

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: INFORMATION SYSTEMS SERVICES (ISS) DEPARTMENT

SUBJECT: CELLULAR TELEPHONE STIPENDS

PPM#: CW-O-085

ISSUE DATE
May 1, 2019

EFFECTIVE DATE
May 1, 2019

PURPOSE:

To establish a process and identify responsibilities for the authorization and oversight of cellular telephone stipends for employees requiring the use of cellular telephones to perform their assigned job duties.

UPDATES:

Future updates to this PPM are the responsibility of Chief Information Officer.

AUTHORITY:

- Palm Beach County Code, Chapter 2, Article III, Division 2, Part A, Section 2-52, as may be amended
- Information Technology Governance Policies (Countywide PPM # CW-O-079) as may be amended
- Florida Public Records Law (Florida Statutes Chapter 119.), as may be amended

SCOPE:

This policy applies to cellular telephone devices that utilize cellular voice, data and messaging services but do not require access to the Palm Beach County Intranet.

Other wireless communication devices, including air cards, satellite phones and devices that require Palm Beach County Intranet access, or are provided as County-issued phones per approved exceptions to this policy, are governed by Countywide PPM #CW-O-020, "County-Supplied Cell Phones, Satellite Phones, and Mifi Units / Air Cards".

DEFINITIONS:

*(Refer to **Exhibit A** for a listing of definitions related to this PPM.)*

POLICY:

In order to reduce cellular equipment and administrative costs, the County will strictly limit the purchase of County-owned cellular phones and services and instead utilize the stipend approach wherever possible. Department Directors may authorize a cell phone stipend for employees in positions with job duties that require the employee to carry a cell phone for County business.

The County will not procure cellular phones for positions that are eligible for the monthly stipend. The use of pooled phones is discouraged and will not allow for any personal use because it imposes an administrative burden on both the County and the employee. The monthly stipend is taxable income; therefore the individual will be taxed according to the regulations of the IRS code.

ISS is the designated Resource Manager for cellular telephone equipment and services. The responsibility for ensuring policy compliance resides at the departmental level.

Staff using cellular phones shall understand and comply with all rules governing the safe utilization and operation of wireless communication devices while operating a moving vehicle as addressed in separate Countywide Fleet and Risk Management PPMs.

PROCEDURES:

Resource Manager

As the designated Resource Manager, ISS will:

- assist departments with the transition from County-owned devices to individual-owned devices;
- analyze prevailing market rates for voice and data plans, and other services. This market comparison will be made no less than every two years and will be used to adjust, if necessary, the stipend levels set forth in this PPM;
- communicate changes in stipend levels to County Administration, Office of Financial Management and Budget and department directors;
- establish standards and recommended equipment for users who require data services such as e-mail or Internet access and connectivity to County resources; and
- support smartphone users by providing connectivity to data services and County resources.

Approval of Stipend

Employees in positions assigned duties and responsibilities that require the use of a cell phone are eligible for a cell phone stipend. A *Cell Phone Stipend Authorization Form* (refer to **Exhibit B**) must be completed for each position approved. The form requires the signature of both the appropriate Department Director and the employee. The most current version of the stipend form (available on the PBC Intranet under “Forms”) is to be used. A copy of each completed *Cell Phone*

Stipend Authorization Form must be kept on file for all authorized positions within the Department.

Approval of a stipend must be justified on a strong operational need; simple convenience is not a criterion for approval of a cell phone stipend. A stipend may be authorized if at least one of the following criteria is met:

- The job function of the employee requires considerable time outside of their assigned office or work area and it is important that they are accessible during those times.
- The job function of the employee requires them to be accessible outside of scheduled or normal working hours.
- Duties require regular contact with their office, outside vendors and/or customers while away from the office.
- The employee is a critical decision maker.
- Safety requirements indicate having cellular phone is an integral part of performing duties of job description.

Department Directors may authorize the use of specialized cellular phone equipment (e.g., smart phone, personal digital assistant, etc.) for positions within the Executive Pay Range and for other positions based on rigorous justification of the need and benefit to the County. Department Directors will ensure that County employees requesting cell phone stipends will not continue to utilize County-owned cell phones.

