

**BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2011-38
CELLULAR PHONE POLICY**

RECITALS

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1953) provides that board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Board of County Commissioners has determined that it is necessary for certain Elected Officials/ Department Heads, Employees and Volunteer Fire District Chiefs to have cellular devices in order to protect the health safety and welfare of the County's citizens and property and / or to more efficiently perform the functions of County Government.

NOW THEREFORE BE IT RESOLVED THAT, the following Cellular Phone Policy is hereby adopted.

APPROVED, ADOPTED, AND PASSED on this 22nd day of March, 2011.

BOARD OF COUNTY COMMISSIONERS

DANIEL P. MONETTE, CHAIRMAN

PAULINE JARAMILLO, VICE-CHAIR

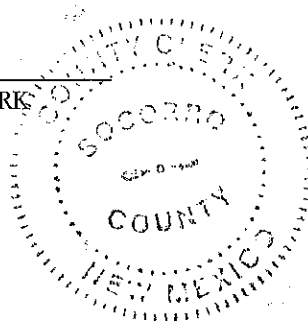
PHILLIP ANAYA

RUMALDO J. GRIEGO

JUAN JOSE GUTIERREZ

ATTEST BY:

REBECCA (BECKY) VEGA, COUNTY CLERK



Cellular Phone Policy

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I. PURPOSE

The purpose of this policy is to establish efficient and standard procedures with respect to:

1. Use of County owned cellular telephones and wireless personal digital assistant equipment used for County business
2. Use of personal cellular phones or PDA's required to be used for County business,
3. An individual's responsibility for cellular telephones, and
4. Management and control of costs of cellular telephone acquisition and services.

II. SCOPE

This policy applies to all County Issued Cellular Telephones and any Privately Owned Reimbursable Telephones required for County business. County Cellular Phones may only be issued to Socorro County elected officials, employees and Volunteer Fire District Chiefs.

III. Definitions

- a. Personnel. For the limited purposes of this policy only, Socorro County elected officials, employees and volunteer fire district chiefs, shall be referred to as "Personnel".
- b. County Issued Cellular Telephones. Cellular telephones purchased, owned and operated by Socorro County. The usage contracts for County Issued Cellular Telephones will be between the County and the service provider.
- c. Privately Owned Reimbursable Telephones. Cellular telephones and/or cellular devices which are privately purchased owned and operated by County Personnel but are subject to a limited reimbursement allowance for required County use. The usage contracts for Privately Owned Telephones will be between the owner and the service provider.
- d. County Cellular Phones. For the limited purposes of this policy only, both County Issued Cellular Telephones and Privately Owned Telephones may be collectively referred to as "County Cell Phones"

IV. POLICY

- a. County Cellular Phones are provided to improve customer service, to enhance business efficiency, to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants. County Issued Cellular Telephones are not a personal benefit and may not be used for personal communication.
- b. Personal use of a Privately Owned Reimbursable Telephone, while on County duty, that is excessive or disrupts the operation of the County Department is prohibited.

- c. With the exception of law enforcement officers and emergency services personnel in the case of emergency, personnel are prohibited from using County Cellular Phones without a hands free device while operating any motor vehicle (personal or County-owned). If it is necessary for law enforcement officers and emergency services personnel to read or write while taking the call, the employee should pull off the road. All personnel should take time to become familiar with the various cell phone functions. The cell phone should be placed where it is easy to see and reach.
- d. No personnel may have both a County Issued Cellular Telephone and a Privately Owned Reimbursable Telephone.

V. OWNERSHIP OPTIONS & RESPONSIBILITIES

a. Privately Purchased, Owned and Operated

Use of this ownership type is the preferred option for the business use of cellular phones and wireless PDA devices. Privately owned cellular phones and wireless PDA devices may be used for a combination of personal and business use. The County will provide a taxable allowance to eligible persons for the purpose of offsetting the costs for business use of such communication devices. This allowance will be determined by the Procurement Office, based on the Needs Assessment and following the tiered allowance in section VII.c. of this policy. The person receiving such allowance will be solely responsible for the costs of private ownership including but not limited to the purchase, activation, maintenance, support, monthly usage, late fees, interest, term commitment obligations and replacement of such devices, excessive plan use/overage fees, and any increase in personal income tax liability. Any person who receives a taxable allowance may add extra services, equipment or features as desired at his/her own expense.

b. County Purchased, Owned and Operated.

