

## ARTICLE C. CELL PHONES

### SECTION:

#### **52-13C-1: Policy**

#### **52-13C-2: Procedure**

#### **52-13C-3: Use By Employees While Operating Motor Vehicle**

#### **52-13C-1: POLICY:**

A. Purpose: This chapter sets forth standards for the City to ensure consistency in the way cell phones and calling plans are administered.

##### B. Scope:

1. Use Encouraged: The City recognizes the value of cell phones in conducting City business and encourages the appropriate deployment of cell phones to employees where this can provide greater efficiency and effectiveness, a higher level of customer service, or where employees are required to be available on a 7/24 basis.

2. Plan Administration: The following sets forth a standard for the City to ensure consistency in the way cell phones and calling plans are administered. It further ensures that the departments are in compliance with Internal Revenue Service rules and regulations associated with employee cell phone usage.

##### C. Responsibilities:

1. Employees: Employees are responsible and accountable for the appropriate use of City owned cell phones as outlined in the City Cell Phone Procedure, section 52-13C-2 of this article.

2. Directors: Department and Division Directors are responsible and accountable for determining those employees to be assigned a City-owned cell phone.

##### D. Privacy:

1. None Expected: There can be no expectation of privacy related to the use of a City cell phone. Except in certain situations, City Policy, article D of this chapter, does not allow recording of telephone conversations. However, all call records, logs and any other information associated with the use of a City-owned cell phone is the property of the City.

2. Electronic Communications Policy Applicable: Text messages, e-mail messages or any other electronic communications sent or received on a City-owned cell phone are subject to the City's Electronic Communications Policy, article B of this chapter, and the associated procedure.

##### E. Personal Use: Except for de minimus personal use, City owned cell phones must be used for City business only.

##### F. IRS Regulations:

1. Employee Reporting: IRS regulations require employees with a City-owned cell phone to report as taxable income the fair market value of the phone, the value of the calling plan and the value of individual phone calls. The City is required to comply with all applicable IRS regulations.

2. Administration: The City Cell Phone Procedure, section 52-13C-2 of this article, will be used to administer this requirement.

##### G. Procurement And Disposal:

1. Procurement: Procurement of cell phones is to be administered in accordance to the City Cell Phone Procedure, section 52-13C-2 of this article.

2. Calling Plans: Cell phone calling plans must be administered in accordance with the City Cell Phone Procedure, section 52-13C-2 of this article.

3. Sale To Separated Employee: In the event of an employee's separation from the City and in accordance with the City's Cell Phone Procedure, section 52-13C-2 of this article, Department/Division Directors may authorize the sale of a City owned cell phone to the employee to whom it was assigned.

4. Disposal: Cell phones that are no longer needed or are no longer serviceable must be disposed of in accordance with the City Cell Phone Procedure, section 52-13C-2(7) of this article.

##### H. Appropriate Use:

1. Required: Cell phones may be used to conduct City business. The rules surrounding the use of City-owned cell phones in the conduct of City business are the same as for a traditional desk phone.

2. Operating Motor Vehicle: Use of a City- owned cell phone while operating any motorized vehicle is prohibited. This

## **52-13C-2: PROCEDURE:**

A. Purpose: This article outlines the rules and expectations associated with the use of City-owned cell phones and cell phones plan reimbursements.

B. Scope: The City recognizes the value of cell phones in conducting City business and encourages the appropriate deployment of cell phones to employees where this can provide greater efficiency and effectiveness, a higher level of customer service or where employees are required to be available on a 7/24 basis.

### **C. Privacy:**

1. No Expectation: Employees are not entitled to any expectation of privacy associated with the use of any of a City-owned cell phone. Except for certain situations, the City does not record telephone conversations. These exceptions are noted in City Policy Monitoring of Radio and Telephone Conversations, article D of this chapter.

2. Applicability: All electronic communications related to City business sent or received are subject to the City's Electronic Communications Policy and Procedure.

### **D. Standards Of Conduct:**

1. Appropriate Conduct: Employees are reminded of the requirement to conduct themselves appropriately in all conversations related to City business as outlined in the Employee Standards of Conduct Policy, title 51, chapter 6 of this Manual.

2. Respect: Employees are required to be respectful of individuals and groups in their communications and conversations related to City business.

3. Unprofessional Language Prohibited: Use of profane, vulgar, inflammatory, disrespectful or derogatory language is unprofessional and is not appropriate in any conversation related to City business.

