

**Town of Guilford
223 Marble Road
Guilford, NY 13780**

POLICY AND PROCEDURE

CELL PHONE USAGE

Policy: It is the policy of the Town of Guilford to establish a standard for the usage of Town owned cell phones. The policy applies to all employees of Town of Guilford who (1) drive on Town of Guilford business in any vehicle, personal, or otherwise, (2) drive a company vehicle, whether on company business or not, (3) place work-related calls, whether driving on company business or not, and (4) use a company-issued cell phone or other electrical device while driving.

Definitions:

Cell phone (also known as a mobile phone, smart phone, handheld cell or handset) – a mobile electronic device that engages in telecommunications including voice calls, text messaging/short message service (SMS) and/or e-mail. Cell phones also may include features like complete Internet access, games, multimedia messaging service (MMS), instant messaging (IM) service, digital audio (MP3) players, cameras, radios and global positioning systems (GPS). Any device that engages in these functions is included in this policy.

Electronic device – in this policy, electronic device means any portable apparatus that involves user interaction. This includes, but is not limited to, laptops, GPS systems, MP3 players, cameras, pagers and personal digital assistants (PDAs).

Headset (also known as hands-free) – an extension of the cell phone either connected to the handset via cord or wirelessly through Bluetooth technology that allows the user to engage in voice communication without holding onto the cell phone itself.

Procedure:

1. Town cell phones may be issued to employees whose responsibilities include frequent communication while traveling and/or away from their permanent workstation. The Town Supervisor will make the determination of which employees will be issued a cell phone.
2. The cell phone will be issued with a battery, wall charger, belt clip, and instructional manual.
3. The employee will be issued the cell phone policy & procedure and will be required to sign it.
4. If employment is interrupted by extended sick leave, phone service may be suspended while the employee is on leave.

5. Town of Guilford is not responsible for any traffic violations or parking tickets acquired by violation of city ordinance, state, or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for Town of Guilford.
6. Use of cell phones while driving is strictly prohibited – this includes all functions of the cell phone including, but not limited to, phone calls, text messaging/SMS, e-mail, MMS, Internet use, camera use, etc.
7. Use of electronic devices – including laptops, PDAs, cameras and pagers – while driving is strictly prohibited
8. The use of headsets or hands-free devices while driving is permissible IF:
 - a. Device is pre-approved by Town of Guilford for use.
 - b. Use of the device does not cause distraction (ex: fiddling with the device or taking eyes off road to get it to function properly).
 - c. Any dialing or use of the handset is handled while stopped or pulled to the side of the road.
 - d. Conversations do not interfere with the driver's ability to drive safely.
 - e. Road conditions are generally good and do not threaten your safety.
9. Voicemail must handle all calls while driving, and calls may only be returned when stopped or pulled off the road.
10. Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance.
11. Regular callers must be informed that you will not be available while driving and should be notified of the best times to call based on driving schedule.
12. Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker call back at a more appropriate time.

Personal Use:

1. Employees are permitted minimal personal use only of the town's cell phone, except in cases of an emergency, which is always permitted. An example of an emergency would be vehicle mechanical problems or concerns for his/her personal safety.
2. All calls made for emergency reasons must be documented in writing and retained by the employee for potential future inquiry.
3. Making daily or regular calls for any reason to family members or friends under non-emergency circumstances is considered excessive personal use.

Cell Phone Invoice Review:

1. The Town Supervisor is responsible for monthly cell phone invoice review. Cell phone usage that is significantly above the average number of minutes used, calls to the same phone number, significant usage before or after regular work hours or on weekends, and/or long distance calls outside the 607 area code will be analyzed by the Town Supervisor for possible misuse. The Town Supervisor will review and may require a written explanation of cell phone usage from the employee.
2. When required to provide a written explanation, the employee must explain the usage of the cell phone in questions within seven (7) workdays.

3. The Town Supervisor may request reimbursement for cell phone usage. Such reimbursement will be requested in writing. The employee may appeal the determination with the Town Board.

Proper Care and Repair:

1. The Town cell phone and its accessories are defined as official property of the Town of Guilford.
2. Employees are responsible for the proper care of the phone and accessories. Proper care means that cell phones and accessories are maintained in the condition in which they were issued, absent normal wear. Employees are encouraged to save the box in which the phone and accessories were provided.
3. Upon separation from the Town, the phone and its accessories must be returned to the Town immediately.
4. To request repair of the phone, the Town Supervisor must be notified. The employee must deliver the phone to the Town Supervisor.
5. The Town Supervisor will determine if repair or replacement is the best option.

Cell Phone Damage or Loss:

1. Employees are responsible for proper and reasonable safeguarding of the phone.
2. Employees assigned cell phones should maintain the phone on their person at all times during duty hours. If the phone is not in use, maintain the telephone in a secure manner. At all times, the employee must safeguard the phone against loss or theft.
3. If the Town's cell phone is lost or stolen, the employee must contact the cell phone provider within 24 hours to cancel service. The employee must also notify the Town Supervisor within 72 hours. The employee must notify the Supervisor in writing explaining the circumstances in which the phone was lost or stolen.
4. The Supervisor will make the determination if the loss or theft of the phone was a gross negligence or reckless conduct on the part of the employee. If gross negligence or reckless conduct is determined, the employee will be required to reimburse the Town the cost of the phone. The employee may appeal to the Town Board.

Violation of Cell Phone Policy

1. Violation of the Town of Guilford cell phone policy may be grounds for disciplinary action up to and including termination for misconduct.

Adopted: December 14, 2011