Use of this option shall be limited to those circumstances where the Department Head/Elected Official determines that no other suitable alternative exists to meet a special operational need. County owned cellular phones (no wireless PDA devices are eligible for this option) shall be used solely and exclusively for County business purposes except for rare and exceptional use necessary for personal emergencies as outline in section V.c.1.

VI. PROCEDURES FOR ISSUING A COUNTY CELLULAR PHONE

a. Issuance Standards

Department Heads/Elected Officials are responsible for conducting a Needs Assessment prior to authorizing the request for a County Cellular Phone. Approval of the issuance of a County Cellular Phone will be made by the County Manager or his/her designee. County Cellular Phones shall be issued to individual personnel only after determining the:

1. The Business need for cellular communication of the department and the individual personnel,
2. the amount of time the individual personnel spends away from the customary work site,

3. the need for immediate contact with the individual personnel,
4. benefits of cellular telephones versus the comparative cost of alternative and less expensive means of communication, and
5. public safety needs and personnel safety issues.

b. Acquisition Standards

After determining and approving the business need for a County Cellular Phone, the Department Head/Elected Official shall complete and submit a request for equipment and service to the Procurement Office under the County cellular phone plan/contract. The request shall include at a minimum:

1. The name of the individual personnel for whom the County Cellular Phone is being requested, and the cellular telephone number (if applicable)
2. Authorized Needs Assessment Form

County Issued Cellular Telephones, equipment and service shall be acquired in accordance with standard County procurement procedures, through County-issued contracts. All approved requests for cellular telephone equipment and service shall be filled only from the list of vendors' equipment and services promulgated by the Procurement Office. The requesting department shall work with the Procurement Office to determine the appropriate equipment and level of service based on demonstrated business need.

c. Usage Standards

1. County Cellular Phones shall be used for appropriate business purposes when a safe, convenient and less costly alternative is not available. Use of County Cellular Phones that hinders productivity, interferes with County use or is excessive is prohibited.
2. Only County Personnel, staff and other authorized persons conducting County business may use County Issued Cellular Telephones. Personal use of a County Issued Cellular Telephone is strictly prohibited, except in cases of personal emergency or when extended work hours, unexpected travel or other unanticipated changes in job-related circumstances require the employee to contact family members, teachers, doctors, child care providers or others affected by the change.
3. Personal use of a Privately Owned Reimbursable Telephone, while on County duty, that is excessive or disrupts the operation of the County Department is prohibited
4. An employee is eligible for reimbursement in the event that the employee uses a non-County Cellular Phone for County business where no other option was available and the call was urgent and necessary. After approval by the Department Head/Elected Official and with the appropriate documentation, reimbursement will be made for applicable air time.
5. Personnel are responsible for taking proper care of County Issued Cellular Telephones and reasonable precautions against damage, loss or theft. Loss of County Issued Cellular Telephones should be reported to the Department Head/Elected Official immediately then to the Procurement Office. Losses attributable to negligence shall be replaced by the employee and the cost for the phones replacement will be deducted from the employee's pay.
6. Personnel should bear in mind that cellular phone calls can be intercepted and should take proper precautions when discussing confidential information - discussions of confidential information over a cellular telephone should generally be avoided.

7. Departments may adopt more restrictive policies with respect to usage as their operations and circumstances warrant.
8. Department Heads/Elected Officials are responsible for periodically reviewing personnel's cellular telephone usage patterns. In the event cellular telephones no longer meet demonstrated business requirements, are unused, or no longer "fit" the subscribed service plan, the Department Head/Elected Official shall ensure the cancellation, reassignment, or adjustment of the cellular telephone services.

