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| Legal                 | <input checked="" type="checkbox"/> |
| Finance               | <input checked="" type="checkbox"/> |
| Engineer              | <input type="checkbox"/>            |
| City Administrator    | <input checked="" type="checkbox"/> |
| Human Resources       | <input type="checkbox"/>            |
| Community Development | <input type="checkbox"/>            |
| Police                | <input type="checkbox"/>            |
| Public Works          | <input type="checkbox"/>            |
| Parks and Recreation  | <input type="checkbox"/>            |

Agenda Item Number

New Business #7a  
Supplemental Information

Tracking Number

ADM 2017-07

**Agenda Item Summary Memo**

**Title:** Employee Manual Amendment – Cell Phone Policy – Supplemental Information

**Meeting and Date:** Administration Committee – January 18, 2017

**Synopsis:** Revising Section 2.21.2 Cell Phone Policy of the City of Yorkville Employee Manual

and adding a NEW appendix item to the Employee Manual: Cellular Phone Agreement.

**Council Action Previously Taken:**

Date of Action: N/A Action Taken: \_\_\_\_\_

Item Number: \_\_\_\_\_

**Type of Vote Required:** Majority

**Council Action Requested:** Approval

**Submitted by:** Erin Willrett Administration  
Name Department

**Agenda Item Notes:**

\* Revised memo and red-lined policy from information included in the packet posted on 1/12/17.

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# Memorandum

To: City Council  
From: Erin Willrett, Interim Assistant City Administrator  
CC: Bart Olson, City Administrator  
Date: December 7, 2016  
Subject: Revising Section 2.21.2 Cell Phone Policy and adding a NEW appendix item: Cellular Phone Agreement, United City of Yorkville Employee Manual

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## **Summary**

Revising Section 2.21.2 Cell Phone Policy of the City of Yorkville Employee Manual and adding a NEW appendix item to the Employee Manual: Cellular Phone Agreement.

## **Background**

Section 2.21.2 outlines the cellular phone policy for an employee with a City issued cellular phone or a personal cellular phone with a City reimbursement. The new policy states clearly, if the employee elects to use a personal cellular phone with a City reimbursement and the phone is damaged, the individual is NOT personally responsible when the damage is a direct result of City job related duties or responsibilities. In that case, the personal cellular phone WILL be repaired or replaced at the expense of the City (up to a maximum of \$200.00). The employee must have made a reasonable accommodation to protect this equipment. If the City finds the damage was not a result of City job related duties or responsibilities the EMPLOYEE is responsible for the repair or replacement cost.

## **Recommendation**

Staff recommends amending Section 2.21.2 Cell Phone Policy of the City of Yorkville Employee Manual as attached in the red-lined version. As you can see, this clearly defines employee options for obtaining a cellular phone (City-Issued Cellular Phone or Personal Cellular Phone with a City reimbursement), responsibilities of the employee, as well as outlining a more specific repair and replacement section.

It is also staff's recommendation to add a NEW appendix item: Cellular Phone Agreement (attached). This agreement between the City and the employee outlines general guidelines, responsibilities, replacement and/or repair guidelines and it also generates documentation for the City. This agreement will serve as a record that the employee has read Section 2.21.2 (as revised) and records the employee's option for reimbursement, or to be issued a city-owned cellular phone.

This updated policy will make the cellular phone policy/practice for obtaining, using, upgrading or fixing a cellular phone more understandable to all employees.

## Section 2.21.2 Cell Phone Policy

This policy is intended to provide guidelines for the proper use of cellular telephones. Cellular telephones are provided to employees as business needs indicate. ~~City employees who have been issued a city cell phone are advised that all calls made to or from the city cell phone can be subject to a Freedom of Information Act review by the public. There should be no expectation of privacy. An employee who violates the terms of this policy may be subject to disciplinary action including suspension and/or termination as stated in section 5 of the employee manual.~~

### ~~Section 2.21.2.1 Procedure~~

~~If a Director determines that an employee needs a cellular telephone or an upgrade to an existing cellular telephone, a detailed written request must be submitted to the Finance Director as part of the requisition process. This request must include:~~

- ~~a. The estimate of the annual cost and where the expense is budgeted.~~
- ~~b. The reason for the request, and whether it will enhance emergency response, employee safety, or work efficiency.~~
- ~~c. The adequacy of the present system of communication, and if a cellular telephone is the most appropriate and economical choice.~~
- ~~d. How much time the user spends in the field each day.~~
- ~~e. How frequently the cellular telephone will be used.~~

### ~~Section 2.21.2.2 Allotted Minutes~~

~~The maximum authorized number of minutes per person is as follows:~~

|  |                          |
|--|--------------------------|
| <del>Department Heads and Elected Officials</del>                | <del>1,000 minutes</del> |
| <del>Foremen, Managers, Police Personnel &amp; Supervisors</del> | <del>750 minutes</del>   |
| <del>All other employees</del>                                   | <del>400 minutes</del>   |

