

North Carolina Department of the Secretary of State	CELL PHONE POLICY	Approval Date: 9/1/2011 Effective Date: 9/1/2011
Policy Area: Mobile Electronic Devices	Title: Mobile Electronic Communication Devices	
Approved By: Elaine F. Marshall, Secretary of State	Written By: Bruce Garner, Deputy Secretary for Information Technology	

1 **Purpose:**

To ensure that the agency limits the issuance and use of mobile electronic communication devices to the minimum required to carry out the agency's mission. To ensure that the justification, issuance, usage, and reimbursement for mobile (wireless) electronic communication devices and the plan selected is prudent, cost effective, and essential to support employees' minimum work requirements.

2 **Scope:**

Mobile electronic communication devices include:

- Wireless cellular communication devices provided for laptop computers,
- Pagers,
- Cellular phones, and
- Smartphones.

3 **Policy Statement:**

The Department of Secretary of State (DSOS) recognizes the importance and need for this valuable technology. DSOS will ensure that the procurement, issuance, and use of mobile electronic communication devices and selected plans are cost effective, essential, and used in accordance with the goals and mission of the DSOS and State laws and policies. The device issued and the plan selected must be the minimum required to support the employee's work requirements. This shall include the consideration of the use of pagers in lieu of a more sophisticated device. This policy applies to the employees of the Department only. Non-state employees are not eligible to be assigned state-issued mobile electronic communication devices or for reimbursement for personal mobile electronic device usage to conduct State business.

4 Managerial Responsibilities:

- 4.1** Managers/supervisors are responsible for initiating all requests for reimbursement for using personal mobile electronic communication devices and assignment of state-issued mobile electronic communication devices and service contracts.
- 4.2** Managers/supervisors shall use the Mobile Electronic Communication Device Worksheet and Justification form to determine which employees are eligible for mobile electronic communication devices. The factors to consider include:
 - 4.2.1** Travel (amount of time out of the office on weekly basis).
 - 4.2.2** Type of communication needed.
 - 4.2.3** Number of communications expected on a weekly basis.
 - 4.2.4** Availability for emergencies or “call back” status.
 - 4.2.5** Availability for decision-making.
 - 4.2.6** Coordination between work sites.
 - 4.2.7** Lack of availability of land lines or PCs.
 - 4.2.8** Personal safety while on-the-job (law enforcement duties).
- 4.3** Managers/supervisors are responsible for choosing cellular telephone rates or pager plans that are the most economical for employee business needs and circumstances.
- 4.4** Where feasible, manager/supervisor should consider shared devices in the unit to reduce costs.
 - 4.4.1** Employees using a shared device must have their name listed on the justification worksheet for the device.
 - 4.4.2** Units using shared mobile electronic communication devices must keep an accurate log to track staff assignment dates and times of shared devices for accountability and invoice reconciliation purposes.
- 4.5** Managers/supervisors must submit a completed and signed Mobile Electronic Communication Device Worksheet and Justification form, with justification as required by State law, to the Division director for his/her review, approval, and signature.
- 4.6** The Division director is responsible for promptly sending a copy of the signed/ approved worksheet to their deputy secretary for approval.
- 4.7** The deputy secretary is responsible for promptly reviewing and if approving, signing the worksheet and forwarding it to the Secretary of State for review and approval, as required by State law.
- 4.8** If the Secretary of State approves and signs the worksheet, the worksheet is forwarded to the Fiscal Section to insure funding is available.

4.8.1 The Chief Fiscal Officer circles the appropriate funding availability (Yes or No) on the worksheet and forwards a copy of the approved worksheet to the manager/supervisor and forwards the original to the Human Resources Division for filing with the employee's personnel records.

4.8.2 The manager/supervisor keeps a copy of the approved worksheet and attaches a copy to a completed Purchase Requisition form for the approved device. New equipment must be procured through the Office of Information Technology Services (ITS). The manager/supervisor is responsible for completing the ITS Cellular Phone Service Request form and attaching to the completed Purchase Requisition.