### **E. Assignment Of Cell Phones:**

1. Specified: Department Directors, Division Directors and employees with specific responsibilities in times of emergency are to be issued a City-owned cell phone. Department and Division Directors may, at their discretion and at the expense of their department, provide a City-owned cell phone to any employee.

2. Availability Of Employees: Department and Division Directors may, at their discretion, require employees issued City owned cell phone to be available and answer those phones at all times.

3. Appointment Of Responsible Person: Department Directors must appoint a person in their department to be responsible for administering cell phones for their department. This person will be responsible for the following:

a. Issuance of and tracking of City owned cell phones assigned to employees. With the Department or Division Director's approval, employees may be issued a City owned cell phone. This includes upgrades and disposal of existing phones.

b. Procurement and set up of new phones. Departments must select a set of authorized phones based on the department's specific business needs. Employees requesting a phone not on the authorized list must purchase the phone directly and receive a cell phone allowance as provided for in subsection G3 of this section.

c. Processing invoices from service providers for cell phone and data services.

d. Conducting spot audits of cell phone bills to ensure compliance with the Cell Phone Policy and Procedures and that personal usage is in line with department policy.

4. Directors Responsible For Determining: Department Directors are responsible for determining those employees within their departments for whom the assignment of a City owned cell phone would benefit the City Suggested criteria to be considered are:

a. The employee is deployed to the field for the majority of their work day and there is a need for supervisors and managers to be able to contact these employees regularly.

b. The employee fills a key role in the department or, as part of the employee's regular duties, needs to be reachable during off duty hours to maintain a level of service needed by the department.

c. The employee has specific responsibilities that require them to be reachable in the event of an emergency.

However, Department and Division Directors may, at their discretion and at their department's expense, assign a City owned cell phone to any employee.

### **F. Procurement, Upgrade And Disposal Of Cell Phones:**

1. Service Agreements: Departments must work directly with the vendor of their choice when determining a cell phone carrier. The following vendors are recognized and have State contracts in place:

a. ATT/Cricket;

- c. T-Mobile;
- d. Verizon;
- e. Discountcell.

2. Pooled Minutes: The major cell phone service providers offer a program that will allow the departments to purchase blocks of cell phone minutes and share them among their cell phone users. Departments must work directly with their chosen service provider to set up a pooled minutes plan for their cell phone service.

3. Data Plans: The ability to send and receive e-mail and text messages and to access the internet on a cell phone is recognized as a way for the City to be more efficient in its operations. Departments must closely monitor each employees' data plan to ensure the employee has the appropriate data plan for their needs.

4. Standardization: Each department will have differing requirements for their cell phones. Departments are encouraged to standardize on three or four phone models that fit their business requirements. This will help minimize support and administration costs.

5. Purchase: Cell phones must be purchased in accordance with procurement policies, procedures and rules.

6. Upgrades: Upgrades to existing cell phones may be done in accordance with the terms of the service provider's contract or if the phone is nonfunctional.

7. Disposal Of Cell Phones: Cell phones contain materials hazardous to the environment and must be properly disposed of and properly erased or records retained. Additionally, cell phones may contain sensitive or private information, such as contact information containing names, addresses, and phone numbers of employees and others.

a. Trade In: Departments may opt to trade used phones in for fair market value. Before trade in, the phones must be cleared of all data by IMS or the vendor must provide certification that all phones are properly erased before resale.

b. Destroyed: Phones that are no longer functional must be returned to IMS to ensure that the devices are properly erased and the device disposed of in an environmentally friendly way.

c. Auction: All phones to be sent to auction must be sent to IMS to ensure that the devices are properly erased before disposition at public auction.

8. Aircards: In order to maintain the security of the network, certain software must be installed and specific system configuration must be performed on a computer using an aircard. Therefore, all aircards must be administered through IMS or Airport's IT Division. This includes the procurement, activation, installation and support of the hardware and software required.

#### G. Reimbursements:

1. Taxable Benefit: IRS Rules and Regulations require that a City owned cell phone assigned to an employee be treated as a taxable fringe benefit in some situations.