Request for County-Issued Phones

Each department is required to use stipends in lieu of county issued cell phones whenever possible. Prepaid phone service should be considered for employees who do not currently own a cellular phone or prefer to retain a separate business number.

A stipend will not be authorized if the cellular device is used in a manner that requires access to the Palm Beach County Intranet. Phones requiring Intranet access and pooled phones will continue to be procured and managed by the County in accordance with PPM# CW-O-020. Departments may maintain a limited number of “pool” phones if absolutely necessary and approved by the Department Director.

Requests for exceptions to this policy whereby the County will continue to provide employees with County-owned phones require approval of the County Administrator or designee on a case-by-case basis.

Determination of Stipend Amount

The dollar amount of the stipend is intended to reasonably approximate the value of the employee’s anticipated business-related expenses. The dollar value for each stipend level is established taking into consideration the average business use and the cost of the cellular voice services. Due to

multiple variables (e.g., employee usage patterns, different carrier plans, tax impacts, etc.), the stipend amount for each level is based on best estimates. The stipend may also include additional payment for enhanced features such as push-to-talk, text messaging, enterprise paging, wireless priority service and data services (Internet/e-mail/active-sync) as needed.

No less than every two years, the Resource Manager (ISS) shall research the average cost per minute (excluding free minutes) from information posted on the web sites of the major cellular phone service providers, taking into account discounts offered to governmental employees. This information will be compared to the existing stipend amounts to determine if any adjustments are necessary to reflect the going market rate for the phone services. This information shall be provided to OFMB for any adjustment, if necessary, to the annual approved stipend levels to be published with the budget instructions.

Monthly Payment

The cell phone stipend is paid monthly through the Clerk & Comptroller's Payroll Department and is included in the employee's check/direct deposit. The stipend does not increase the employee's base salary and will not be included in the calculation of any benefits. The stipend is subject to all applicable taxes.

Employee Responsibilities

A key goal of the stipend program is to eliminate much of the recordkeeping associated with the numerous County-issued cell phones that existed prior to the introduction of stipends. The intent of this PPM is to rely on the employees' self-declaration and self-audit of appropriate stipend levels based on a determination of average monthly levels of business-related usage.

In order to assist in the transition to the stipend policy, existing County-owned phone handsets and accessories will become the property of the employees who possess these devices when the employee is authorized to receive a stipend and converts the County-paid phone service to their personal account. Except in cases where a County-issued cell phone is transferred to a County employee who is authorized to receive a stipend, employees are responsible for the purchase of their cell phone equipment and services. This includes the replacement of phones and accessories due to loss, theft, damage, or normal obsolescence. The device and service are personally owned by the employee and may therefore be used for both personal and business calls.

Employees requiring access to data services and County resources shall comply with equipment standards and requirements established by ISS.

An employee with a cell phone stipend must maintain an active cell phone account. Notification must be provided to the employee's supervisor within two work days of inactivation of cellular service or change in phone number.

Stipend reimbursement amounts should be adjusted, as necessary, to reflect the actual usage patterns for business-related telephone services and other features, including data plans. The employee is to review their individual usage patterns as part of the bi-annual review and

reauthorization of approved cell phone stipends (refer to “Monitoring and Accountability” section below).

Contracts entered into by employees will be personal contracts which are solely the responsibility of the employee. In the event of layoff, the County will reimburse the employee for any termination fees that may be paid by employee to his/her cellular phone service provider. Reimbursement will require documentation from the vendor stating the amount of the termination fee and date that the service was terminated. The date of service termination must be prior to the employee’s last day worked.

Monitoring and Accountability

Department directors are responsible for a bi-annual review of the business need for stipends authorized within their department to determine if stipends should be added, changed or discontinued. ISS will distribute a departmentalized list of currently authorized stipends to each department director for their review and reauthorization.

Bi-annually, the department directors must sign-off on the *List of Authorized Cell Phone Stipends* signifying that they have reviewed and agree with the reasonableness of the usage levels and features approved for each employee on the list. A signed copy of the *List of Authorized Cell Phone Stipends* is to be provided to ISS by the end of December in the year in which the bi-annual reauthorization occurs. A template worksheet for the *List of Authorized Cell Phone Stipends* is included as **Exhibit C**.