4.8.3 The Purchase Requisition follows the Department's procurement process.

5 Employee Responsibilities:

5.1 Employee listed on the worksheet shall be aware that state-issued mobile electronic communication devices are to be used for official State business only.

5.1.1 No personal electronic communications are permitted when using state-issued mobile electronic communication devices.

5.1.2 Employee is to insure that work-related communications made using state-issued devices are kept to a minimum of duration.

5.1.3 Employee is responsible and will be held accountable for all communications sent and received to the device, while the state-issued mobile electronic communication device(s) is assigned to him/her.

5.2 Employee shall consider and observe safety precautions and federal and state laws when using state-issued mobile devices.

5.2.1 The management of the Department does not condone the use of mobile electronic communication devices while operating a motor vehicle.

5.2.1.1 If an employee receives a communication to a mobile device while driving a motor vehicle, the employee is to safely pull off the road at a safe location and stop the vehicle before using the mobile device.

5.3 To meet Internal Revenue Service substantiation requirements, the employee must keep, at a minimum, a record of each call and its business purpose. This information shall be submitted to the manager/supervisor, who must maintain these records to support the exclusion of the phone use from the employee's wages. Without proper documentation or reimbursement for personal calls, the Internal Revenue Service can declare that all use of the phone is personal and taxable.

5.4 Employee is responsible for ensuring that personal communications on reimbursed personal mobile electronic communication devices are kept to a minimum during official working hours.

- 5.5** Employees must submit a Travel Reimbursement form for reimbursement for business-related use of personal mobile communication device. In order for the Department to determine if the call is reimbursable, the employee must indicate on his personal telephone bill the reimbursable call(s), individual(s) called, and nature of calls/business purpose; and submit the telephone bill to his/her manager/supervisor for approval. If the manager/supervisor approves the call(s) as business related, the employee shall be reimbursed for the cost of the approved call(s).
- 5.6** Employee with state-issued mobile electronic communication device or reimbursed personal mobile electronic communication device must read, understand, and sign the Mobile Telephone Usage Agreement. A copy of the signed usage agreement must be given to the employee and the original must be forwarded to the Human Resources Division and filed with the employee's personnel records.
- 5.7** It is the employee's responsibility to ensure that the state-issued mobile electronic communication device is not misused or involved with fraudulent activities.
- 5.7.1** Monthly, the employee must review and certify (sign and date) that his/her mobile electronic communication device usage and charges noted on the monthly invoice were for conducting official State business.
 - 5.7.1.1** After review and sign-off by the employee, the invoice is forwarded to manager/supervisor for review and approval.
 - 5.7.1.2** After manager/supervisor reviews and approves the invoice, it is sent to Fiscal Section for payment.
 - 5.7.2** All employees are responsible for reporting any misuse or fraudulent usage of state-issued mobile electronic communication devices to their deputy secretary.
 - 5.7.3** Employee shall take precautions to safeguard state-issued equipment against damage or loss.
 - 5.7.3.1** If a state-issued mobile electronic communication device is damaged or lost, the employee will report it immediately to the manager/supervisor.
 - 5.7.3.2** The manager/supervisor must promptly notify the ITS department or service provider (no later than 72 hours after confirmation) so that service can be deactivated or restored, as appropriate.
 - 5.7.3.3** The manager/supervisor will investigate the circumstances and if warranted, take appropriate disciplinary action(s).
 - 5.7.3.4** If fraudulent activities or criminal actions are apparent or suspected, the manager/supervisor will notify their deputy secretary, ITS, and the State Bureau of Investigation (SBI).

6 Manager/Supervisor Responsibilities:

6.1 Managers/Supervisors will review state-issued mobile electronic communication device charges for all of his/her employees on a monthly basis to determine appropriate use. If cellular, managers/supervisors shall adjust individual cellular plans to assure that the department received the lowest average cost per minute based upon normal minutes used each month. Documentation shall be retained noting management review.

