

	Cellular Telephone Policy & Procedure Adopted 09/95, Revised 08/98, 06/05, 03/06 October 2016		
Human Resources	Administrative Policy & Procedure 8-050	Page 1 of 6	

1.0 Objective and Responsibilities

Columbia Basin College (“CBC” or the “College”) recognizes cellular telephones, for certain personnel, are valuable tools that aid the College in conducting business in an effective and timely manner. These tools assist with employee productivity and promote public and employee safety. This procedure provides guidance regarding the review, approval, ordering, and support of cellular phones or allowances for cellular phone usage.

2.0 Limitations and Requirements

2.1 CBC may issue cellular phones or allowances for the use of such devices to College employees as an essential tool for properly performing his or her duties. The approval for a phone or allowance is based on one or more of the following job requirements:

- 2.1.1 The employee’s job requires field work or travel where landline phones are inaccessible or inefficient;
- 2.1.2 The employee’s job requires immediate or on-call availability;
- 2.1.3 The employee needs a cellular phone for work-related safety, security, or other emergency reasons;
- 2.1.4 The employee’s job requires real-time communication, including e-mail; or
- 2.1.5 Other requirements as defined and documented by the College.

2.2 There are two acquisition methods for cellular phones.

- 2.2.1 Method One: CBC-issued cellular phone. The procedure for a CBC-issued phone is provided in Section 3.0, below.
- 2.2.2 Method Two: Allowance for cellular phone. The procedure for the allowance method is provided in Section 4.0, below.

2.3 Compliance with Laws. CBC employees must comply with all applicable laws while driving during performance of duties. Use of a phone in any manner contrary to local or state laws may result in the immediate termination of the cellular phone allowance or removal of the CBC-issued equipment. Additionally, a citation for violation of the law issued by law enforcement is the employee’s sole responsibility.

2.4 Compliance with College Policies and Ethics in Public Service Act. Employees who use CBC-issued phones or an allowance must comply with CBC policies, including but not limited to: Acceptable Use of Information Technology Resources, Standards of Conduct, Ethics in Public Service, Public Records. These and other CBC policies are found on the CBC website under Employee Resources. Understanding the requirements and limitations of using CBC-issued equipment or conducting business on a personal phone are the employee’s responsibility.

- 2.5 Safety and Security. Employees must follow security standards and laws such as FERPA, HIPAA and have situational awareness when conversing about student or employee matters that are subject to laws or considered confidential information. Cellular device activity and transmissions may not always be secure.
- 2.6 Public Disclosure and Records Retention. Any writing, including e-mails, texts, pictures, and other data, created while conducting College-business can be considered a public record under the Public Records Act and subject to disclosure under a public records request. Whether e-mails, texts, picture and other data is a business record subject to disclosure is determined by the content, not whether the device used is CBC-owned or personally owned. Some examples of business records includes correspondence or memoranda related to official business; documentation of actions, decisions, operations, and responsibilities, documentation of legal or audit issues; documents that initiate, authorize, or complete a business transaction; final reports or recommendations. See limitation for texting below.
- 2.6.1 Records Management. State and local government agencies are required by law to retain records for different periods of time depending on the content, function and purpose of the record. Employees are responsible for managing and retaining public records related to cellular device usage in accordance with records retention schedules. CBC, as an institution of higher education is responsible for complying with the General Retention Schedule for Washington's Community and Technical College System schedule. The retention period depends on the content of the document under this schedule. Criminal penalties, including fines and imprisonment can be assessed for the intentional destruction of public records.
- 2.6.2 Text Messaging for Transitory Use Only. CBC has a responsibility for ensuring that business records conducted via text messaging are appropriately retained. If a text message relates to the conduct of public business, then it is a business record. Unlike e-mails in which a record is created in Outlook on the College's server, text messages are stored on the individual device without creation of a secondary record on the College's server. As is the case with public records, the content determines whether the record is a business record subject to retention. See example provided in Section 2.6 above. To avoid having issues with records retention related to text messages, the College is limiting text messaging to transitory information only. This is the College's directive regardless of whether the text messaging is performed on a CBC-issued cellular phone or on a personally-owned cellular phone.
- 2.6.2.1 Transitory records have no administrative, legal, fiscal or archival value and document information of temporary, short-term value (provided that the records are not needed as evidence of a business transaction and are not covered by a more specific records series on the retention schedule). Transitory records can be deleted when their purpose has been fulfilled. Examples of transitory records include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to retirement parties, drafts.
- 2.6.2.2 If an employee unexpectedly creates or receives a text message that contains a business record, based on content, the text message needs to be retained pursuant to the retention requirements. Simply storing the

text message is unlikely to be sustainable and will make it harder to locate. The employee must either snapshot the text message and send it to the employee's e-mail address through the College's Outlook system or contact the Information Services Department to determine how to transfer the message(s) to the College's network server.

