



ADMINISTRATIVE POLICY MANUAL	SECTION Human Resources	NUMBER AM-903.2	EFFECTIVE DATE 5/18/2021
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## 1. Overview

The use of cellular devices is sometimes necessary to conduct County business when other means of communication are not available. The County's policy is to either provide a County- issued cellular device or pay a cellular device stipend to employees whose job requires them to have access to a cellular device.

## 2. Purpose

The purpose of this policy is to set forth criteria and guidelines for establishing eligibility for the issuance and use of County-issued cellular devices or the payment of a stipend for the use of a personal cellular device for County business.

## 3. Scope of Applicability

This policy applies to all County employees who are issued a County-issued device and all non-union County employees who receive a cellular stipend. Where provisions of this policy conflict with a collective bargaining agreement or employment agreement, the terms of the collective bargaining agreement or employment agreement shall prevail.

## 4. Definitions

- A. **Cellular Devices** are mobile cellular phones, smartphones, and tablets using wireless radio transmissions to communicate to and from telephones and wireless devices.
- B. **Cellular Device Stipend** is a fixed monthly payment to employees to help defray the cost of using a non-County issued personal cellular device to conduct County business.

## 5. Standards and Procedures

### 5.1 General

The use of the County's telephone landline and assigned computers are the primary modes of communicating and conducting County business telephonically or electronically. Time spent on personal cellular calls during work time, as with landline calls, is subject to restrictions put in place by the appropriate department.

### 5.2 Eligibility

- A. Approval for a stipend or County-issued cellular device must be justified based on a significant operational need. Simple convenience is not a basis for approval.



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- B. To be eligible for a County-issued cellular device or stipend, the following criteria should be considered:
  - 1. The employee's job function requires the user to be accessible outside of scheduled or normal business hours;
  - 2. The employee's job function requires the user to be in the field or away from their assigned office or work area regularly and the use of a cellular device is essential in carrying out the essential duties of the job;
  - 3. The employee's job function requires regular voice and/or email contact with their office, outside vendors and/or customers while away from their normal work place;
  - 4. The employee is responsible for critical infrastructure and needs to be immediately accessible at all times.
- C. The Department Director shall determine whether an employee is eligible for a County-issued cellular device or a cellular device stipend based upon the employee's job function or duties. The Department Director shall recommend either the issuance of a County-issued cellular device or stipend based upon the specific needs and circumstances for each eligible employee.
- D. After approval by the Director, the request for stipend (Exhibit A) or cellular device (Exhibit B) will be forwarded to the Office of Management & Budget for final approval. Approval must be received in advance of the receipt of the stipend or cellular device. The approved request will be returned to the Department Director. Approved Cellular Device Stipends must be submitted to Human Resources/Payroll for payment. Approved Cellular Device Requests (Exhibit B) must be submitted to the IT Help Desk ticket system for procurement. The Help Desk ticket must include the general ledger account that will be used to pay for both the phone and the recurring monthly fee.
- E. Each Department Director or designee will periodically, but no less than annually, review the functions of each position that has been assigned a cellular device or stipend to ensure that the cellular service is still required for County business.

## 6. Cellular Device Stipends

The Cellular Device Stipend is designed to provide a taxable allowance to reimburse employees for the business use of the cellular device. The stipend will not fund the cost or replacement of the device, and is not intended to pay for the entire monthly bill since the cellular device will also be available for personal use.

The Cellular Device Stipend applies to non-union employees only. A Cellular Device Stipend for bargaining unit employees shall be determined through the collective bargaining process.

### 6.1 Responsibilities

- A. Department Directors will be responsible for:



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1. providing the approved cellular stipend device request to Human Resources/Payroll for payment.
2. ensuring that employees using County-issued cellular devices do not also receive a stipend;
3. periodically reviewing stipends to determine if stipends should be added or discontinued; and
4. promptly discontinuing a stipend that does not meet eligibility.