2. City Owned Cell Phone Used for City Business: The City purchased the cell phone and pays an associated monthly service fee. The City owned cell phone is assigned to an employee and the employee is required, as part of their responsibilities, to be accessible at all times. Employees are allowed de minimus personal use of City owned cell phones under this scenario.

a. Except for de minimus personal use, employees must demonstrate that the City owned cell phone is used for City business only.

b. Departments must develop a standard for de minimus personal use for their work groups. There is no charge and the use of a City owned cell phone is not taxable to the employees unless their usage exceeds the de minimus personal use standard.

c. In the event the employee's personal usage exceed the de minimus personal use standard for the department, the employee will be required to reimburse the City through a payroll deduction of approximately 25 percent of the monthly cost of service.

(1) For City owned cell phones with voice service only, employees will have a payroll deduction of \$3.70 per pay period.

(2) For City owned cell phones with voice and data plans, employees will have a payroll deduction of \$6.00 per pay period.

3. Employee Owned Cell Phone Used For City Business: The employee purchases the cell phone and pays the associated monthly charges. The employee and the City agree that the cell phone will be used for City business.

a. The Department or Division Director may, at their discretion, approve the use of a cell phone owned by the employee for City business and reimburse the employee for a reasonable amount of the associated costs.

b. Department and Division Directors may, at their discretion, reimburse employees for the costs associated with the use of a personal cell phone for City business. Reimbursement will be done through a taxable payroll allowance.

(1) For personal cell phones used for City business with voice service only, employees may be reimbursed up to \$21.50 per pay period.

(2) For personal cell phones used for City business with voice and data service, employees may be reimbursed up to \$38.50 per pay period.

(3) For optional personal cell phones use for digital access to Human Resources Communications, Time Keeping and other opportunities associated with Workday only, employees may be reimbursed \$6.00 per pay period. This would only apply to employees who are not issued a computer or other digital device associated with their job duties. Digital devices which are used for task specific purposes would not disqualify a person from this benefit. Hourly and part-time employees are also eligible. (Effective February 1, 2023)

H. Attachments:

## **ATTACHMENT 1**

### **AUTHORIZATION FOR PAYROLL DEDUCTION**

#### **PERSONAL CELL PHONE USE**

Employee Name:

Employee ID: Department:

In accordance with the City's Cell Phone Policy and Procedures, the undersigned authorizes a payroll deduction for the following:

Reimbursement for personal use of City owned cell phone - Voice and text messages only.

\$3.70 per pay period.

Reimbursement for personal use of City owned cell phone - voice, text messages, and e-mail or internet access.

\$6.00 per pay period.

Effective Date:

Employee Signature Date:

## **ATTACHMENT 2**

### **REQUEST FOR CELL PHONE ALLOWANCE**

#### **PERSONAL CELL PHONE USE**

Employee Name:

Employee ID: Department:

In accordance with the City's Cell Phone Policy and Procedures, the undersigned requests a payroll allowance for the following:

Allowance for City use of personal cell phone – digital access to Human Resources Communications, Time Keeping and other opportunities associated with Workday only, employees may be reimbursed \$6.00 per pay period.

Allowance for City use of personal cell phone - voice and text messages only.

\$21.50 per pay period.

Allowance for City use of personal cell phone - voice, text messages, and e-mail or internet access.

\$38.50 per pay period.

Effective Date:

Employee Signature Date:

Department Director Date:

(2019 Compilation- Revised 2023)

### **52-13C-3: USE BY EMPLOYEES WHILE OPERATING MOTOR VEHICLE:**

A. Purpose: This article places certain restrictions on the use of cellular phones by employees of Salt Lake City Corporation in order to afford a safe environment for Salt Lake City residents.

B. Scope:

1. According to a published study by University of Utah psychologists, motorists are more likely to get into accidents when they use cell phones because their processing ability is severely hindered.
2. "Inattention blindness" can slow a driver's reaction by up to thirty percent (30%), and motorists who talk on cell phones are more impaired than drunken drivers with blood alcohol levels exceeding 0.08.
3. Several studies show that when the visual and auditory functions are performing competing tasks, a person responds more slowly to immediate stimuli, such as children running into the road or a driver ahead unexpectedly braking in sudden reaction to changing traffic conditions.
4. Cellular phone conversations impair driving performance by diminishing a driver's attention from the visual scene, causing a severe and dangerous form of inattention blindness.
5. The Administration has determined that, in order to better afford a safe environment for Salt Lake City residents, certain restrictions on the use of cellular phones by employees of Salt Lake City Corporation be adopted. The purpose of this article, therefore, is to provide the specific instructions to those employees impacted by, and the details thereof, of the aforesaid restrictions on cell phone use.