~~This is to be used as a general guide and may change depending upon the City's vendor and/or the City's needs.~~

### ~~Section 2.21.2.31 Eligibility Criteria~~

Employees eligible for assignment of City-owned cellular telephones are those designated by the City Administrator and/or the Chief of Police, including (but not limited to):

1. Employees who are frequently in a vehicle, if the individual must conduct City business by the telephone while in the field, and it can be shown that cost savings and customer service efficiently will be realized through the use of such devices;
2. Employees who have a critical need to maintain accessibility with other department directors, City management staff and public officials, in order to insure uninterrupted customer services and/or the integrity of the City;
3. Public safety positions, as determined by the Chief of Police, as necessary to provide immediate and direct telephone communications with citizens, outside agencies cooperating in operations, or other resource entities outside of City government, and to provide for communications which may be inappropriate for mobile radios;
4. Department Heads and employees who have responsibility for responding to public safety incidents in the field.

### **Section 2.21.2 Business Use of Cellular Phones**

Where job or business needs demand immediate access to an employee, the City may issue a City-owned cell phone or allow an employee to elect a cell phone stipend for business use of their personal phone in accordance with the Cellular Phone Allowance Agreement (found in Appendix X). The Cellular Phone Allowance Agreement allows employees to use a single phone for personal and business use through reimbursing the City for personal use of a phone or by receiving a stipend to use their personal phone for business use.

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### **Section 2.21.2.3 Employee Responsibilities**

Employees are required to obey all laws governing the operation and use of vehicle in effect at the time. Violation of any traffic law or rule, regardless of whether a citation is issued or the disposition of any changes, is grounds for discipline, up to and including termination.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are permitted a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Employees have the responsibility to use all City equipment and contracted equipment with prudence and reasonable care. While driving a vehicle, employees

~~should make every effort not to make outgoing calls or answer a phone if it will prohibit them from operating a vehicle in a safe manner.~~

Employees will be allowed to review the invoices for the cellular phone assigned to them and be prepared to verify the calls listed on the invoice. Employees will reimburse the City for all charges determined to be inappropriate by the Department Head, Finance Director or City Administrator.

Reimbursements shall be made within 30 days of receipt of invoice by the department at the overage rate of the approved City's vendor.

Employees in possession of company equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Failure to maintain a working phone and appropriate service contract will result in the immediate cancellation of the stipend payment.

The use of camera phones to photograph City employees or information is strictly prohibited without the express permission of the Department Head. This is necessary to secure employee privacy, and other business information.

The employee shall release records of cellular phone use in compliance with City and State regulations and policies. This includes information pertaining to City business that may be subject to the Freedom of Information Act, as well as cellular phone records in the event of an accident or injury in which such records may help determine the cause of such accident.

#### **Section 2.21.2.54 Department Head Responsibilities**

Department Heads will receive a copy of the cellular telephone invoice each month. It is the department head's responsibility to review all cellular telephone invoices on a regular basis to insure that cellular telephones are used appropriately and that the City is reimbursed for calls that cannot be identified as official use. Any misuse of cellular telephones assigned to their department should be addressed immediately upon discovery.

As with any policy, Department Heads are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

~~An employee who violates the terms of this policy may be subject to disciplinary action including suspension and/or termination as stated in section 5 of the employee manual.~~

#### **Section 2.21.2.65 Repairs and Replacements of Equipment**

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If there is a potential that equipment may be lost or damaged, the employee is responsible for making reasonable accommodations to protect the equipment. City provided cellular telephone equipment will be repaired or replaced according to one of the following:

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1. Personal ~~Cellular telephone equipment~~ with a City reimbursement that requires repair or replacement due ~~to normal wear and tear,~~ damage as a result of City job related duties or responsibilities or a situation outside the control of the employee will be repaired or replaced at the expense of the City (up to a maximum of \$200.00). The employee must have made a reasonable accommodation to protect this equipment. City-issued cellular telephone equipment that requires repair or replacement due to normal wear and tear, damage as a result of City job related duties or responsibilities or a situation outside the control of the employee will be repaired or replaced at the expense of the City.
2. ~~Cellular equipment that requires repair or replacement due to employee negligence, including but not limited to: misuse, abuse, carelessness, misplacement, will be repaired or replaced at the expense of the City, however this will be subject to corrective action as determined by the department director or designee.~~In the event that the loss or damage is determined not to be in the course of employment or is found to be due to the employee's negligence, no reimbursement shall be made. Replacement/Repair shall only be provided after approval by the employee's Department Head and City Administrator. This will be subject to corrective action as determined by the Department Head or designee.