2.6.2.3 Assistance may be sought from the College's Public Records Officer, who is the Vice President for Human Resources & Legal Affairs.

2.7 Compliance with Wage Laws and Applicable Collective Bargaining Agreement. Overtime eligible employees, whether represented or unrepresented for collective bargaining purposes, are responsible for the performance of duties and responsibilities as assigned by the supervisor and within the scheduled work hours. Issuance of a College-owned phone or allowance under this Policy does not imply that work is performed outside of scheduled work hours and unless overtime is approved by the supervisor, no employees should take it upon themselves to use a CBC-issued cellular phone or allowance for a personally-owned cellular phone to respond to non-supervisor communications (i.e., text messages, e-mails, telephone calls, etc.). An exception to this is when the supervisor communicates for the purposes of assigning overtime, call-back or other type of work which is compensated as appropriate. An overtime eligible employee who performs work outside of the regular schedule without supervisor approval will be compensated for the work performed, but will be considered for disciplinary action as appropriate and in compliance with any applicable civil service rules, collective bargaining agreement or laws.

3.0 Method One: CBC-Issued Cellular Phone

3.1 Employees whose work duties meet Section 2.1 above may request to receive a CBC-issued cellular phone to use for business purposes using the procedure below. Note: Employees, whose work duties meet Section 2.1 and are approved for CBC-owned cellular phones, are not also eligible for allowances under this Policy.

3.2 Appropriateness of Use.

3.2.1 The Employee must evaluate when use of the cellular device is most cost effective and efficient communication method (e.g., versus desk phones, SCAN long distance or any issued calling card). CBC-issued cellular telephones should not be used by employees for routine calls when regular land line telephones are available.

3.2.2 CBC-issued cellular phones must be used for performance of work duties with a general prohibition from using phones for personal use; however, infrequent or occasional and brief use that results in little or no actual cost to the College is allowed.

3.2.3 If it is determined the cellular phone is used beyond an infrequent or occasional and brief amount for personal use, disciplinary action and/or reimbursement will be considered for the employee. Use that exceeds this amount is interpreted as use that is greater than five (5) percent of the plan per calendar month.

3.3 Monitoring of Use. CBC reserves the right to monitor the use of all CBC-owned cellular phones and services. Employees should not expect privacy in their use of CBC-issued equipment and services. Use of the phones and services are subject to review where the

supervisor suspects abuse (under an electronic monitoring plan) or by the College for more emergent issues of safety related to use of the cellular phone. Additionally, the use of phones and services are subject to regular auditing by the College's Internal Audit Program to ensure compliance with this Policy (i.e., appropriate issuance and use of devices or services, including employee eligibility, plan usage and billing).

- 3.4 CBC reserves the right to terminate authorization of issuance of cellular phones at any time. CBC also reserves the right to switch to the Allowance Method.
- 3.5 Procedure for requesting a College-issued cellular phone:
 - 3.5.1 Employee reviews the CBC Cellular Telephone Policy and Procedure.
 - 3.5.2 Employee completes a request for issuance of a CBC-owned cellular phone to immediate supervisor for consideration. The form is titled Cellphone Request & Acknowledgement – CBC-Issued in the e-form directory on the CBC website. Included in this form is acknowledgement language related to information and terms noted in this Policy. Prior to submitting the request, the employee may want to discuss the employee's interest, review of work duties, and the service plan types (i.e., voice, text messaging, data) needed and the service plan limits (i.e., call minutes, data usage). Assistance related to the types of plan and service can be requested of the Purchasing & Materials Management Department.
 - 3.5.3 After receipt of the request, the supervisor should use his/her knowledge of the employee's duties to determine eligibility for issuing a CBC-owned cellular phone. Budget implications should also factor into the decision as all cellular phone charges must be covered by the department's budget. If the supervisor agrees with the request, the supervisor is responsible for routing the request to the applicable vice president for consideration.
 - 3.5.4 The vice president determines whether to authorize issuance of a CBC-owned cellular phone. If approved, the request form is routed to the Purchasing & Materials Management Department for issuance.
 - 3.5.5 Once the phone is received and service is arranged, the Purchasing & Materials Management Department will contact the employee. Note: If the employee wishes to change to a different cellular carrier and retain an existing telephone number, the employee must make arrangements to transport the number prior to terminating the current service. The Purchasing & Materials Management Department provides assistance with this process, though there is no guarantee of transporting numbers between carriers. Changing carriers will, in most cases, require the purchase of new equipment.
 - 3.5.6 If the cellular phone is capable of e-mail transmission or Internet access (i.e., smartphones and tablets), the employee may need to contact the IT Services Help Desk for assistance with equipment configuration.
- 3.6 The cellular phone used by the employee under the CBC-issued method is the property of the College. Further, contractual details and arrangements with the communications provider are the responsibility of the College, not the employee. If a change to the service plan is desired, the employee must contact the Purchasing & Materials Management Department, though any upgrade to the plan (i.e., call minutes, data, etc.) will require approval of the supervisor.