C. Applicability; Prohibited Uses:

1. Applicability To Employees, Departments, Devices:

- a. This article applies to the Mayor, City employees in the Mayor's Office and those City departments under the direction of the Mayor.
- b. This article applies to "cellular devices" which are defined as cellular phones, cellular phones with hands free devices and other two-way communication devices.

2. Prohibited Uses:

- a. Cellular device usage is prohibited while an employee is: 1) operating a City owned vehicle; 2) operating a privately owned vehicle while on City business; or 3) using a City owned or City provided cellular device while operating any motor vehicle regardless of whether the vehicle is City owned and regardless of whether the use is personal or City business.
- b. The prohibition extends to any and all types of moving motor vehicles, including passenger automobiles, trucks, maintenance vehicles and construction equipment.
3. Park, Stop To Make Calls: Employees who need to make business calls while driving or personal calls while driving a City owned vehicle or by using a City owned cellular device shall locate a lawfully designated area to park, stop the vehicle and make the telephone call.
4. Accepting Calls Prohibited: Employees shall not accept calls while operating a City owned motor vehicle or while in operation of any motor vehicle using City owned or provided cellular device.
5. Emergency Calls: If an employee witnesses or is involved in an emergency while driving, and it is not reasonably possible or safe to pull over and stop the vehicle, a cell phone or other two-way communication device may be used to report the incident. As used herein, an emergency includes a current or reasonably imminent danger of injury or death, significant property damage, a fire, an automobile accident or the commission of a crime.

6. Disciplinary Action For Violation: Violation of this article will subject the employee to disciplinary action.

D. Exemptions:

1. Approval Required: Other exceptions to this article for individual division or department policies and procedures will be approved only in circumstances where there is a legitimate public safety interest or where there is a significant need.
2. Sworn Officers: This article does not apply to sworn officers in the following departments: Salt Lake City Police Department, Salt Lake City Fire Department, Salt Lake City International Airport Police Department and Salt Lake City International Airport Fire Department.
3. Airport Employees: This article does not apply to Salt Lake City Department of Airports (SLCDA) employees for use of two-way radios while operating heavy equipment or security vehicles on the airfield operations area (AOA) to communicate regarding maintenance, operations or aircraft activity. This exemption is for the use of handheld communication equipment, including two-way radios, for maintenance and operations employees of SLCDA to allow them to perform their work assignments as required.
4. Other: Other exceptions to this article only apply as approved by the Mayor. (2019 Compilation)

## ARTICLE D. MONITORING OF RADIO AND TELEPHONE CONVERSATIONS

SECTION:

## **52-13D-2: Electronic Communication Defined**

## **52-13D-3: Monitoring By City**

## **52-13D-4: Interceptions**

### **52-13D-1: PURPOSE:**

This article states that the City does not record or monitor its employees' telephone or radio conversations, except under certain circumstances. (2019 Compilation)

### **52-13D-2: ELECTRONIC COMMUNICATION DEFINED:**

Electronic communication means any transfer of signals containing the human voice. (2019 Compilation)

### **52-13D-3: MONITORING BY CITY:**

Salt Lake City does not record or monitor its employees' telephone and radio conversations, except in the case of:

A. Employee Training: Electronic communications in which an employee is being trained and monitoring the employee is a normal part of the training process;

B. Police, Fire Dispatch: Police and Fire Dispatch electronic communications;

C. Airport Control Center: Airport Control Center electronic communications;

D. Police, Fire Investigations: Electronic communications recorded or monitored within the scope and duties of a police or fire investigation:

1. When the person monitoring the communication is a party to the communication; or

2. When one of the parties to the communication gives prior consent to the recording or monitoring of the communication.

E. City Employees: A City employee, not acting within the scope and duties of a police or fire investigation, but who is:

1. Acting with the prior consent of one of the parties and the recording is necessary to protect the City and/or its employees; or

2. A party to the communication and the recording is necessary to protect the City and/or its employees. (2019 Compilation)

### **52-13D-4: INTERCEPTIONS:**

This article shall not restrict any interceptions made:

A. Court Orders: Pursuant to court orders;

B. Authorized Devices: Pursuant to any pen register or trap and trace device authorized by law;

C. Fact Of Communication: To record the fact that an electronic communication was initiated or completed; or

D. Number Of Devices Used: To record the numbers of the electronic communication devices used. (2019 Compilation)