#### **Section 2.21.2.76 Termination**

Upon termination, the employee is to return his/her City issued cellular telephone as well as any accessories to the City. The City issued telephone number is the property of the City and shall remain under the City's ownership.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the 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 a replacement.

## **(NEW)Appendix X**

### **Cellular Phone Agreement**

In accordance with Cellular Phone Policy of the United City of Yorkville Employee Manual, the City may choose to provide cellular telephones or a cellular telephone allowance to certain employees in order to better meet the City's needs. Department Heads, with approval of the City Administrator, decide which employees are eligible to receive City-issued cellular phone equipment or enter into a shared cellular phone agreement.

The purpose of the Shared Cellular Phone Agreement is to allow flexibility for City employees required to carry a phone or mobile device as part of their job, while keeping cellular services cost neutral to the City. The ability to enter into a shared cellular phone agreement is subject to approval of the Department Head and City Administrator.

### **Cellular Phone Reimbursement**

Employee's eligible for a cell phone may elect to receive an allowance in lieu of a City-issued cell phone. In receiving a reimbursement, the employee agrees to comply with the following guidelines:

#### General Guidelines

- A. Privately owned cellular phones and smart phone devices may be used for a combination of personal and business use. Eligible persons receiving such allowance shall be solely responsible for the costs of private ownership including but not limited to the purchase, activation, and replacement of such devices and any increase in personal income tax liability. Any person who receives an allowance may add extra services, equipment or features as desired at his/her own expense.
- B. The City is not responsible for purchasing, nor shall the City contribute any funds toward the purchase of personal cellular phone equipment or accessories. The employee is responsible for making full and timely payments directly to the cellular service vendor, as negotiated in the employee-vendor contract. The City shall make approved reimbursements directly to the employee only, not to the vendor.
- C. The City is not responsible for loss, damage, or stolen equipment, unless loss or damage occurred while the employee was conducting his or her assigned job duties. The City shall reimburse the employee in accordance with the phone reimbursement amounts outlined above and in an amount not to exceed the employee's actual costs.
- D. The employee understands that he or she is responsible for maintaining the cellular phone in good working order, keeping the unit properly charged, ensuring it receives adequate signal in the areas the individual is likely to work, and available for the employee to answer calls from City staff during the timeframe defined by the employee's supervisor.
- E. The City is not responsible for any damage or loss resulting from the installation, removal, or use of City-provided software or services on personal equipment. The City's

IT service provider only supports City-provided software and services, and will not assist with the connection to personal software or services (home e-mail, calendars, etc.).

- F. Use of personal mobile devices for City business will follow the same policies as those outlined in the Cellular Phone Policy in the City's Employee Manual when the employee is on duty. These include restrictions on use of the cell phone while driving and limits to personal use while on duty. Employees are responsible for making themselves familiar with this section.
- G. The employee shall release records of cellular phone use in compliance with City and State regulations and policies. This includes information pertaining to City business that may be subject to the Freedom of Information Act, as well as cellular phone records in the event of an accident or injury in which such records may help determine the cause of such accident.

### **Replacement and Repair of Damaged Phones**

Employees must report the damage or loss of a City-owned phone within 24 hours of the incident. The Department Head or City Administrator shall determine whether or not the loss or damage occurred in the course of the employee's duties and whether the employee was exercising reasonable care and caution under the circumstances. In the event that the loss or damage is determined not to be in the course of employment or is found to be due to the employee's negligence, no reimbursement shall be made. Replacement/Repair shall only be provided after approval by the employee's Department Head and City Administrator.

*Cellular phone allowance participants:* Should an employee's phone become damaged or lost **as a direct result of the employee's responsibilities for the City**, the employee shall be eligible for a reimbursement for the repair or replacement of such item(s). Employees receiving a phone allowance are eligible for reimbursement for the actual cost to replace or repair the phone deemed to have been damaged during normal work duties up to a maximum of \$200. Reimbursements will be made upon proof of purchase or repair.

*Reimbursement for City Phone Use:* Should a City phone become damaged or lost as a direct result of the employee's responsibility for the City, the City will issue a new phone at its cost. If a City phone is determined to be damaged or lost during the course of personal use, unrelated to City use or as a result of an employee's negligence, the employee will be responsible for reimbursing the City the full cost of replacing the phone.

**Shared Cellular Service Election**

\_\_\_\_ I elect to receive a reimbursement in lieu of a City issued cellular phone.

\_\_\_\_ I do not wish to receive a reimbursement in lieu of a City issued cellular phone. I understand that use of a City-issued phone will be for work purposes only.

I have read and understand the City’s Cellular Phone Allowance Policy and agree to follow the regulations outline above.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_

City Administrator Signature: \_\_\_\_\_

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Finance Department Only

Expense Account #: \_\_\_\_\_

Invoice #: \_\_\_\_\_

Date: \_\_\_\_\_