned Cellular Telephones

Departments may request cellular telephones for general departmental use. Provided that the elected official/department head follows the procedures to obtain a cellular telephone,

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departments may be provided cellular telephones. When cellular telephones are assigned to departments, not individual users, elected officials/departments heads shall ensure that the departmental cellular telephones are not frequently or permanently assigned to an individual. It shall be the sole responsibility of the elected official/department head entrusted with "departmental" cellular telephones shall take appropriate steps to ensure that no such cellular telephone is permanently assigned to an individual, unless such assignment is approved by the Commissioners.

#### 5.8 International Long Distance Telephone Calls

While international long distance calls are permitted, the use of a cellular telephone to place such calls shall be approved through the Department Head/Elected Official.

#### 5.9 International Service Plans

Employees must request approval of an International Service Plan from the Information Technology Department prior to traveling outside the U.S. The request must include dates and destination. The International Service Plan size will be determined by the Information Technology Department based on a pro-rated monthly usage.

#### 5.10 Management of Cellular Telephone Use

The Information Technology Department shall distribute information relative to the use of cellular service, including cellular long distance service, to elected officials/department heads. Elected officials/department heads shall review these usage reports and investigate any potential misuse of long distance telephone service. Suspicious use shall be reported to the IT Senior Manager who shall evaluate the information and if necessary, report the alleged violation to the appropriate law enforcement agency.

#### 5.11 Prohibited Use

Any use of a county-owned cellular telephone in an inappropriate manner beyond the permitted uses described within this policy subjects the staff member to disciplinary action in accordance with county policies. However, certain types of prohibited use are more serious and may warrant criminal prosecution and/or termination of employment. Such serious circumstances include, but are not necessarily limited to the following:

- a) Use of the cellular telephone in the commission of a crime.
- b) Calls to any telephone number generating extraordinary charges beyond the normal charges for cellular use, e.g., "900" or similar numbers, including any special "800" numbers, which charge a special toll fee, even though described as "toll-free".
- c) Calls placed to adult entertainment services.
- d) Internet access to pornographic materials, gambling, or similar web sites providing content unrelated to the requirements of the county.
- e) Permitting the use of a county-owned cellular telephone by another for personal remuneration

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of any kind.

#### 5.12 Replacement of Cellular Telephones

The county purchases a very limited number of replacement cellular telephones each year. Any person who loses or causes a cellular telephone to be disabled or non-repairable may be required to provide the county with a replacement. The replacement cellular telephone will become the property of the county. In the event that a cellular telephone is lost, damaged, or disabled due to an extraordinary circumstance, the person to whom the cellular telephone was assigned may request an exception to the replacement requirement. All requests for exceptions will be considered on a case-by-case basis.

##### 5.12.1 Replacement of Smartphones

The Apple iPhone is currently the county smartphone standard. The IT department reserves the right to change this standard should a solution be identified that better suits the need of our county users.

Smartphones are not refreshed and therefore should be used until they break or are no longer able to accept software updates. In the event a smartphone is damaged or breaks, the replacement/repair protocol will be as follows:

- IT will examine the device to see if it can be repaired. Cosmetic issues such as a broken screen can normally be repaired for a nominal fee. Other repairs will be evaluated based on the cost of the repair and the age of the device.
- If IT determines that the device needs replacement and was placed into service less than 2 years prior, the county will issue a smartphone (generally a new but less robust iPhone) supplied by our service provider free of charge in order to bridge the gap of the two year milestone.
- If the device has been in service over 2 years, a new smartphone will be issued

Each user will be provided one case and one car charging cable along with their device. Should the case or car charger be lost or stolen, it will be replaced by IT one time. Any additional equipment required will be provided by the user. If the case or charging cables should become inoperable, IT will need the equipment returned for further inspection prior to new equipment being ordered. Power chargers/adapters for personal devices are not provided by the county.

Any exceptions to this policy can only be approved by the IT Director or Commissioner's Court.

#### 5.13 Responsibility for Cellular Telephones

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County-owned cellular telephones are assigned to specific authorized employees. Once authorized to use a county-owned cellular telephone and issued an instrument, the employee assumes complete and total responsibility relative to the use of the device and this responsibility may not be delegated to another person.

#### 5.14 Security of Conversations

A conversation held on cellular telephones, particularly when operating in an analog mode, is subject to unlawful electronic interception. Any users of county-owned cellular telephones should recognize this limitation and delimit the use of these devices when transmitting or receiving protected data, including, but not limited to, criminal justice or health department information.

#### 5.15 Separation from Employment - Return of Cellular Telephones and Accessories

If an authorized user separates from the employment of the county, any assigned cellular telephone, along with all accessories, shall be returned to the elected official/department head responsible for such employee. It shall be the responsibility of the elected official/department head to return the cellular telephone and any applicable accessories to the IT Service Desk within 14 days from the employee separation from employment. If phone is not returned within the 14 days, the phone will be disconnected. Notification of transfer is also, required within 14 days. The decision to redeploy the cellular telephone remains with the elected official/department head.

#### 5.16 Theft of Service

Any use of cellular telephone service beyond that permitted by this policy may be considered theft of service. The definition of theft of service is reprinted below from the Texas Penal Code. Title 7, Chapter 31:

##### § 31.04. Theft of Service

- (a) A person commits theft of service if, with intent to avoid payment for service that he knows is provided only for compensation:
- (b) he intentionally or knowingly secures performance of the service by deception, threat, or false token;

having control over the disposition of services of another to which he is not entitled, he intentionally or knowingly diverts the other's services to his own benefit or to the benefit of another not entitled to them;

- (c) having control of personal property under a written rental agreement, he holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or

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(d) he intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make payment after receiving notice demanding payment.

#### 5.17 Penalties for Theft of Service

- (1) An offense under this section is:
- (2) a Class C misdemeanor if the value of the service stolen is less than \$20;
- (3) a Class B misdemeanor if the value of the service stolen is \$20 or more but less than \$500;
- (4) a Class A misdemeanor if the value of the service stolen is \$500 or more but less than \$1,500;
- (5) a state jail felony if the value of the service stolen is \$1,500 or more but less than \$20,000;
- (6) a felony of the third degree if the value of the service stolen is \$20,000 or more but less than \$100,000;
- (7) a felony of the second degree if the value of the service stolen is \$100,000 or more but less than \$200,000; or
- (8) a felony of the first degree if the value of the service stolen is \$200,000 or more

#### **6.0 PROCEDURES**

Not Applicable

#### **7.0 REVISION HISTORY**

Document the lifespan of this policy using a table like the one here.

<b>Date</b>	<b>Revision #</b>	<b>Description of Change</b>
11/02/2012	1.0	Initial creation
04/29/2013	1.1	Modification
10/01/2015	1.2	Modification

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## 8.0 INQUIRIES

Refer to the Collin County Service Desk for additional information.

## 9.0 APPENDICES

Not Applicable.

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