d. Compliance

1. Any person who uses a cellular phone or wireless PDA device for County business use shall comply with all local, state and federal laws and County policies related to such use
2. Monthly cellular telephone invoices detailing calls are sent by the vendor directly to the accounts payable office. Any invoices that exceed the plan limit will be forwarded to the Department Head/Elected Official. It is the responsibility of the Department Head/Elected Official to forward the original, appropriate invoice to the individual employee assigned a County cellular telephone prior to payment by the County. The employee shall review the bill overages for accuracy and identify any personal calls reported on the invoice. The employee shall further:
 - Sign and date the invoice,
 - indicate (highlight) all personal calls (if any) recorded on the invoice,
 - provide reimbursement to the county for emergency personal calls, as defined in section III.C.2 above within 30-days of invoice receipt
 - provide a written certification on the invoice that all personal calls were in accordance with section III.C.2 above, and reimbursement has been made to the County
 - attach a copy of the receipt for reimbursement for personal calls to the cell phone invoice
 - return the invoice and any payment for personal calls to the Department Head/Elected Official for payment by the County.
3. The Department Head/Elected Official or designee shall review all invoices returned for compliance with the above and for the purpose of identifying any equipment purchases, unexplained calls made on unusual days or at unusual times, repetitive calls, calls of long duration, long distance calls or calls incurring roaming charges.
4. In the event that individual personnel are found to have engaged in prohibited uses or have abused permissible uses, the County reserves the right to recover applicable costs, revoke cellular telephone privileges and to impose disciplinary action.

VII. ALLOWANCE PLANS FOR PRIVATELY OWNED TELEPHONES

a. Authority to Determine Appropriate Tier

The Finance Director or County Manager shall determine the appropriate tier allowance for each person within their area of responsibility who requires a cellular phone or wireless PDA for business use.

b. Basis of Allowances

This policy does not intend to cover the full cost of personally owned and operated devices. It does intend to cover the prorated cost for business use so that the County maintains responsibility for payment of its operational costs incurred by its personnel.

c. Cellular Phone/Wireless PDA Allowances

There shall be a multi-tier reimbursement plan based on the Needs Analysis as follows:

Tier	Amount Per Month	Eligible County Personnel
Tier 1	\$30.00	Regular- Non-Emergency Services Employees
Tier 2	\$45.00	1. Non-Emergency Services Department Heads & Elected Officials 2. Volunteer Fire District Chiefs
Tier 3	\$50.00	Non Supervisory law enforcement officers and emergency services personnel
Tier 4	\$60.00	1. Emergency Services Elected Officials and/or Department Heads 2. County Manager

d. Allowance Payment to Personnel

Any cellular phone/wireless PDA allowance will be paid bi-weekly through the County payroll system as taxable income upon receipt of an allowance agreement approved by the Finance Director or County Manager along with an approved personnel action form.

This agreement will be completed for any new, change or cancellation of services or eligibility for any allowance. No allowance will be paid once an employee remains on paid leave status or in an unpaid leave status for more than two payroll periods, is permanently assigned a County owned and operated cell phone or terminates service coverage.

The taxable allowance will be paid starting the first full month of cellular phone/wireless and/or data service coverage.

1. Allowance Change/Cancellation

Any person who receives a monthly allowance and thereafter terminates service, receives a substitution of County owned and operated equipment or moves to an unpaid leave status, shall submit to their supervisor a revised allowance agreement indicating the change. Department Head/Elected Official shall transmit such document with an approved personnel action form for any allowance change or cancellation of allowance to the Finance Director. Terminations/changes will occur effective the first full month after receipt in the Payroll Department. No retroactive adjustments will be processed.

e. Personally Owned Reimbursable Telephone Use Conditions

In consideration for receiving an allowance under this policy personnel must provide their cellular service records to the County Finance Office for usage audits when required to do so. Any failure to provide records within one week of receiving the request will subject the individual to loss of allowance privileges and possible disciplinary action.

Attachment 1: Needs Assessment Form

	Business Justification
Department	
Personnel Name/Position	(if this a department phone for department use, please indicate here)
Business Need	
Percentage of time spent away from the office	
Need for immediate contact with employee	
Benefits of cell phone vs. comparative costs of alternative means of communication	
Public Safety Needs	
Cellular Service Options Required (provide business justification for each option checked):	
<input type="checkbox"/> Call forwarding	
<input type="checkbox"/> Call waiting	
<input type="checkbox"/> Caller ID	
<input type="checkbox"/> Follow-me calls	
<input type="checkbox"/> Follow-me roaming	
<input type="checkbox"/> Voice messaging	
<input type="checkbox"/> Mobile to mobile	
<input type="checkbox"/> Roaming	
<input type="checkbox"/> SMS Text Messaging	
<input type="checkbox"/> MMS Messaging	
<input type="checkbox"/> Three way calling	