- 3.7 Employees are responsible for the safekeeping, care, and custody of the cellular phone assigned to them. Cellular phones may not be transferred to any other individual (If the position no longer necessitates a CBC-owned device, the device should be returned to the Purchasing and Materials Management Department).
- 3.8 The employee must report lost, stolen or suspected fraudulent use of the assigned device immediately to the Purchasing & Materials Management Department and Campus Security (if occurred in Campus). The cellular device may be wiped remotely to protect information.
- 3.9 Use of CBC-issued cellular phone may be discontinued if the employee's responsibilities change or without cause as determined by the vice president of the applicable division.
- 3.10 The employee must return the device to the Purchasing and Materials Management Department when it is no longer needed and/or the employee ends employment with CBC.

4.0 Method Two: Allowance for Cellular Phone

- 4.1 Employees whose work duties meet Section 2.1 above may request to receive an allowance for using a personal cellular phone or device for business purposes, but not both. Note: Employees, whose work duties meet Section 2.1 and are approved for an allowance, are not also eligible for issuance of CBC-owned cellular phones and services under this Policy
- 4.2 CBC's President's Cabinet will establish the maximum monthly allowance annually. Changes to the amount will take effect on July 1 following the approved change. As of July 1, 2016, the monthly allowance is \$30.00 for phone and/or data to help cover the incremental business related costs associated with this usage. The maximum allowance is \$30.00 per month.
- 4.3 By accepting an allowance, the employee must agree to have the cellular phone available for the performance of responsibilities. In general, this means that the cellular phone must be in possession of the employee and turned on during business hours to receive phone calls, access voicemail and/or send/receive electronic mail (if applicable). Specific details related to your availability during non-business hours will be left to the individual and respective supervisor based on the unique circumstances of the job.
- 4.4 Procedure for requesting an allowance for business use of a personal cellular phone:
 - 4.4.1 Employee reviews the CBC Cellular Telephone Policy and Procedure.
 - 4.4.2 Employee completes a request for allowance to their immediate supervisor for consideration. The form is titled Cellphone Request & Acknowledgement – Allowance in the e-form directory on the CBC website. Included in this form is acknowledgement language related to information and terms noted in this Policy.
 - 4.4.3 After receipt of the request, the supervisor should use his/her knowledge of the employee's duties to determine eligibility for approving the allowance. Budget implications should also factor into the decision as all cellular phone charges must be covered by the department's budget. If the supervisor agrees with the

request, the supervisor is responsible for routing the request to the applicable vice president for consideration.

4.4.4 The vice president determines whether to authorize the allowance. If approved, the request form is routed to Payroll for processing.

4.4.5 Once the authorization is received by Payroll, the allowance will be paid semi-monthly as part of the employee's regular paycheck.

4.4.5.1 The allowance is not subject to taxation as it complies with the Office of the Chief Information Officer Cellular Device Regulations in Policy 191 and IRS Regulations.

4.4.5.2 The allowance will be charged to the employee's respective departmental budget.

4.4.6 CBC reserves the right to discontinue an employee's allowance when the first of the following events occurs:

4.4.6.1 Insufficient budget to meet the cost of authorized allowance.

4.4.6.2 Employee's duties no longer warrant an allowance.

4.4.6.3 Employee termination of employment.

4.4.6.4 A decision to terminate the allowance for any other reason at the discretion of the College.

4.5 The employee is responsible for purchasing the right device, service plan and coverage. The cellular phone used by the employee under the Allowance Method is the property of the employee. Further, contractual details and arrangements with the communications provider are the responsibility of the employee, not CBC. Under no circumstances will CBC be responsible for personal cellular phone contractual agreements. CBC does not reimburse employees for business-related calls made on personal cellular phones.

4.6 Employees of Washington State agencies (including CBC) are eligible to service plan discounts (typically 15%) from major carriers on their personal plans. CBC employees are encouraged to request this discount for new or existing accounts. An employee ID card may be required to receive the discount.

4.7 Disclosure of records. Use of personal equipment for state business purposes may require the employee to disclose call records. For example, e-mail records related to CBC business which are contained on personal phones may be subject to public disclosure and discovery requests, and must be provided to the College's Public Records Officer when notice is provided of a public records request.