B. Eligible employees who receive a stipend will be responsible for:

1. all costs related to the purchase and usage of the cellular device. These costs include, but are not limited to; all costs of cellular and-or data service, the purchase of all devices and accessories, batteries, cases, hands free devices, taxes, insurance, 3rd party software, overages, termination charges, and future phone replacement. The County reserves the right to specify certain minimum capabilities of smart phone equipment to receive smart phone (data) stipend.
2. being accessible by cellular device for business use at all times as required by the employee's job functions;
3. maintaining an active cellular device account and providing the number, if applicable, to their supervisor;
4. notifying their supervisor within two (2) working days of inactivation of cellular device service, change in phone number, or cellular device failure;
5. maintaining cellular device in proper working order.
6. complying with County policies and standards of behavior when utilizing a personal cell phone to conduct County business.
7. complying with standards of behavior in all work related communications

C. The employee must agree in writing (see Exhibit A attached) to comply, and remain in continuous compliance with the provisions of this policy.

**6.2 Payment of a Stipend**

The monthly stipend will not be included in the calculation of an overtime rate. The monthly stipend will continue until the employee is no longer qualified or employment with the County is terminated. Stipend payments will be immediately terminated if the employee's qualified cellular service is inactivated or discontinued. The stipend amounts will be reviewed periodically and adjusted if deemed necessary and approved by the County Administrator.

Receipt of a stipend pursuant to this policy does not constitute approval for overtime or in any way effect an employee's assigned hours of work. These matters are governed by other County policies and agreements.



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### 6.3 Stipend Amounts

The Stipend Amounts (to be paid bi-weekly) are as follows:

- |                                       |             |
|---------------------------------------|-------------|
| Voice only (no data) stipend:         | \$30/month  |
| Voice and data (Smart phone) stipend: | \$50/ month |

## 7. County Issued Cellular Devices

County issued cellular devices will be limited to job positions as recommended by the Department Director and approved by the Office of Management & Budget.

### 7.1 Responsibilities

A. Department Directors or designee will be responsible for:

1. submitting the approved Cellular Device Request to the Help Desk.
2. ensuring that employees using County-issued cellular devices do not also receive a stipend;
3. periodically evaluating the current list of employees with County-issued cellular devices to determine if any devices should be added or discontinued;
4. periodically evaluating the cost of service for County-issued cellular device within the department;
5. promptly discontinuing service for County-issued cellular devices that do not meet eligibility; and
6. conducting a monthly review of cellular device bills to ensure policy compliance.

B. Eligible Employees will be responsible for:

1. being accessible by cellular device for business use at all times as required by the employee's job functions;
2. exercising appropriate precautions to prevent theft, loss or damage to the equipment.
3. in the event of lost or stolen equipment, immediately notifying the service provider, their Department Director, and the police, in cases of theft.
4. utilizing the County issued cellular device in a manner that is consistent with County policies and standards of behavior.

C. The employee must agree in writing (see Exhibit B attached) to comply, and remain in continuous compliance with the provisions of this policy.

## 8. Public Records and Compliance

Records containing County issued or personal cellular device numbers are public records (unless otherwise exempt or confidential pursuant to Florida Law). When associated with work, the use of text messaging is typically for the purpose of non-substantive transitory communications. These



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messages have short-term value based upon the content and purpose of the message. Examples of transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; and announcements of office events such as holiday parties or group lunches. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Transitory communications are to be retained until obsolete, superseded, or administrative value is lost.

Work related text messages that are substantive in nature must be retained per the applicable Florida retention schedule requirements. Questions related to whether a text message is substantive or non-substantive should be directed to the County Attorney

### **8.1 Archiving of Work Related Text Messages**

In order to comply with public records retention requirements to archive and retain text messages, the County has established systems that employees will utilize when communicating by text. Employees who receive a cellular stipend and use a personal device for work related messaging, are required to install the County specified application on their device and use only that application to send/receive work related text messages so that they are properly archived. Work related text messages may only be sent and received using this application. Employees who have a County issued cellular device will have the text message archiving service added to the County issued cellular device to comply with public records retention requirements. Any questions related to the archiving of text messages should be directed to Information Systems.

Employees receiving a stipend and using a personal cellular device, may continue to use their traditional text messaging application for personal text messages and those messages will not be archived.

### **8.2 Public Records Requests**

In the event that a public records request is made to produce cellular device information relating to County business, the County will provide the applicable records that have been archived from either a County issued cellular device or personal cellular device used for County business. If records exist through a personal cellular device which have not been archived by the County, it shall be the employee's responsibility to produce any responsive records.

## **9. Discipline**

All employees must comply with this policy. Employees found in violation of this policy are subject to disciplinary action up to and including termination.



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Approved:

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Jason Brown  
County Administrator