TOWN OF DAVIE
HUMAN RESOURCES DEPARTMENT

CELLULAR DEVICE POLICY
SOP #24-014

January 28, 2020

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	September 19, 2012	Human Resources	Initial Release
2	January 28, 2020	Information Technology	Revision

APPROVALS:

Human Resources Director/Grace Garagozzo — Date: 1/28/2020

Town Administrator/Richard J. Lemack — Date: 01/29/2020

1-1. PURPOSE.

The intent of this policy is twofold: 1) establish clear guidelines for distribution and use; and 2) Whereby the Town of Davie, a governmental entity, is obligated under State Statute, Chapter 119 PUBLIC RECORDS, specifically §**1** (It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.

1-2. SCOPE.

This operating procedure applies to all employees of the Town of Davie in service (regardless of status), and includes executive, contract, part-time, seasonal employees, and volunteers. As used in this policy, the terms "employee" and "employees" include all Town of Davie employees.

1-3. POLICY.

Cellular devices purchased by the Town are the sole property of the Town of Davie. They are issued to Town employees for official Town business use.

The Town of Davie hereby establishes a cellular device usage policy and implements cellular device expenditure controls to ensure all cellular device transactions are business related. Additionally, this operating procedure ensures the Town of Davie complies with the State of Florida Statutes, and the Town of Davie audit requirements. Any employee who violates this procedure will be subject to disciplinary action, up to and including dismissal. With respect to the elected officials, any violations will be referred to the appropriate law enforcement agency and the Florida Commission on Ethics.

Department directors and division managers are responsible for the implementation and compliance of this operating procedure.

1-4. PROCEDURE.

a. *Town Issued Cellular Devices*: Each department director/division manager shall assess which positions, based on operational necessity, are required to be available via cellular. In accordance with the collective bargaining agreements and/or Town of Davie operating procedure, individuals occupying positions that require a cellular device must be available.

b. *Cellular Device Stipend*: If the Town Administrator or his/her designee or a department director/division manager determines that a position is essential to the operation of the organization, the employee holding that position must carry a cellular device. Based upon expected cellular device usage, the department director must then determine the stipend amount (see Appendix 1 - Stipend Schedule). Employees receiving a stipend are expected to purchase their own cellular device and maintain a cellular device as long as they receive the stipend. Stipends are fixed amounts based on operational necessity. Individuals occupying positions that require a cellular device must be available.
Upon determining

c. Which positions are required to be available via cellular device, a list of employee names and

position titles must be submitted to Human Resources for approval and processing. The Human Resources Director will review the list with the Town Administrator or his/her designee.

d. Annually, during the budgetary process, departments are required to review the continued need for cellular devices. If determined that a position no longer requires the use of a cellular device, the Human Resources Department must be notified immediately with a personnel recommendation form (PR Form) to terminate the stipend.

d. Any employee who receives either a cellular device or a stipend is considered essential personnel and therefore is required to be immediately accessible. In the event an employee is not available, a returned telephone call, text, or email must be made within the hour from the initial contact.

e. Use of Town issued device shall not exceed the department's designated plan limit which is administered by the department director/division manager.

1-5. TEXT MESSAGING

a. *Town Issued Cellular Devices*
The use of text messaging on Town issued cellular devices is for official Town of Davie use only. Text messaging capability will be granted based on operational needs as determined by the department director/division manager.

Town employees receiving a Town issued cellular device are responsible for capturing all text message communications conducted during the transaction of Town business as follows:

The user of the device is:

1) Responsible for retaining telephone *text messaging records that reflect official Town business communications. It is recommended that the text communication be stored in a secured location so that the information is readily available should a public records request be made (i.e. email text to Town email account or print screen picture of text and save image); and

2) Cooperate with the Town in the production of Town records for disclosure.

b. *Stipend Cellular Devices (Personal)*
Town employees receiving a cellular stipend are responsible for capturing all text message communication conducted during the transaction of Town business as follows:

The owner of the device is:

1) Responsible for retaining telephone and *text messaging records associated with personal cellular devices that reflect official Town business communications. It is recommended that the text communication be stored in a secured location so that the information is readily available should a public records request be made (i.e. email text to Town email account or print screen picture of text and save image); and

2) Cooperate with the Town in the production of Town records for disclosure.

c. *Non-Town Issued or Stipend Cellular Devices (Personal)*
Individuals with non-Town issued or stipend devices are encouraged to refrain from using personal devices to conduct Town business and are expected to cooperate with the Town in the production of Town records for disclosure.

1-6. PUBLIC RECORDS

All Town business conducted on a Town-issued or stipend personal cellular device is subject to the Florida Public Records Law Chapter 119 of Florida Statutes.

*Electronic communications that are created primarily to communicate information of short-term value, such as messages reminding employees about scheduled meetings or appointments, might fall under the "TRANSITORY MESSAGES" record series. "Transitory" refers to short-term value based upon the content and purpose of the message, not the format or technology used to transmit it. Examples of transitory messages include, but are not limited to, e-mail messages or other communications reminding employees about scheduled meetings or appointments; most telephone messages (whether in paper, voice mail, or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency-sponsored events such as exhibits, lectures, workshops, etc.

Text communication sent and received in the course of Town business on a Town-issued device, must be archived in the Town's server system for retention (i.e. email text to Town email account or print screen picture of text and save image).

Text communication sent and received in the course of Town business on a stipend personal device, must be retained and saved. It is recommended that the text communication be stored in a secured location so that the information is readily available should a public records request be made (i.e. email text to Town email account or print screen picture of text and save image).

Records that mix both, Town business and personal business are considered public records and are subject to disclosure in their entirety. In accordance with the Florida Public Records Law Chapter 119 of Florida Statutes, the Town Clerk will redact personal information that is exempt within a public record. Employees should not expect any right to privacy in records located on Town equipment.

1-7. INFORMATION TECHNOLOGY DEPARTMENT RESPONSIBILITIES.

a. Based on the department director's/manager's discretion, some employees may need email and calendar capabilities. The IT Department is responsible for maintaining the list of cellular "smartphone" devices known to be compatible with our network and email systems. In addition, the IT Department will provide limited support of these devices to ensure connectivity to the network and email systems.

b. The IT Department is not responsible for ensuring policy compliance at the departmental level.

c. The IT Department is not responsible for providing the replacement of cellular accessories for Town issued cellular phones. In the event, any phone accessories (ex. car charger, wall

charger, batteries, etc.) is damaged, the IT Department can provide a quote for the necessary equipment and the requesting department will incur the cost.

CELLULAR DEVICE STIPEND SCHEDULE

Monthly Stipend Amount	**Threshold for Amount**
$50	Department Directors and other Data Users who are required to have e-mail capability for their position in addition to 24X7 access by cellular phone for their job.
$40	Heavy Usage based on a high requirement for 24X7 access. Current usage which consistently exceeds $35 per month for BUSINESS related phone calls.
$30	Frequent usage and high demand by other Town of Davie users. Current usage which consistently exceeds $25 per month for BUSINESS related phone calls.
$20	Occasional Usage and a necessity to contact the person by cellular phone which is critical under certain operational circumstances. Current usages which consistently exceed $15.00 per month for BUSINESS related phone calls.
$10	Infrequent Usage, but the ability to contact the person could be critical under certain operational circumstances.