6.1.1 Managers/supervisors are responsible for identifying unusual and inappropriate calls, investigating the nature of inappropriate calls, and taking necessary action. Managers/supervisors may use the following in identifying inappropriate use:

- Calls made before and after working hours, including weekends and holidays
- Frequent calls not to a recognizable business number
- Calls which cost more than a specified amount
- Calls which are more than a specified length
- Calls to foreign countries, resort areas, or other unusual areas of the country
- Collect calls
- Credit card calls
- Toll calls not made using the State network
- Excessive roaming and/or long distance charges

6.1.2 Managers/supervisors on an annual basis shall conduct a reauthorization review to identify unnecessary mobile electronic communication devices and appropriately authorize necessary mobile electronic communication devices.

6.1.3 At any time, manager/supervisor shall request device usage documentation from the employee if manager/supervisor believes mobile electronic communication device usage is being abused.

6.1.3.1 Manager/supervisor is responsible for taking disciplinary action(s) for misuse or fraudulent activity of mobile electronic communication device usage.

6.1.3.2 Manager/supervisor has the option of revoking approval for a state-issued mobile electronic communication device or reimbursement for personal mobile electronic communication device and notifying the Fiscal Section.

6.2 Managers/supervisors are required to keep an up-to-date list of all employees in his/her unit with state-issued and personal reimbursed mobile electronic communication devices.

6.2.1 This list must be made available to the replacement manager/supervisor should they leave the unit.

6.2.2 This list must be available to the deputy secretary and Chief Fiscal Officer/Fiscal Section.

6.3 Managers/supervisors must ensure that employees relinquish the mobile electronic communication device, or are no longer receiving reimbursement, when the employee leaves the unit.

6.3.1 Managers/supervisors must notify the Fiscal Section that the mobile equipment has been returned by the employee and the employee is no longer working in the unit.

6.3.2 If employee transfers to a different unit, then the employee must request and justify assignment of a state-issued mobile electronic communication device or reimbursement for using a personal mobile electronic device to conduct State business from the new manager/supervisor.

6.3.3 ITS or the appropriate provider is notified when such equipment is retrieved or transferred to another employee.

6.4 Managers/supervisors are required to review and submit a quarterly report to Chief Fiscal Officer/Fiscal Section detailing changes within their unit regarding state-issued mobile electronic communication devices and reimbursements for personal mobile electronic devices used to conduct State business.

7 Chief Fiscal Officer/Fiscal Section Responsibilities:

7.1 The Fiscal Section shall maintain a current inventory of all division mobile electronic communication devices that includes but is not limited to: phone number, vendor, plan description, charge code, employee name, and date plan was last reviewed.

7.2 The Fiscal Section shall distribute copies of monthly mobile electronic communication device invoices to employees each month for pre-approval prior to payment of the invoices.

7.2.1 Fiscal Section will not pay a monthly mobile electronic communication device invoice prior to employee review/certification and manager/supervisor approval to pay.

7.3 The Fiscal Section shall annually conduct an review of all mobile device usage to ensure that employees and managers/supervisors are complying with agency policies and State requirements for the use of mobile electronic communication devices.

7.4 Quarterly, the Fiscal Section shall prepare a report for the General Assembly and the Office of State Budget and Management containing the following required information:

7.4.1 Any changes to agency policies on the use of mobile electronic communication devices.

- 7.4.2 The number and types of new devices issued by the agency.
- 7.4.3 The total number of devices issued by the agency.
- 7.4.4 The total monthly cost of the devices issued by the agency.
- 7.4.5 The number of each type of mobile device issued with the total cost of each type.

8 Enforcement:

Employees violating mobile electronic communication device or reimbursement for personal mobile electronic communication device policies and procedures could be subject to a formal disciplinary process as defined in the Department's personnel policies up to and including dismissal.

9 Exceptions:

There are no exceptions to this policy permitted.

10 Revision History:

Version/Revision	Date Approved	Description of Changes
V1.0	4 August 2011	Initial Release