

Sarpy County, Nebraska
Cell Phone Compensation and Use Policy
08-20-13

1. **Purpose:** The purpose of this Cell Phone Compensation and Use (Policy) is to establish guidelines for cell phone use and compensation that is uniform, efficient to manage, and complies with state and federal regulations.
2. **Compliance:** The use of cell phones by the public officials and public employees of Sarpy County is governed by State Statutes §49-14,101.01 to §49-14,101.03, IRS Notice 2011-72, this Policy and Rule 4 Regulation 7 of the Sarpy County Personnel Rules and Regulations. (See Exhibits C-1 to C-3)
3. **Application:** This Policy applies to Elected Officials, Department Heads, Appointed Officials and staff who are authorized to use a cell phone and/or associated wireless services for County Business and who receive compensation from the County to offset the cost of the cell phone for Business-related calls or who receive a County-provided cell phone. This policy does not apply to employees of the Sheriff's office. The Sheriff's office should establish formal procedures that will apply to all Sheriff's employees. Such procedures must comply with the regulations stated in Section 2 above.
4. **Transition:** Sarpy County currently allows many different options for cell phone usage:
 - 4.1 Current options
 - 4.1.1 County purchases the phone and pays for all monthly charges.
 - 4.1.2 County purchases phone and employee pays for all monthly charges.
 - 4.1.3 County purchases the phone and pays for monthly charges, but employee makes reimbursement for personal use.
 - 4.1.4 Employee owns the cell phone and pays for all monthly charges but claims reimbursement for County Business use.
 - 4.2 Intention regarding County-purchased cell phones
 - 4.2.1 It is the intention of Sarpy County to limit the provision of County-purchased cell phones and County-funded phone plans and move to providing compensation for personally owned cell phones for the following reasons:
 - 4.2.1.1 To provide uniformity in expenditures for cell phone costs.
 - 4.2.1.2 To streamline documentation procedures.
 - 4.2.1.3 To streamline accounting procedures.
 - 4.2.1.4 To reduce the chance for inadvertent illegal private use of a public resource.
 - 4.2.1.5 To allow for the legal combination of personal and County Business use.

- 4.3 Existing County-purchased cell phones
 - 4.3.1 County employees in possession of County-purchased cell phones will be allowed to purchase the cell phone as set forth in Section 4.3.2 and may have the service provider transfer the service into their name. Employees that do not wish to purchase their County-purchased cell phone should turn the cell phone in to the Purchasing Department within 60 days of the adoption of this Policy.
 - 4.3.2 County employees may purchase their County-purchased cell phone as follows:
 - 4.3.2.1 Basic cell phone \$5.00
 - 4.3.2.2 Smart phone \$20.00 – one (1) year or older
 - 4.3.2.3 Smart phone \$40.00 – less than one (1) year old
 All cell phones purchased are done so on an “as is” basis, there are absolutely no guarantees (nor can any be made), expressed or implied regarding the condition or operation of the cell phone and no refunds. All sales are final.
 - 4.3.3 The Purchasing Department will periodically offer surplus cell phones for sale to the public. County employees are eligible to bid on surplus cell phones.
 - 4.3.4 The Purchasing Department will request Information Systems staff to “wipe clean” all surplus phones before disposal.

5. **Definitions:**

- 5.1 Cell phone will include the following:
 - 5.1.1 Cell phone
 - 5.1.2 Mobile phone
 - 5.1.3 Smart phone
- 5.2 County employees will include the following:
 - 5.2.1 Elected Officials
 - 5.2.2 Appointed Officials
 - 5.2.3 Department Heads
 - 5.2.4 Staff of above
- 5.3 County Cell Phone Committee will be comprised of the following:
 - 5.3.1 One Elected Official selected by the other Elected Officials
 - 5.3.2 One County Board member selected by the County Board Chairman
 - 5.3.3 The County Administrator
 - 5.3.4 The Information Systems Director
- 5.4 County Business:
 - 5.4.1 Means cell phone use required to accomplish duties in the employees job description and not for the personal convenience of the employee.

