

CITY OF TRACY
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: CELL PHONE ALLOWANCE

Policy

DATE ISSUED: July 1, 2020

SECTION: C

REFERENCE Resolution 2011-003

SECTION 1: PURPOSE

The purpose of this policy is to identify the City's cell phone allowance terms and conditions.

SECTION 2: POLICY

1. Cell Phone Allowance: Per Resolution 2011-003 the City Council authorized the City Manager to designate those City employees who will receive a cell phone allowance. The City supplied cell phone allowance is issued solely as directed by the City Manager or designee and can be revoked at any time. The monthly cell phone allowance is intended to cover the employee's projected business-related cell phone calls, text messages and data use only and not for the use of personal business matters.

2. Amount of Cell Phone Allowance: The City Council authorized a cell allowance in the amount of \$30 per month for regular plans and \$55 per month for data plans. The City will not pay excess of the City Council approved allowance.

SECTION 3: TERMS AND CONDITIONS

1. Agreement between City and Employee: Employees agree to the following terms and conditions for receipt of a City of Tracy cell phone allowance and understand and agree to the following:

(a) Designated employees must maintain cellular phone service to remain eligible for the monthly allowance provided by the City. Designated employees shall provide documentation upon request to verify continued ownership and business use of a cell phone to maintain their monthly allowance. Failure to supply such documentation upon request will result in the termination of the cell phone allowance.

(b) Designated employees receiving an allowance are expected to be available via cell phone during normal business hours, as workload requires, per schedule, while on-call duty, in emergencies, or as agreed upon with their supervisor.

(c) Those receiving a cell phone allowance shall provide their cell number and any subsequent changes to the number to their department director or supervisor within three (3) days of such change.

(d) Employees receiving a cell phone allowance are responsible for purchase, replacement, and/or repair of their cell phone, accessories and equipment. Employees concerned about the cost of replacement of a cell phone are encouraged to consider replacement insurance option with their cell phone service provider.

(e) California law requires that all motorists use a hands-free (such as Bluetooth) device when using mobile communications units while driving. If an employee is cited by law enforcement, or suffers or causes any other damage, for use of a cell phone while driving, the repercussions are the sole responsibility of the employee.

(f) Cell phone allowances are considered taxable income by the IRS and the City will include such as taxable compensation on the employee's W-2.


(g) California case law and the Attorney General's Office define a record as being anything that is retained because it needs to be kept as a matter of law, or because it is necessary or convenient to the discharge of a City employee's duties. Employees that keep any record, including text messages, pertaining to City business on their phones for the purposes of future reference must, as soon as practicable, also make those records available on a City owned server or hard file either by forwarding or transcribing such records (if they are not easily transferrable electronically) to City maintained electronic or hard copy files. This policy is for ease of searching if a Public Records Act request is received for such records (otherwise, each employee's cell phone would need to be searched for responsive records). Also, almost all records that are kept anywhere in the City because they are necessary or convenient to the discharge of City business must be retained for at least three years after creation. Employees are encouraged to use their City issued email address (ending in @cityoftracy.org) for correspondence related to City business because such emails are readily searchable and will be retained and managed pursuant to the City Council adopted retention schedule without the need to forward the message to a City owned server. Text messages pertaining to City business that employees retain for future reference must be forwarded or otherwise copied to such email or a relevant City owned file. Text messages, voicemail messages, and emails that are the equivalent of a face to face or telephone conversation for which employees would not have taken notes to memorialize (such as a question regarding an employee's availability to meet) do not need to be retained unless retained for the purpose of discharging an employee's duties.

(h) Designated employees will receive either an allowance for a regular cell phone (calling, texts, pictures, voice mail) or for data phones (those capable of connecting to the internet and accessing e-mail on the City's e-mail exchange server).

(i) Employees receiving a cell phone allowance may obtain phone service via any carrier providing cell phone coverage in Tracy. However, those receiving a data allowance will need to use a phone that supports Exchange ActiveSync for email, calendar and contacts. Devices that are compatible with Exchange ActiveSync will be supported by the I.T. Division. Such phones include Androids, iPhone, Windows Mobile, or Palm phone. Blackberries are not currently supported and as such, no data allowance will be provided for Blackberry phones at this time.

(j) Employees designated by the City Manager or designee to receive the monthly cell phone allowance will be required to agree to and sign *The City of Tracy Cell Phone Allowance Terms and Conditions* agreement. Once the employee has signed the agreement, the employee's department will need to forward a completed Personnel Action Form (PAF) along with a copy of the signed agreement to the Human Resources Department.

Approved as to form:

 Digitally signed by Leticia M. Ramirez
Date: 2020.07.30 11:23:07 -07'00'

Leticia Ramirez, City Attorney

Policy Approved by:



Jenny Haruyama, City Manager