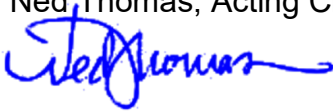




CITY OF MILPITAS

Revision	Date
Original	04/26/2023

CITY ADMINISTRATIVE POLICY

Policy No: 2.6.3	CELLULAR DEVICES	Effective Date: 6/20/2023
Revision No: N/A	Policy Administrator: Information Technology	Next Review Due: As Needed
Related Policies and Procedures: Information and Systems Security Policy	Approved by: Ned Thomas, Acting City Manager 	Date Approved: 7/19/2023

1. PURPOSE

To provide guidelines and criteria regarding the approval, purchase, and use of City issued cellular telephones, including Smartphones (herein referred to just as City issued cellular telephones except where otherwise noted) and data services. This policy applies to all City of Milpitas employees requesting the purchase and use of a cellular telephone and/or a data device.

2. POLICY

Cellular telephones can enhance the operational effectiveness and efficiency of staff while away from the office and offer additional means of telecommunication. Although the value of cellular telephones is recognized, they are expensive to maintain, and expenditures need to be controlled. Therefore, it is the policy of the City of Milpitas that authorization to purchase and use cellular telephones will be approved by the Department Director/Chief and the Director of Information Technology or designee.

Cellular telephones are not considered an entitlement or fringe benefit. Requests for the purchase and/or use of cellular telephones for official City business will be approved as outlined in the eligibility criteria defined in this policy. City-issued cellular telephones are City equipment and are issued to employees for **official City business** only. This includes any City issued Smartphone cellular telephone.

All requests for cellular telephones must be made by submitting the [Cellular Device Request Form](#) to the Director of the requesting party's Department for review and approval.

The Information Technology (IT) department is responsible for documenting the issuance of a cellular telephone and associated accessories to each employee. Once the employee is deemed to no longer be eligible for a City issued cell phone, such as when changing job duties, or positions, exiting the department or the City, the employee's supervisor/department shall notify the IT department and ensure that all cellular devices and accessories are returned.

Cellular Telephone Safety While Driving

Employees are not allowed to use their cellular telephone (either City issued phones or personal phones) while driving on City business or while conducting City business unless a hands-free device is used. Even when using a hands-free device, conducting City business on a cellular telephone while driving should be kept to a minimum and only done when necessary. This section



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does not apply to an employee using a cellular telephone without a hands-free device for emergency purposes (such as calling 911) while driving on City business.

Sworn police and fire personnel using a cellular telephone in the course and scope of their duties without a hands-free device while driving an emergency vehicle shall make every reasonable effort to safely stop the emergency vehicle before using the cellular telephone unless a matter of operational urgency exists. If operational urgency exist, sworn police or fire personnel shall keep the conversation as short as possible, or bring the vehicle to a safe stop to complete the conversation.

Under no circumstances shall employees send or read text messages or emails while driving a vehicle on City business.

Cellular Devices Eligibility Criteria

Requests for the purchase and/or use of cellular devices for official City business will be reviewed by and approved at the discretion of the employee's Department Director. Requests will be reviewed according to the following criteria:

1. Cellular telephones necessary for promoting public or employee safety shall take the highest priority.
2. Senior and Executive Staff members who must be available to receive and place time-sensitive calls.
3. City personnel whose job responsibilities clearly dictate the unquestionable need for cellular communication. This may require departments to demonstrate that a cellular phone is needed for at least 50% of job duties and that they cannot perform their job effectively without the use of a cellular phone. Part-time employees may be eligible for cellular phones on an exception basis only.
4. Other forms of communication, such as mobile radios, are more costly, impractical, or do not satisfy operational needs.
5. The City Manager or designee may approve the purchase and/or use of a cellular telephone for official City business in instances where Criteria Nos. 1-4 do not apply.
6. **Smartphone cellular telephones purchases must be approved by the Information Technology Director or designee prior to purchase.**

Once approved, Information Technology Department staff will coordinate either the purchase of a City cell phone and service initiation with the City's cellular telephone service provider, or the reassignment of an existing City cell phone. The Information Technology includes the cost of providing and/or replacing cellular phones for existing employees and any vacant budgeted positions that were previously issued City cellular phones, in its annual operating budget. After the adoption of the annual budget, if new cellular phones, in addition to those already budgeted, are requested for employees that were previously not issued a City cellular phone, the requesting department will be



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responsible for the costs of the device and one year of service. Even if the device cost is covered by the individual department, the newly purchased devices shall become a part of the City's cellular phone inventory and be managed by the IT department.

In the event the devices purchased by the requesting department are damaged or lost before the next adoption of the operating budget, the department will be responsible for the cost of replacing the hardware.