6. **Policy:** County employees whose job requires them to use a cell phone for County business, as outlined in this Policy, may use a personal cell phone service for County Business use and will be eligible to receive a monthly reimbursement for that service.

- 6.1. Cell Phone Reimbursement for Personal Phone Used for County Business
 - 6.1.1 Eligibility for Cell Phone Reimbursement

- 6.1.1.1 The cell phone reimbursement agreement (Exhibit B) must be approved by the County Elected Official/Department Head and the County Cell Phone Committee
- 6.1.1.2 The Cell Phone Committee will base its decision for approval or denial of the Cell Phone Agreement on a bona fide need for business use rather than personal convenience. Examples are set forth in Exhibit C-2.
- 6.1.1.3 The County may provide a cell phone reimbursement to a County employee if at least one of the following criteria is met:
 - 1. The job requires considerable time outside the office or away from workstation (job, need, travel, meetings, etc.) and use of the cell phone facilitates the effective conduct of business operations while away.
 - 2. The job requires the County employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
 - 3. Job duties away from the office may expose the County employee or other to immediate harm or danger. (e.g. Pre-Trial Release).
- 6.1.1.4 The reimbursement will be charged to the corresponding department's telephone budget by the County Elected Official/Department Head, who must ensure availability of funding. Department eligibility criteria can be more (but not less) restrictive than the County criteria stated in this Policy.

6.2 Personal Cell Phone Reimbursement Amount

- 6.2.1 The monthly cell phone reimbursements are shown in Exhibit A of this Policy. The reimbursement is intended to reimburse the County employee for the average County Business use of the cell phone, not to pay the entire phone bill. The amount of the reimbursement should be commensurate with the requirement for County Business use and may be reviewed and confirmed periodically by the County employees' Elected Official/Department Head and the County Cell Phone Committee.
- 6.2.2 Eligibility for the reimbursement and the level of the reimbursement provided is subject to change or cancellation as determined by the County Elected Official/Department Head and confirmed by the County Cell Phone Committee.
- 6.2.3 The monthly reimbursements are not considered part of base pay used for calculating percentage salary increases.
- 6.2.4 The monthly reimbursement as shown in Exhibit A includes partial compensation for cell phone insurance that may be required by the Elected Official/Department Head to ensure that a broken or lost cell phone is repaired or replaced in a timely manner.
- 6.2.5 Elected Official/Department Heads or the County Cell Phone Committee may periodically request documentation of business use to determine the appropriateness of eligibility and level of the reimbursement amount.

Personal information may be redacted prior to submission. If requested information is not provided, the reimbursement may be discontinued.

- 6.2.6 Payment: Any cell phone reimbursement will be paid through the County claims system as non-taxable income upon receipt by the County Clerk's Office of an authorized Cell Phone Reimbursement Agreement. Such forms shall be completed for any new, change or cancellation of services or eligibility for any reimbursement. A reimbursement may not be paid if a County employee remains on paid leave status or in an unpaid leave status for more than three payroll periods at the discretion of the Elected Official/Department Head. Additionally, no reimbursement will be paid if a County employee cancels cell service.
 - 6.2.7 The reimbursement will be paid starting the first full month of cell phone coverage following receipt of the approved Cell Phone Reimbursement Agreement in the County Clerk's Office. No retroactive requests will be processed.
 - 6.2.8 Claims for Cell Phone Reimbursement will be submitted not more often than monthly. The employee will attach documentation, such as a copy of the current month's bill, to the Cell Phone Reimbursement claim to demonstrate that all phone and/or data service was obtained for the previous month. Personal information may be redacted prior to submission.
 - 6.2.9 No other cell phone reimbursement is allowed except as provided in this policy.
- 6.3 Personal Cell Phone - Employee Responsibilities
- 6.3.1 Sign the Cell Phone Reimbursement Agreement form (Exhibit B) thereby certifying that he/she will provide the phone number within five (5) days of activation and will be available for calls (in possession of the phone and have it turned on) during those time specified by Elected Official/Department Head.
 - 6.3.2 Select any cell phone carrier whose service meets the requirements of the job responsibilities. County employees shall be free to purchase and provide their own accessories at their own cost, without reimbursement.
 - 6.3.3 Inform the County to discontinue the reimbursement when the eligibility criteria are no longer met or when the cell service is cancelled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the County employee must repay any reimbursement received during the time in which the employee was not eligible for the reimbursement.
 - 6.3.4 Pay all charges on his/her personal cell phone plan. If the County employee leaves the position, he/she continues to be responsible for the contractual obligations of his/her cell phone plan.
 - 6.3.5 Comply with applicable laws and County policy (see Exhibits C-1 to C-3) regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the County employee or others.

