

## **CELLULAR TELEPHONE USE POLICY**

### **DEFINITION:**

References to “cellular telephones,” “cell phones,” and “cellular phone,” as used in this policy, include all mobile communication devices and mobile electronic devices (including any device capable of text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail).

### **PURPOSE:**

The purpose of the **Cellular Telephone Use Policy** is:

- To provide standards and clarification for cell phone use.
- To ensure safe work practices when considering the need to use a cell phone while performing official duties.
- For employees using cell phones to make cost effective decisions regarding cell phone use and plan.

### **SCOPE:**

This policy applies to all County employees who use cellular phones for County business (meaning work within the scope of an employee’s employment), except that sworn County personnel acting as police officers within the scope of their employment are exempt from this policy.

### **POLICY:**

**There are three types of cell phone users in Clackamas County. These three “classes” are described below in A through C:**

#### **A. Clackamas County supplied cell phones: Business use/Personal use**

Most employees with a business need for a cell phone will be assigned a County owned phone. Cellular phone use on phones supplied by the County is restricted to County business. Personal cellular calls (outgoing or incoming) will only be allowed in limited and infrequent (maximum 2-3 times per month) for instances of family emergencies if these calls cannot be made from another phone in a reasonable period of time. These calls should be of short duration. **NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED.** The above emergency calls do not need to be reimbursed.

#### **B. Personal Cell Phone provided as an Employment Benefit**

The County recognizes that due to the nature of some non-represented positions, both elected and appointed, certain employees should have a cellular phone allowance provided. The County Administrator in conjunction with department management may designate non-represented employees who will receive a specified amount of additional taxable income per month for the specific purpose of obtaining a personal cell phone. This amount will be designated in one of two categories depending on usage: Category 1 = \$75; Category 2 = \$40. This amount

may be adjusted periodically by the County Administrator. This cellular phone would be used for business, but would not have the same restrictions on personal use since it is a personal phone.

Non-represented employees who receive this benefit may request from their department director to buy a wireless electronic device instead of a cell phone. Employees who need remote access to their County computer account must receive approval from the person in their department who authorizes remote access. If approved, then the County will pay for and maintain the license that allows access to the server. This license is the property of the County. Please contact Technology Services for equipment standards, capability advice and authorization forms.

For equipment that allows for data connection to the County Network for such applications as Email or file transfers – all connections, usage, storage and securing of data must be in accordance with the applicable Records and Information Services policy and practice.

**C. Cell Phone Use when an employee's ONLY phone issued for business is a cell phone**

Clackamas County's policy is taken directly from the Oregon Government Standards and Practices Commission (OGSPC) Advisory Opinion 01A-1004:

If the agency is providing the employees with cellular telephones only and not regular desk telephones we believe that the rules cited under Telephones in advisory opinion 98A-1003 also apply to cellular telephones. The employer may allow employees to use the cellular telephones to talk to family members, make medical appointments, schedule service technicians, confer with a child's school and take care of any of a variety of other matters which can only be accomplished during regular working hours without such usage being prohibited by law. In this situation it would be less disruptive to permit employees to make such personal calls from the cellular telephones than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from public employers' telephones should be brief and infrequent. Personal long distance calls, even if the employee reimburses the agency for the cost of such calls, may not be made on agency telephones.

If the agency chooses a cellular telephone plan that includes long distance telephone calls at no extra charge the employees would be prohibited from using this service for personal calls. If the employee used this service the employee would be receiving a financial gain or avoiding a financial detriment and would be in violation of ORS 244.040(1)(a).

Employees who have limited access to a desk phone must comply with Section A of this policy: cell phones are for business use and personal calls are restricted to emergencies at a maximum of 2-3 times per month. Clackamas County cannot expand on the OGSPC opinion to allow more flexibility.

#### **D. Cellular phone use in vehicles, at work sites, or while operating equipment**

With limited exceptions, state law prohibits the use of hand held cellular phones while driving. The County Driving Policy is consistent with state law and only allows the use of a hands-free cellular phone while driving. As more county drivers are using cellular phones, it is important both for safety and for the image of county drivers that common sense and courtesy be followed in using cellular phones. Supervisors will have the authority to restrict or prohibit use of cellular phones at any time on the job when they consider such situations and use may present a safety hazard to the employee, co-worker, contractors, and/or to the general public and private property. Sending and/or receiving text messages is prohibited while operating any vehicle.

##### **1. Cellular phone use while driving a County vehicle or personal vehicle on County business:**

Hands-free equipment—built in to the vehicle or an accessory—for the cell phone is the only allowable means of cell phone use while driving. You cannot hold a cellular phone or other mobile device in your hand while driving.