In conjunction with the bi-annual review and reauthorization process, all employees receiving stipends based on more than 450 minutes of business-related calls each month shall provide to their department director a copy of their actual monthly statement for a representative month showing all business-related call details highlighted on the statement.

As Resource Manager, ISS will be responsible for submitting the *List of Authorized Cell Phone Stipends* to department directors as well as collecting and maintaining files of the signed *Cell Phone Stipend Authorization Forms*. To assist in the departmental review and monitoring of the stipend program, ISS will create and maintain a database of all details relating to the authorized employee stipends. This database will provide online access to the current status of employee stipends and will streamline the monitoring and reporting requirements set forth in this PPM.

Department directors are responsible for processing any necessary stipend adjustments that are identified as a result of the bi-annual review. Adjustments will be processed by submitting a revised and signed *Cell Phone Stipend Authorization Form* to ISS Voice Services.

At any time, if it is determined that the responsibilities of a position do not require the use of a cell phone, the Department shall submit a revised *Cell Phone Stipend Authorization Form*, noting “Discontinue allowance as of (month/day/year)” to the Payroll Department of the Clerk & Comptroller’s Finance Division.

If the employee plans to transfer a County-owned cell phone number to a personal account, the Department will verify via the automated telecom usage and call management system that the

County is no longer being billed for that number subsequent to the date the employee converted to the stipend plan. In the event an employee transfers to another County department, a stipend form must be submitted to discontinue the stipend. The employee's new home department will submit a new stipend authorization form to reestablish the stipend, if applicable.

Incidental Use of Personal Cell Phones for Business Calls

An employee may be reimbursed for business calls made on their personal cell phone if they do not receive a stipend. Reimbursement applies to both inbound and outbound business calls. Reimbursement will be calculated by multiplying the number of minutes used for County business times the average cellular cost per minute usually paid by the County. This rate will be recalculated annually by ISS and furnished to departments.

Inter-office correspondence will be used to request reimbursement for County calls on a personal account. When submitting a request for reimbursement, the memorandum must include the reason for the calls and a copy of the bill with business calls highlighted. In order to qualify for a reimbursement, the maximum limit of minutes on the plan must be exceeded due to business-related calls during the month. The Department Director must sign the memorandum attesting to the appropriateness of the County-related calls. Approved memorandum requests for payment will be forwarded to the Clerk & Comptroller's Finance Department for payment processing.

Public Records

In the event that a private telephone invoice is required to be produced due to a public records request, it shall be the employee's responsibility to present such records. In some cases, the employee may maintain paper copies of these records in their personal files; in other instances, copies of the monthly statements may be available on request from the employee's service provider (or from the provider's website). Because of variation in retention periods and availability of historical statements from the service providers, it is the responsibility of each employee to be aware of and maintain compliance with the laws governing public records. When statements and documents must be produced in response to a public records request, personal information may be redacted from the document.


VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM # CW-O-085, effective 9/23/2008
2. PPM # CW-O-085, effective 1/1/2013

EXHIBIT A

DEFINITIONS

1. Air Card

A type of radio modem which uses the cellular network to transmit and receive data. Air cards are typically used in portable (“laptop”) computers.

2. Cellular Telephone (Cell Phone)

A long-range, portable electronic device used for mobile communication which is connected to a cellular network of base stations. Cellular phones include basic phones as well as smartphones and personal digital assistants (PDAs).

3. Cellular

A type of wireless communication system that uses many base stations to divide a service area into multiple cells. Cellular calls are transferred from base station to base station as a user travels from cell to cell.

4. Enterprise Paging

Enhanced paging and notification system including delivery confirmations, longer messages than normal text messaging, and multiple choice response options. Enables unlimited two-way remote worker notification and response between a business’ notification application and a text messaging-capable mobile device.

5. Push to Talk (PTT)

A means of instantaneous communication commonly employed in wireless cellular phone service that uses a button to switch a device from voice transmission mode to voice reception mode. The operation of phones used in this way is similar to “walkie-talkie” use. Multiple parties to the conversation may also be included.

