

**WEST SOUND UTILITY DISTRICT
RESOLUTION 354-12**

**A RESOLUTION OF THE
WEST SOUND UTILITY DISTRICT BOARD OF COMMISSIONERS
APPROVING A NEW CELL PHONE POLICY**

WHEREAS, the District is in need of a uniform cell phone policy in order to provide clarification for the issuance and use of cell phones and to establish protocol for reimbursement by employees for personal use of District issued cell phones: NOW, THEREFORE,

**THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT
HEREBY RESOLVES:**

Section 1. The "West Sound Utility District Cell Phone Policy" as provided in the attached Exhibit "A" is hereby approved.

**APPROVED and ADOPTED by the Board of Commissioners of West Sound
Utility District** at a regular scheduled meeting on February 21, 2012.

WEST SOUND UTILITY DISTRICT
Kitsap County, Washington

Jeannie Screws
Chairperson

James J. Hart
Secretary

Susan Way
Vice-Chairperson

Jerry Lundberg
Commissioner

West Sound Utility District Cell Phone Policy

Exhibit "A"

Policy Summary

- **The District issues cell phones to improve job productivity, enhance safety, and allow communications during emergencies.**
- **District-owned cell phones are to be used to conduct District business.**
- **Personal use of District-owned cell phones should be infrequent and of short duration.**
- **To comply with IRS regulations, the District and individuals must distinguish between business and personal cell phone minutes.**
- **Employees must reimburse the District for personal calls that exceed short and infrequent usage.**
- **General Manager may provide District-paid monthly stipend to designated employees for use of personal cell phones.**

Purpose

The purpose of the District's Cell Phone Policy is to provide clarification for the issuance and use of cell phones and to establish the protocol for reimbursement by employees for personal use of West Sound Utility District cell phones.

Cell phone issuance

A District cell phone will be issued under one or more of the following conditions:

- Job responsibilities require an employee to be away from regular landline access for extended periods of time and communication by the employee is necessary to fulfill job objectives.
- Cell phone use enhances the employee's personal safety on the job, and provides communication during emergencies.
- The employee's role requires the ability to conduct two-way communication at all time.

The issuance of District-owned cell phones shall be approved by the applicable General Manager. It shall be the responsibility of the General Manager to ensure that funds are budgeted for the purchase and monthly service costs prior to issuance.

Cell phone usage

The District entrusts employees with communications equipment to enhance productivity and safety. It is the employee's responsibility to use the equipment prudently to ensure the safety of themselves, their co-workers and the general public. Cell phones provided by the District are the property of the District and are to be used to conduct District business.

Employee responsibilities for use of District-owned cell phones include:

- Protecting the District-owned cell phone from theft, loss or damage.
- Immediately reporting loss or theft to supervisor or department manager.
- As cell phone calls are not secure, using discretion while making sensitive or confidential calls.
- Immediately returning the cell phone to department manager if it is determined that the phone is no longer necessary, or upon leaving District employment.

The general use of cell phones shall not be in lieu of more cost-effective, safe, and available means of communications. The District reserves the right to monitor the use of all District-owned cell phones. Cell phone use in violation of any local, state, federal law, District policies, or for the purpose of personal financial gain is prohibited.

Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of replacement.

Personal use of District cell phones

District-issued cell phones are issued for work-related activities. While it is understood that occasional personal calls of short duration may be necessary when no other immediate means of communication is available, personal calls, incoming and outgoing, must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal calls and should recognize that the District incurs costs for each minute of airtime. Detailed phone call billing statements and records are subject to public records requests.

The following are examples of types of cell phone calls that may be determined to be made in the interest of District business. Employees are expected to utilize a landline first, if available.

- An emergency or urgent condition where no other form of communication is immediately available.
- Calls to home or doctor if an employee or member of immediate family is injured or becomes sick, or when traveling overnight on District business.
- An employee traveling on District business is delayed by business transportation or any other unforeseen problem.
- An employee is required to work overtime without advance notice and calls home to advise family or to arrange alternate child transportation or care arrangements.

Since IRS regulations stipulate that to be able to exclude from the employee's taxable income the use of a District-owned cell phone, the District must have some method to require the employee to keep records that distinguish business from personal phone charge. To comply with this requirement, the District requires that each employee track his/her personal call minutes using the monthly detailed billing statements provided by the Finance department. Employees must reimburse the District for personal minutes that exceed allowable minutes as defined above. The amount of the reimbursement to the District will be equal to the increase in monthly charges to the District caused by the personal call. Employees shall provide reimbursement by payroll deduction or by personal check on a semi-annual reimbursement basis. Failure to reimburse the District for the cost of personal usage will result in tax liability for the employee as well as possible disciplinary action.

Personal cell phones

While at work, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of District phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others.

District paid monthly stipend for use of personal Mobile Phones

At the General Manager’s discretion, employees who would otherwise be provided with a District-issued mobile phone can request to receive a monthly stipend for using their personal mobile phone for District business. The monthly stipend is paid through the payroll system as a taxable benefit, and the amount of the monthly stipend is based on one of three plan options as determined appropriate by the employee’s department manager:

- A. Phone only \$20 25 / month
- B. Data plan \$25 30 / month
- C. Phone with data \$45 50 / month

Driving with cell phones

Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road to a safe location prior to answering or initiating cell phone calls. In situations where job responsibilities include regular driving and accepting of business calls, the District will provide hands-free equipment. This rule also applies to use of privately-owned cell phones during business hours.

Employees whose job responsibilities do not specifically include driving as an essential function but who are issued a cell phone for business use, are also expected to abide by the provisions above.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

Acknowledgement

I have read, understand, and agree to comply with the District’s policy for use of cell phones as specified above in the District Phone Policy. If I misuse or fail to return assigned equipment when requested to do so, I may be liable to the District for the full replacement cost of the equipment. I understand that failure to comply with the stated policy may lead to disciplinary actions, including the possibility of termination of my employment.

Assigned User: _____ Date: _____

General Manager: _____ Date: _____