

# Cell Phone Usage & Stipend Policy



## I. PURPOSE

The City of Colusa recognizes that certain job responsibilities require the use of a cellular phone. This policy establishes guidelines for:

- Providing a stipend for employees using personally owned devices for City business
- Governing the use of City-issued cellular devices
- Ensuring compliance with data security and public records requirements

Participation in the stipend program is voluntary and subject to approval.

## II. SCOPE

This policy applies to all City employees who:

- Use personal cell phones for City business, or
- Are issued a City-owned cellular device

## III. POLICY

The City may provide a monthly stipend to eligible employees for the use of a personally owned cellular phone for City business. This allowance is intended to offset business-related use and does not cover full costs.

The City may also issue cellular devices for operational needs, including public safety, on-call staff, and supervisory roles.

The City reserves the right to modify or terminate this program at any time.

## IV. ELIGIBILITY

Eligibility shall be determined by the Department Head and approved by the City Manager based on business need, including but not limited to:

- Field-based positions
- Critical decision-making roles
- Required availability outside normal work hours
- Operational efficiency or service delivery needs

Eligibility shall be reviewed at least annually.

## **V. STIPEND PLAN:**

If an employee meets the eligibility requirements for a cell phone stipend, a stipend may be requested through the employee's Department Head.

- Once approved, the stipend amount will be added to the employee's regular pay and does not impact retirement or overtime calculations
- The City will pay only the agreed amount, and all costs associated directly or indirectly with the employee's cellular telephone contract above the amount paid by the allowance is the responsibility of the employee
- Eligible employees may receive a monthly stipend as follows:
  - Voice & Data - \$50 per month

## **VI. PERSONAL DEVICE RESPONSIBILITIES**

Employees receiving a stipend must:

- Maintain an active and reliable cellular service
- Provide their phone number to their supervisor
- Notify their supervisor of any number changes within 24 hours
- Secure their device (password protection, updates, etc.)
- Work directly with their carrier for service issues

The City is not responsible for:

- Device purchase, repair, or replacement
- Service interruptions
- Carrier disputes
- Device accessories (protective cases, power cord, etc)

## **VII. PUBLIC RECORDS COMPLIANCE**

All City-related communications conducted on personal devices may be subject to disclosure under the California Public Records Act.

Employees must:

- Retain business-related communications (texts, emails, etc.)
- Provide records upon request
- Separate personal and business communications when possible

## **VIII. EMPLOYEE RESPONSIBILITIES**

- The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the

carrier for resolution.

- Support from the City's Information Technology (IT) Department (if applicable) is limited to connecting a personally owned Smartphone to City-provided services, including email, calendar, and contacts.
- If the employee terminates the wireless contract at any point, they must notify their supervisor within five (5) business days to terminate the stipend.
- The City does not accept any liability for claims, charges or disputes between the service provider and the employee. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination.
- Employees are expected to delete all City data from the cell phone when their employment with the City is severed, except when required to maintain that data in compliance with litigation hold notice.
- The employee may not transmit materials electronically through the City's network that would violate any City policy. Doing so shall subject the employee to disciplinary actions, up to and including termination.
- It is not expected that the amount of the allowance will always cover the total cost of the service plan, since it is expected that the cellular phone will be used for personal as well as business use.
- Personal cell phone use during work hours shall be limited to official City business. Personal use is restricted to designated break periods and meal periods, unless otherwise authorized by a supervisor.

## **IX. CITY-OWNED CELL PHONES**

Authorized Use:

- City-issued devices are provided for official business purposes.

Prohibited Use:

- Installation or use of personal applications (e.g., TikTok, Facebook, Instagram, Snapchat, X, etc.) is prohibited unless expressly authorized in advance by the City Manager or their authorized designee for official City business purposes
- Downloading unauthorized apps
- Personal use beyond minimal incidental use

Application Control:

- Only City-approved applications may be installed
- The City may remove or restrict applications at any time

Monitoring & Privacy:

- No expectation of privacy
- City may access and monitor communications

## **X. CANCELLATION**

Any stipend agreement will be immediately cancelled if:

- An employee receiving a cell phone stipend terminates employment with the City. The employee changes position within the City which no longer requires the use of a cell phone for business reasons. However, in the event an employee transfers to a position where it is determined by the City that they no longer satisfy the criteria for receiving an allowance, the City shall provide the employee with a written thirty (30) day notice that they are no longer deemed eligible for the allowance and the allowance shall be terminated at the end of the thirty (30) day period.
- There is misuse/misconduct with the phone.
- A decision by management (unrelated to employee misconduct) results in the need to end the program or there is a change in the employee's duties
- The employee does not want to retain the current cell phone contract for personal purposes.

## **XI. EXPECTATION OF PRIVACY**

By accepting the stipend, the City employee acknowledges that the City retains the right to search all business email and text communications sent from and saved within the Device, subject to the employee's ability to redact personal information.

## **XII. POLICY VIOLATIONS**

Failure to comply may result in:

- Loss of stipend or device privileges
- Disciplinary action, up to and including termination