6. Resource Manager

The Director of a County department, or designee, who has been given the responsibility of monitoring and approving the County’s procurements of specific commodity groups as specified in the Purchasing Department’s policies and procedures (Palm Beach County Code).

7. Satellite Phone

A mobile phone that communicates directly with orbiting communications satellites.

8. Smartphone

EXHIBIT A

DEFINITIONS

A mobile phone offering advanced capabilities that are beyond that of a typical mobile phone, often with PC-like functionality. A smartphone is a single device combining a cellular telephone with a personal digital assistant (PDA).

9. Text Messaging

Common term for the sending and receiving of short (160 characters or fewer) text messages between mobile phones and/or from phone to e-mail addresses.

10. Wireless Priority Service (WPS)

An “add-on” feature providing priority for emergency calls made from cellular telephones. Key Federal, State, local and tribal government, and critical infrastructure personnel are eligible. This feature is subscribed to on a per-cell phone basis; no special phones are required.

EXHIBIT B

**PALM BEACH COUNTY
CELL PHONE STIPEND AUTHORIZATION FORM**

EMPLOYEE NAME: _____ **EMPLOYEE ID #:** _____
JOB TITLE: _____ **DEPARTMENT:** _____
STIPEND EFFECTIVE DATE: _____ **DIVISION:** _____
 NEW **CHANGE** **DISCONTINUANCE** **TRANSFER** **PTS#:** _____

Make/Model of County phone transferred to employee: _____ Phone #: _____
Employee is responsible for transfer of telephone # from County to personal account but County reserves right to retain original #.

JUSTIFICATION [Check all that apply]

- Duties require > 50% time outside of assigned office or work area when employee must be accessible.
- Duties require regular contact with their office, outside vendors and/or customers while away from the office.
- Duties require accessibility outside of scheduled/normal working hours.
- Safety requirements of the position require having a cell phone as an integral part of performing job duties.
- Position is a critical decision maker.

EQUIPMENT REQUIRED: [Check one] Basic Phone Smartphone

SELECT ONE STIPEND AMOUNT FOR VOICE SERVICE AND EACH APPLICABLE "OTHER" SERVICE(S).

<u>VOICE SERVICE</u>		<u>OTHER SERVICES</u>	
<i>ANTICIPATED BUSINESS MINUTES</i>			
<input type="checkbox"/> 0 to 100	\$ <u>15</u>	<input type="checkbox"/> Push-to-Talk	\$ <u>5</u>
<input type="checkbox"/> 101 to 450	\$ <u>25</u>	<input type="checkbox"/> Text Messaging	\$ <u>5</u>
<input type="checkbox"/> 451 to 900	\$ <u>40</u>	<input type="checkbox"/> Wireless Priority Svc.	\$ <u>TBD</u>
<input type="checkbox"/> 901 to 1,400	\$ <u>55</u>	<input type="checkbox"/> Unlimited Data	\$ <u>25</u>
<input type="checkbox"/> 1,400+	\$ <u>65</u>	<input type="checkbox"/> Other	\$ _____

TOTAL APPROVED MONTHLY STIPEND: \$ _____

AGREEMENT:

- Employee will purchase cellular phone service and equipment and assume responsibility for vendor terms and conditions. The employee agrees that they are responsible for plan choices, service levels, calling areas, service and phone features, termination clauses, and payment terms and penalties.
- Employee agrees that they are responsible for the purchase, insurance, and/or replacement of phone equipment due to damage, loss, theft, or normal obsolescence.
- Employee will promptly report to their department head within two working days any updates or changes regarding cell phone numbers or plan changes that could impact the access to cellular services.
- Employee agrees to carry the cell phone with them, keep it charged, in operational condition, and accessible for business use as required by their department head or supervisor.
- Employee acknowledges that mobile phone statements may be considered a public record and, as such, must be provided upon request (employee will be provided the opportunity to redact any personal information, including personal phone calls, from the invoice before it is provided to the requestor).

EMPLOYEE CERTIFICATION:

I certify that I have read and understand the above referenced countywide policy and that payments received per this policy will be used toward expenses I incur for cell phone service and equipment as described above.

Employee Signature

Date

Department Head Signature

Date