- 6.3.6 Acknowledge that cell phone transmissions are not secure and that County employees should use discretion in relaying confidential information over cell phones.
 - 6.3.7 Acknowledge that records relating to County Business are subject to the Public Records Act and records relating to personal use of a cell phone may also be subject to the Public Records Act.
 - 6.3.8 The Elected Official/Department Head will determine time limit for replacing lost or broken phones in order to remain eligible for cell phone reimbursement to ensure that a broken or lost cell phone is repaired or replaced in a timely manner.
 - 6.3.9 Department Head may require eligible employee to obtain cell phone insurance.
 - 6.3.10 The employee may be required to have a cell phone with a local area code if required by the Elected Official/Department Head.
- 6.4 County-Purchased Cell Phones
- 6.4.1 A limited number of personnel may be allowed to use County-purchased cell phones if authorized by the County Cell Phone Committee on Exhibit B.
 - 6.4.2 The cell phone invoice will be coded to the proper department's budget and turned in to the County Clerk's office for payment using the normal procedures.
- 6.5 County Provided Cell Phone - County Employee Responsibility
- 6.5.1 The entire detailed cell phone statement will be included with the phone service invoice. Personal calls on County-provided cell phones are highly discouraged and must follow the guidelines set forth in State Statute §49-101.01(3).
 - 6.5.2 As provided in State Statute §49-101.01(3) the County employee is responsible for reimbursing the County for allowable personal use. That reimbursement shall be made as follows:
 - 6.5.2.1 County employees are required to reimburse Sarpy County for all personal calls, emails, text messages, etc. made from their County cell phone. Upon receipt of the monthly bill, the following steps must be taken before submitting the bill for reimbursement:
 1. Highlight all personal calls and mark as "personal"
 2. Add up the minute usage for personal calls
 3. Calculate percentage of use for personal calls
 4. Multiply percentage of use for personal calls times the monthly rate.
 5. Submit payment for personal use to the County Treasurer's Office.
 6. Attach a copy of the County Treasurer's receipt to the invoice and process the payment for the difference.
 7. Calculate roaming charges separately for personal calls and reimburse.
 8. Cell phone usage on any county-owned/purchased cell phone is subject to review by Sarpy County.

6.6 Cell Phone Support-By Type

- 6.6.1 County employees who are authorized to obtain a regular cell phone must obtain technical support from the vendor providing the phone.
- 6.6.2 County employees who are authorized to use a “Smart phone” device and wish to utilize the Information Systems technical support for email or calendar integration, should check with Information Systems prior to purchase to ensure the service and device will support integration. Support for the cell phone portion of these types of devices must obtain technical support from the vendor providing the phone.

Exhibit A
Cell Phone Reimbursements

Monthly Reimbursement		
Sarpy County, Nebraska		
Tier I	\$30.00/month	County Business use of cell phone up to 200 minutes per month plan
Tier II	\$40.00/month	County Business use of cell phone over 200 minutes per month plan
Tier III	Lesser of \$55.00/month or amount paid by employee	County Business use of cell phone with data service plan

Exhibit B
Sarpy County Cell Phone Reimbursement Agreement

This form is to be used by County employees and their Elected Official/Department Heads to document their request for cell phone reimbursement and acknowledge their understanding of the Sarpy County Cell Phone Policy requirements and limitations.