Department Head/Elected Official Signature

Date

COUNTY MANAGER USE ONLY

Approved- County Issued Cellular Telephone Privately Owned Reimbursable Telephone

Request for a County Cellular Phone is denied

County Manager

Date

Attachment 2: Privately Owned Reimbursable Telephone Allowance Agreement

This agreement made by and between _____, (employee) and the County of Socorro (employer).

It has been deemed that in accordance with the County's Cellular Phone Policy _____ is required to have access to a cell phone in order to conduct county business. The county agrees to reimburse the employee in the amount of \$_____ per pay period in order to cover the prorated cost for business use so that the County maintains responsibility for payment of its operational costs incurred by its employees. The employee understands that payment to the cellular plan provider for service and equipment is the responsibility of the employee and the County will not in any way be held responsible for the payment of those bills. It is further understood that all equipment (cell phone) necessary to carry out the contents of this agreement is the responsibility of the employee and shall be in workable condition for the duration of this contract.

If it is determined (by the County) that the cell service package referenced herein is not adequate for conducting County business, a subsequent agreement will be entered into by both parties. The employee agrees:

1. That the use of my personal cellular telephone for County business is a voluntary program.
2. To carry my personal cellular telephone in a manner that provides reasonable access and availability at all times.
3. That because I am willing to use my personal cellular telephone for official County matter, the County of Socorro will reimburse me with the bi-weekly allowance listed above; the reimbursement will be included in my regular pay check; and that allowance is considered W-2 wages for federal income tax purposes and will be subject to all required employment and income tax withholdings.
4. That the use of my cell phone for County business shall not be considered a right or obligation or past practice and is not an ongoing benefit that is included in my overall compensation package;
5. That I have fully read and agree to the terms, use and policies listed in the Socorro County Cellular Phone Policy.
6. To respond to County related calls when received (or message is received).
7. Provide the telephone number to:
 - a. Anyone who request it in the conduct of County business, and;
 - b. County personnel.
8. Provide the County Finance Office with a copy of the cellular use record within seven (7) days of official request.
9. That this agreement may be terminated by either party upon fourteen (14) days notice for any reason.
10. That I am solely responsible for the costs of private ownership of my cell phone: including but not limited to the purchase, activation, maintenance, support, monthly usage, late fees, excessive plan use/overage fees, interest, term commitment obligations and replacement of such devices and any increase in personal income tax liability.

Personnel

Date

County Manager

Date

Attachment 3: County Issued Cellular Telephone Use Agreement

This agreement made by and between _____, (employee) and the County of Socorro (employer).

It has been deemed that in accordance with the County's Cellular Phone Policy _____ is required to have access to a County Issued Cellular Telephone order to conduct county business.

If it is determined (by the County) that the cell service package referenced herein is not adequate for conducting County business, a subsequent agreement will be entered into by both parties. The employee agrees:

1. To assume full responsibility for any and all costs in excess of plan limits as outlined in the Cellular Phone Policy.
2. To authorize the withholding of funds from the employee paycheck, any amount necessary to pay for charges the County incurs as a result of excessive use as outlined by policy.
3. To authorize, in the event the relationship between the employee and the County is terminated, the County to withhold any and all of the employee's final paycheck until such a time as the County is notified by the cellular vendor that all charges and obligations for service are within plan limits.
4. To carry the County Issued cellular telephone in a manner that provides reasonable access and availability at all times.
5. That the use of a County Issued cellular telephone for County business shall not be considered a right or obligation or past practice and is not an ongoing benefit that is included in my overall compensation package;
6. That I have fully read and agree to the terms, use and policies listed in the Socorro County Cellular Phone Policy.
7. To respond to County related calls when received (or message is received).
8. To Provide the telephone number to:
 - c. Anyone who request it in the conduct of County business, and;
 - d. County personnel.
9. That this agreement may be terminated by either party upon fourteen (14) days notice for any reason.

Personnel _____ Date _____

County Manager _____ Date _____