

# TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 10.8

## TELEPHONES, CELLULAR TELEPHONES, AND WIRELESS COMMUNICATIONS DEVICES

### **Purpose:**

This policy establishes for the requirement for the use of telephones, cellular telephones, and wireless communication devices. This policy also sets forth the requirements of Board employees who, based on their position, are identified as essential to carry a wireless communication devices ("WCD") and thus receive an allowance from the Board. A wireless communication device is defined as cellular telephones, personal digital assistants (PDAs), Blackberries/Smart phones, Wi-Fi-enabled or broadband access devices, or other communication device that enables immediate contact, regardless of the person's location at the time.

### **Policy:**

#### **I. Facility Telephones:**

Telephones are for business purposes and every effort should be made to minimize personal incoming and outgoing calls.

Incoming calls will be forwarded to the employee. In the event the employee is unavailable, a message will be taken, or the call will be forwarded to the employee's voicemail box. Emergency calls will be given directly to the employee's immediate supervisor, if the employee is unavailable.

Except for emergency situations, or with prior supervisory approval, personal long distance calls using Board telephones are prohibited. In either exception, the employee must fully reimburse the Board for the cost of the use promptly. Unreported, and/or unreimbursed personal toll calls will lead to disciplinary action.

#### **II. Board Provided Cellular Telephones:**

Cellular telephones may be provided by the Board for specific business purposes only and includes cellular telephones used as a means of two way communication in Board vehicles.

Personal use of board provided cellular telephones is prohibited except in the case of an emergency. Regardless of the reason for personal use, the employee must fully reimburse the Board for the cost of the use promptly. Board owned cellular telephone logs will be reviewed on an ongoing basis to ensure the cellular telephones are only being used for their intended purpose. Unreported, and/or unreimbursed personal calls will lead to disciplinary action.

### **III. Wireless Communication Devices:**

The Superintendent and leadership who meet one or more of the following criteria are required as a condition of employment to own a WCD and obtain an appropriate service plan so that the WCD is available for use for business-related communications:

- A. Their job(s) require(s) them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;
- B. Their job(s) require(s) them to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency; or
- C. Their job(s) consistently require(s) timely and business critical two (2) way communication for which there is no reasonable alternate technology. (This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home); or
- D. Safety requirements indicate having a WCD is an integral part of meeting the requirements of the employee's job description; or
- E. More than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area; or
- F. The employee may be required to be on-call 24/7; or
- G. The employee's job requirements include critical Board-wide decision-making.

Leadership who are required to have a WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the Board to compensate them for the costs associated with utilizing a WCD for business purposes. Additionally, other employees who believe that they meet the above-identified criteria may apply for an allowance.

### **IV. Amount of the Allowance**

The allowance shall consist of a monthly stipend up to a specific dollar amount for wireless telephone service.

The allowance is not intended to compensate the employee's dollar-for-dollar cost for wireless service. Under no circumstances will the monthly allowance be more than the cost of the employee's monthly service plan for his/her WCD.

No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, business-essential communications are not likely to be necessary.

The Superintendent will consider each leadership position's duties as related to the projected number of minutes of monthly business-related calls, and whether the position requires Internet/data service, in addition to budget considerations to determine the amount of monthly allowance to recommend to the Board for each position.

In order to continue to receive the allowance, leadership members are required to consistently demonstrate their accessibility through their WCD and answer or return all business-related calls, or respond to messages on his/her WCD as quickly as feasible.

#### **V. Data Package**

The following employees are recognized as having a mission critical need for Data Packages on their cell phones to allow them to receive emails and access the internet, as required, to obtain information or complete their duties.

- A. Mission critical employees who are required to respond to emergencies 24/7 including Department Heads and Superintendent.
- B. Information Technology employees who support the Board's services off site and after hours.
- C. Other employees listed as Mission Critical who provide written justification and who are approved by the Superintendent.

#### **VI. Employee's Responsibilities**

The employee is responsible for choosing his/her WCD, the voice and/or data plan, and the wireless service provider. Since the WCD is the property of the employee, the WCD may be used for personal calls (see section concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e. the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier for support through which they purchased their WCD and/or their wireless service.

#### **IV. Changing or Ending a Wireless Service Contract Early**

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the WCD is no longer needed for business purposes, and if the employee does not want to retain the current contract for personal use only, changes or cancellation fees will be reimbursed by the Board. A final bill detailing the cancellation fee will need to be submitted to the Superintendent along with the appropriate reimbursement form before the Board will issue reimbursement to the employee.

The employee is solely responsible for the duration of the wireless service contract and should select the contract that best meets their personal situation. If the employee is non-renewed or voluntarily resigns while the wireless service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Purchase of the WCD is the sole responsibility of the employee and the device remains the employee's property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

#### **V. Safe Use of Board provided Cellular Telephones or Wireless Communications Devices**

Employee safety is a priority of the Board, and responsible use of Board provided cellular telephones or WCDs includes safe use.

Employee use of a WCD while operating a vehicle is strongly discouraged and may be against the law in certain areas. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

If an employee receives a call on a Board provided cellular telephone while traveling in a Board vehicle, the employee must pull the vehicle over in a safe location out of traffic in order to answer the call. When a call is placed or received on a bus, the Bus Aide should answer or place the call. If the Bus Driver is

required to talk on the telephone, the bus must be completely stopped and parked in a safe location while speaking.

**VI. Duty to Maintain Confidentiality of Personally Identifiable Information – Public and Board Record Requirements**

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to enrolled children and adults.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee using his/her personal WCD may constitute public records if the content of the message concerns Board business or a Board record if the content includes personally identifiable information about a child or adult enrolled. Wireless communications that are stored on a leadership member's WCD is considered a public record subject to retention and disclosure.

Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a discovery during litigation or other legal matters. Employees are required to comply with Board requests to produce copies of wireless communications in their possession that are either public records or Board records, or constitutes ESI that is subject to legal proceedings.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any enrolled child or adult, employee or other person on Board property, or while attending a board-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by a leadership employee or Superintendent.

Employees who store information on their WCD which includes personally identifiable information about a child or adult enrolled must ensure their phone is locked or password protected at all times. Should an employee's WCD become lost or stolen, the employee is obligated to notify their supervisor immediately. The Board has the option, at its sole discretion to erase any and all information considered content of the Board or a Board record, particularly if the content is assumed to include personally identifiable information about a child or adult enrolled.

**VII. Privacy Issues**

WCDs, including but not limited to those with cameras, may not be utilized at any time in any situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where children or adults may change clothes or be in any stage or degree of disrobing or changing clothes.

**VIII. Personal Use of WCDs While at Work**

During work hours personal communications made or received, regardless of whether on a WCD, or a regular telephone or network computer can interfere with employee productivity and distract others. Employees are expected to use discretion in using WCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

**IX. Potential Disciplinary Action/Termination of the Allowance**

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a telephone, Board provided cellular phone, or WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in disciplinary action up to and including termination. Misuse of a WCD by an employee will result in immediate termination of the allowance.

Employees receiving an allowance for the use of a WCD must sign a form indicating they are in receipt of this policy and understand and will comply with its contents.

Adopted: 10/22/2012