Please Print

Department Name: _____
Employee Last Name: _____ **Employee First Name:** _____
Start Date: _____ **End Date (if any):** _____

Add Cell Phone Reimbursement or Change Existing Cell Phone Reimbursement:

You must meet at least one of the following criteria to receive the reimbursement:

- The job requires considerable time outside the office or away from workstation (job, need, travel, meetings, etc.) and use of the cell phone facilitates the effective conduct of business operations while away.
- The job requires the County employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
- Job duties away from the office may expose the County employee or other to immediate harm or danger. (E.g. Pre-Trial Release).

The cell phone reimbursement is intended to reimburse the County employee for the average business use of the cell phone, not to pay the entire phone bill. This reimbursement will be charged to the Telephone budget in the applicable department's budget. The Elected Official/Department Head must ensure availability of funding. Department eligibility criteria can be more (but not less) restrictive than the County criteria stated.

Reimbursement for Use of Personal Phone (complete listed information)

- a) 10 digit phone number: _____ County Employee will be available for calls (in possession of the phone and have it turned on) during those times specified by manager.
- b) Phone number is listed in Reverse 911 Yes No
- c) Reimbursement amount per month (from the table below) \$ _____

Cell Phone Reimbursement

Monthly Reimbursement	
Tier I	
Tier II	
Tier III	
Other	

County Purchased Cell Phone

(Only available for limited staff). Give justification for request.

Cell Phone Support

County employees who are authorized to use a “Smart phone” device and wish to utilize the Information Systems technical support for email or calendar integration, must choose an authorized provider and phone. Technical Support for all other Smart phones, and regular phones must obtain technical support from the vendor providing the phone.

Employee Information and Responsibilities

Eligibility for the reimbursement or the level of the reimbursement provided is subject to change or cancellation without notice at any time. Elected Official/Department Heads or or the County Cell Phone Committee may periodically request documentation of business use to determine the appropriateness of eligibility and level of the reimbursement amount. Records relating to County Business are subject to the Public Records Act and records relating to personal use of a cell phone may also be subject to the Public Records Act.

Cell Phone Reimbursement Cancellation

County employee must inform their department to discontinue the reimbursement when the eligibility criteria are no longer met or when the cell service is cancelled. The *Cell Phone Reimbursement Agreement* form must be completed, checking the box marked **Cancel Cell Phone Reimbursement** located below. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any reimbursement received during the time in which the employee was not eligible for the reimbursement.

The *Cell Phone Reimbursement Agreement* form must be completed, checking the box marked **Cancel Cell Phone Reimbursement** located below if the employee is leaving the County or being transferred to a different department.

Remove Cell Phone Reimbursement Cancel cell phone reimbursement

Documentation Requirements

- The completed and signed *Cell Phone Reimbursement Agreement* is the only document required. It must include the appropriate position designated for cell phone reimbursement and a start date. The monthly reimbursement be paid upon submission of documentation as required in Section 6.2.8.
- Include your department name and enter that at the top of this document.
- If your business need is short term, e.g., 3 months out of the year, you must put a start and stop date on this document.
- Retain a copy of all records in department.

This Cell Phone Reimbursement Agreement must be approved by the County Elected Official/Department Head and the County Cell Phone Committee. I understand that my cell phone number may be published. I understand that I may be required to submit a copy of the cell phone billing statement for audit purposes. I have read and signed the

Sarpy County Phone Usage Agreement. I also understand that I am financially responsible for any all charges for this cell phone plan.

County Employee Name (please print)
Last _____ First _____
Employee Signature _____ Date _____ <i>If I am subject to repayment I agree to have that amount deducted from my paycheck</i>
Elected Official/Department Head Name (please print)
Last _____ First _____
Elected Official/Department Head Signature _____ Date _____
County Cell Phone Committee Name (please print)
Last _____ First _____
_____ Signature _____ Date _____