Individuals, who are not eligible for City-purchased cellular telephones are expected to use conventional telephones, pool phones, or other City-owned communication equipment.

If an employee terminates City service, transfers to another department, or changes responsibilities and is no longer eligible to use a City-purchased cellular telephone, the employee's department Director or designee shall inform the Information Technology department and shall coordinate the return of the City cell phone and all associated accessories to the Information Technology Department. This includes any changes to an employee's job that no longer requires the use of a City cellular phone for 50% or more of the employee's job duties.

Use of City Issued Cellular Telephones

City-issued cell phones are to be used for official City business only.

Personal use of cellular phones is only permitted in cases of emergencies.

City-issued Smartphones will only be used to access City related services such as email and applications and shall not be configured by the employee or the Information Technology Department to support a personal email account and services. Employees shall not configure City smartphones to join public Wi-Fi networks unless it is used in conjunction with a VPN solution approved and configured by Information Technology Department

Discretion must be used regarding the content of cellular phone conversations, as cell phones are not secure communication devices. All text communication on City issued cellular phones is subject to the California Public Records Act. City-issued cellular phones shall be subject to the City's Information and Security Systems policy.

Hourly employees, who have been issued City cell phones are required to carry the cellular telephone while on duty or approved stand-by pay. However, **any work performed by a non-exempt hourly employee needs to be approved by his/her supervisor in advance of work being performed.** For example, an employee using a Smartphone with email capabilities **shall not be sending, creating, or reading emails during non-work hours without prior authorization.**

Employees are responsible for maintaining adequate physical protection for all equipment issued to them by the City. Employees shall promptly notify the Information Technology Department if any City-owned cellular phone is damaged or stolen. If a City-issued cell phone is stolen, the employee responsible for the phone will be required to file a police report.

Personal Use of City Cellular Telephones



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Employees are expected to limit cell phone usage to City related business only; therefore, the instances in which the cellular phone is used for personal calls should be very limited.

Employees are expected to use their personal cellular phones for any and all personal calls. Should employees make personal calls outside of the provisions above, the employee may be subject to disciplinary action. City cell phone bills will be received by the Information Technology Department and may be audited on a random basis.

Pool Phones

The City recognizes that it is not practical or cost-effective to issue all employees a cellular telephone. In certain departments, some City-issued cell phones are not assigned to individual employees but are shared amongst several or more employees in a work group or work shift. The use of a pool phone does not relieve the employee from following the City's Cellular Telephone Policy. Pool phones should be used **exclusively for City business**. Prior to being issued a pool cellular phone, employees will be required to read and understand this policy.

Data Plans

Data Plans on City cellular phones are intended to allow access to City email and work-related programs, applications, and systems. City-issued cellular phones shall not be used as hotspots for personal cellular phones and other personal devices.

To ensure the prudent expenditure of public funds, Department Directors/Chiefs or designees should determine any additional or non-standard technology device needs for employees. Directors/Chiefs should consider the following to make this determination:

- Whether the employee's job duties require access to electronic documents while working from multiple locations. **The City does not provide equipment to employees for teleworking purposes, as noted in the City's Telework Policy**
- Whether the equipment is required to enhance productivity while working in the field
- Whether the employee works with documents that require a larger viewing area
- Whether the employee needs to log into a secure system through remote desktop
- Whether employees can use shared devices for specific purposes, such as community presentations and events
- Whether the employee needs to print confidential documents
- Whether the employee has specific ergonomic needs

Once it is determined by the Department Director/Chief or designee, as noted above, that there is a valid business justification to warrant the purchase of any additional or non-standard technology device(s), the department shall work with the IT department to select the type of device(s) to purchase based on the following:

- The type of usage and application for the device (for example, heavy data entry may be



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better suited for a device with a full-sized keyboard rather than a compact or a virtual keyboard)

- Whether the equipment will be used by a group of shared users for a specialized purpose (e.g. laptops for presentations)
- Whether the required applications are compatible with the operating system of the device and whether support is provided by the application administrator, vendor, or Information Technology.

All technology devices shall be ordered by the Information Technology Department either with a City Procurement Card or through vendor contracts awarded by Finance/Purchasing as a result of a competitive procurement process. Technology devices shall **NOT** be purchased by Departments.