Hands-free cell phones should be used within the following guidelines:

- a. It is strongly recommended, if at all possible, to use your cellular phone when parked, or have a passenger use the phone. Conversations should be kept to a minimum.
- b. If your phone rings when you are driving -- especially during hazardous conditions -- let your cellular voice mail service take the call and listen to the message later when you are parked, or pull over before answering, if traffic conditions permit.
- c. Suspend conversations during hazardous driving conditions or situations.
- d. Let the person to whom you are speaking know that you are driving and the call may be suspended at any time.
- e. Do not take notes or look up phone numbers while driving. As a driver, your first responsibility is to pay attention to the road.
- f. Attempt place all calls when you are parked. If you are stopped at a traffic signal or stop sign, you are still considered by the law to be driving.
- g. When possible, place your calls before you begin your trip, or call when your vehicle is parked.
- h. Learn and use the pre-programmed features of your cell phone. **DO NOT** engage in stressful or emotional conversations while driving. A stressful or emotional phone conversation while driving is distracting and potentially dangerous. If necessary, suspend the phone conversation.
- i. **EMERGENCIES** – Please do use your cellular phone to call for help or to help others in emergencies. Your cellular **phone lets you be a “Good Samaritan” in the community. If you see an emergency where lives are in danger pull**

**over, stop your vehicle and** call 9-1-1 and give the exact location and information to the 9-1-1 operator. Employees are not expected to offer additional assistance beyond calling for help.

- j. Please keep cell phones turned off or use the “keypad lock function” to avoid misdials. Any button on the keypad that is depressed for longer than 15 seconds will automatically call 9-1-1.

## **2. Cellular phone use while at Work Sites**

DO NOT engage in the use of a cellular phone while at any work site during which the operation of a cellular phone will be a distraction to the user and/or may create an unsafe work environment. Such work sites include but are not limited to: Road repair, maintenance and construction, operating or repairing energized equipment such as electrical panels, motors, or energized circuits. Such work sites must be secured or the cell phone used only by an employee while out of harm’s way of such work environments.

## **3. Cellular phone use while using Off-Road Equipment**

DO NOT engage in the use of a cellular phone while operating a moving motorized off-road (maintenance/construction type) equipment. Even hands-free cellular phone is not authorized while operating this type of equipment, unless the equipment has been properly stopped and taken out of gear or turned off.

### **PROCEDURES:**

1. Departments may have procedures that are more limiting than the county’s cellular telephone use policy, but department procedures must at minimum comply with this policy.
2. Department management should consult with the Technology Services Manager when choosing cell phone service for a department, group of employees, or perhaps even inter-department. For example, plans exist that do not result in double cost for cell-to-cell calls. Plans change so rapidly, and Technology Services, already the provider for Clackamas County phones, may be more knowledgeable about creative cost-effective solutions.

### **GUIDELINES FOR USE OF CELLULAR PHONES:**

Cellular phones are a tool to enhance employee productivity and provide a higher level of service to our customers. Cellular phone service is also more expensive than landline phones because of the airtime costs associated with cellular phone usage. Therefore we ask that employees follow the guidelines below to help keep costs to a minimum.

1. Do not use your cellular phone to make a call if regular phone service is available. There is no charge for a local call made from a regular phone while local calls made or received on a cellular phone incur charges.
2. Avoid lengthy conversations on cellular phones. If you anticipate a call lasting more than a few minutes try and arrange to call the person back from a regular phone.
3. Minimize calls placed to another county cellular phone. The county incurs costs for outgoing and in-coming cellular phone calls. Calls to another county cellular phone result in twice the expense to the county.

4. Minimize use of your cellular phone outside the home service area. Roaming charges add significantly to the cost of cellular phone calls.
5. Minimize the number of long-distance calls made on your cellular phone. Again, long distance calls on a cellular phone add to the expense to an already more expensive means of phone service.

#### **REFERENCES:**

**ORS 811.507 et seq. Operating motor vehicle while using mobile communication device; exceptions; penalty.**

**Oregon Ethics Law, Oregon Revised Statutes 244.010- 244.045, in relevant part:**  
244.040 (1)(a) No public official [or employee] shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's [or employee's] holding of the official position or office.

**Oregon Government Standards and Practices Commission, Technology Advisory Opinion, 7/9/98:** Public agencies provide cellular phones to their employees specifically to facilitate the carrying out of official business. Public agencies' cellular phones are not for the convenience or personal use of employees. **If public employees desire to have the convenience of a cellular telephone while on duty to make the types of routine personal called cited in the section relating to telephones, the employees must acquire and pay for their own personal cellular service.**

**Oregon Government Standards and Practices Commission Advisory Opinion 01A-1004, 6/1/01.** Please refer to section D above.

**Clackamas County Personnel Ordinance 2.05.170.** Employees shall strive to serve in such a way that does not realize undue personal or financial gain from the performance of official duties.

**Oregon Government Standards and Practices Commission Advisory Opinion, 02A-1012. 11/12/02:**

Employees complying with Clackamas County cell phone policy will not violate Government Standards and Practices law.

#### **INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/docs/code/title2.pdf>)