The Information Technology Department shall have a process in place to track all assets and ensure that appropriate measures exist to secure confidential information. A record should be created and maintained for laptops or tablets purchased in accordance with this policy which includes, at the minimum:

- The type of device purchased
- The device serial number
- The name of the employee to which the computer is assigned
- The employee identification number of the employee to which the computer is assigned
- The date of issue of the device
- The date the equipment is returned (e.g., upon the employee's separation or transfer to a different Department)
- In cases where applications can work on multiple platforms, can run in a web browser, or are accessible using built-in applications, the least expensive device that meets the business requirements should be selected. Accessories, including but not limited to docking stations, monitors, and keyboards, may not be purchased for home use unless prior approval is received from the City Manager or designee.

To ensure accurate tracking of technology assets, with the exception of laptops and mobile devices such as tablets and cellular phones, employees shall **NOT** relocate any City-issued technology devices without notifying the Information Technology Department.

Laptops and Tablets

The Information Technology Department will continue to monitor the operational needs and the cost and functionality of technology devices to determine when laptops and tablets may be deployed. Laptops and tablets may pose additional security risks due to the greater potential of loss or theft, which may compromise potentially confidential data that resides on the unit.

Employees are responsible for exercising due care in securing and maintaining City equipment in their possession. City equipment that is lost or damaged while assigned to an employee must be reported to the employee's department. The employee must write a memorandum that includes the details of the situation or event that resulted in the loss or damage to the assigned equipment.



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If City-issued equipment is stolen while in possession of an employee, the employee must notify the Information Technology Department within 24 hours of the incident, file a police report and submit a copy of the report to the department for review. Reports of lost, stolen, or damaged City-issued equipment will be reviewed and assessed on a case-by-case basis.

Monitors

Each employee will be assigned one monitor. The size of this monitor may change based on cost and market availability. An additional monitor may be assigned based on the operational need for up to two monitors.

Printers

The City has entered into a contract with MRC for multi-functional devices. These devices are more efficient and cost-effective. The City is also committed to going paperless and further enhancing waste reduction and thus encourages the printing of documents when absolutely necessary. Thus, individual printers for employees shall not be issued unless there is a compelling operational reason. The Department Director or designee shall provide justification to the Information Technology Department for any new or replacement printers for employees.

Televisions

Televisions shall be deployed on rare occasions, and the request must include the intended use of the device and location.

3. PROCEDURE(S)

Cellular Telephone Request

Responsibility

Requesting Department Director

Department Director/Chief or designee

Action

1. Asses the need to purchase a cellular phone based on the eligibility criteria in this policy.
2. Ensure sufficient resources are available to accommodate the purchase of a cell phone that is not already included in IT's operating budget.
3. Review and approve the *Cellular Phone Authorization Form* and forward to the IT Helpdesk for authorization.



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I. Cellular Telephone

Responsibility

Eligible Employee

Action

1. Complete the *Cellular Phone Authorization Form* and submit for approval.
2. Forward approved *Cellular Phone Request Form* to the Department Director/Chief

II. Management of City issued cellular phones

Responsibility

IT Department

Action

1. IT Director or designee to review the Cellular Phone Authorization Form and approve if it meets the eligibility criteria. If it does not meet the criteria, return to requesting department, which may seek an exception from the City Manager or designee.
2. Purchase cell phone and associated usage plan if request is approved by either IT Director or designee or City Manager or designee.
3. Incorporate costs for replacement and/or new City issued cell phones in the development of the annual IT operating budget.
4. If new cellular phones are requested after the adoption of the annual budget, IT shall work with the requesting department to identify department budget for the device and one year of service costs. The costs for the device will be incorporated into the following year's budget.
5. Track all City issued cellular phones through the IT asset tracking system.
6. Perform random cell phone bill audits for all City issued cell phones.



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Cellular Telephone User

7. Review bills that are included in random audits to monitor usage to ensure proper use and cost-effectiveness.
8. Use City issued cellular phones only for City business and in accordance with this policy.



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Cellular Device Request Form Information Technology

Employee Information

Name _____ Employee Number _____
Title _____ Department _____
Manager Name _____

Request Type (Check one)

____ (A) New Service
____ (B) Upgrade Device
____ (C) Replacement – Damaged (Current Phone Number: _____)
____ (D) Replacement – Stolen (Police Case Number: _____ Agency _____)

Requested Service (Check one)

_____ (A) Cellular Phone Only, No Data Plan _____ (B) Smart Phone with Data Plan
_____ (C) Wi-Fi Hotspot _____ (D) Vehicle Mounted Data Modem



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Justification for the Request

By submitting this request, both the designated employee and Department Director attest that they have read and understood the City's Cellular Device Policy, 2.6.3.

_____ Employee Signature	_____ Employee Name	_____ Date
_____ Department Director Signature	_____ Department Director Name	_____ Date
_____ IT Director Signature	_____ IT Director Name	_____ Date
_____ City Manager Signature	_____ City Manager Name	_____ Date