

<b>NORTH CAROLINA DEPARTMENT OF COMMERCE</b>		<b>POLICY #</b>  <b>AD 4</b>
<b>Title: Mobile Communication Devices Policy</b>		
<b>Effective Date: 3/1/11</b> <b>Revisions: 8/15 /11</b>	<b>Administering Authority: Human Resources Dir.</b>	
<b>Statutory Authority (if applicable): G.S. 126</b>		

## Overview

The Department of Commerce (Commerce) recognizes that certain job functions require that an employee be accessible when remotely assigned, away from assigned work location, or during times outside scheduled working hours. For this reason, Commerce will provide mobile communication devices to select employees for whom access to a mobile communication device is a critical requirement for job performance. While the need for mobile communication devices exists, Commerce must also remain attuned to the costs associated with providing that technology and the General Assembly's mandate that the device provided and the plan selected must be the minimum required to meet the identified requirement. All Commerce employees who request mobile communication devices must confirm that they are aware of and understand this policy at the time the request is made. Written justifications for each device issued will be maintained on file and reviewed annually. Commerce's Director of Internal Operations will administer the Mobile Communication Devices Policy.

Agencies or Commissions organized under Commerce in General Statute 143B-433(1) may elect to establish their own Mobile Communication Device Policy that complies with the directives in Session Law 2011-145 (Section 6A.14.(a)), including compliance with all reporting requirements.

## Purpose

The intent of the Mobile Communication Devices Policy is to strategically align specific mobile communication provided technologies to the roles and responsibilities of employees who have a critical job related need for such technology. This policy establishes the criteria and procedures for the issuance of mobile communication devices. This policy supplements the NC Office of State Budget & Management Budget Manual (Section 5.10) and implements directives contained in Session Law 2011-145 (Section 6A.14.(a)).

## Definitions

**Business-related calls** - Calls necessary to conduct official business for Commerce and the State of North Carolina.

**Mobile Communication Devices** – All cell phones, wireless telephones that transmit communication via tower antennas, cellular data transmission/receipt equipment, and radio-cellular telephones, mobile internet access devices and evolving mobile communication devices or any other devices governed by the Federal Communications Commission under Title 47 of the Code of Federal Regulations.

**Mobile communication device life cycle** – The normal and expected minimum life cycle for mobile communication devices of all types is no less than 2 years from date of activation.

**Mobile Communication Device Request Form** – Standardized request form that will be submitted by individual staff members through their supervisory chain to request mobile communication devices, and associated service plans as well as request an upgrade to approved devices or plans. This form is also used to acknowledge approval / disapproval of initial requests / upgrades. This form contains a Statement of Receipt and Responsibility section that must be completed at the time devices are issued for all approved requests. The form is attached as Attachment A to this policy for reference and is located on the Department Intranet <http://intranet.nccommerce.com/forms/> under General Provision Forms as a Word document with activated form fields.

**Service plan level** - A contract or service agreement by a vendor participating in the state's term contract to provide mobile communication based service at a contractually stipulated monthly charge negotiated for a fixed unit of usage beyond which additional charges will accrue.

## **Roles and Responsibilities**

**Assistant Secretary/Division/Commission Head or Designee** – Review their employee's request for mobile communication devices and submit requests that they recommended for approval to the Director of Internal Operations for final approval. Recommend for approval only those requests that meet a critical job requirement and ensure that the device and plan are the minimum required to meet the requirement. Designate a Mobile Communication Device Coordinator for their Division / Commission. Approve monthly bill for services and budget funds to pay for mobile communication devices and services charges. Notify employees who have exceeded monthly service plan costs or exceeded incidental personal use threshold and implement corrective action.

**Commerce Employee** – Comply with this policy and review and verify accuracy of monthly charges associated with their device(s). Within 30 days of notification by Division / Commission head, employee will reimburse Commerce for personal charges as required.

**Director of Internal Operations** - Provide Departmental approval / disapproval for Mobile Communication Device Requests and maintain a file of all approved requests. Submit quarterly reports to the General Assembly. Periodically review Mobile Communication Devices Policy and procedures and perform spot checks for adherence.

**Division/ Commission's Designated Mobile Communication Device Coordinator** – Place orders for all mobile communication devices and service plan modifications that have received Departmental approval. Cancel service for separated employees. Receive, distribute and coordinate review of monthly bill for services. The Coordinator will also identify deviations from established policy and notify the appropriate Assistant Secretary/ Division / Commission Head.

**Fiscal Management** – Designate staff to manage the Telecommunications Services and Computer Services Invoice interface with the Office of Information Technology Services (ITS) and pay approved invoices for mobile communication devices and service plans.

## **Policy**

Commerce will provide Commerce owned mobile communication devices and service plans to those employees for which the Department deems the devices are a critical requirement for job performance and which have been provided for under the provisions of this policy. Examples of justification of devices and associated plans as a critical job requirement that management will consider in determining if a mobile communication device will be issued, include but are not limited to:

- Member of Department / Commission Senior Staff or other critical decision maker.
- Employee's position requires that more than 50% of work on a monthly basis is conducted away from the employee's duty station and the employee is required to be contacted on a regular basis. Teleworking can not contribute to the 50% threshold.
- Employee's position includes designation as on-call status outside of normal work hours.
- Employee monitors / administers mission critical information systems or operational support during non-business hours.
- Employee's position requires the employee to be immediately accessible to frequently make critical state business decisions outside of normal working hours where delay of such decisions would have significant negative impact on agency's mission.
- Safety requirements dictate that having mobile communication capability is an integral part of performing job duties.

Commerce provided mobile communication devices, voice, and data plans shall be managed at the department level to maximize the cost efficiencies of scale with mobile communication service providers consistent with State negotiated service contracts. Each mobile communication device and associated plan must be requested using a Mobile Communication Device Request Form. All requests must be made for devices and plans offered by the approved state contract for such devices / services. Once approved by the Director of Internal Operations or his designee, approved orders must be processed by the Division / Commission Mobile Communication Device Coordinator. No Commerce employee is authorized to acquire mobile communication devices independently without expressed written or electronic final approval as specified in this policy. When receiving approved mobile communication devices, the employee must complete the Statement of Receipt and Responsibility section of the request form.

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Recognizing that mobile communication device needs will vary, the state administers several service plans from which the Division / Commission can choose as most appropriate and economical to meet the minimal critical job requirements of its employees. A mobile communication device life cycle minimum of 2 years shall be observed with allowances for replacement of device's that failure due to no fault of the user.

The Mobile Communication Device Coordinator will monitor and adjust plans as appropriate as usage needs change to ensure Commerce is participating in the most cost efficient plan (i.e. not paying for too many unused minutes, taking advantage of pooled minutes, excessive personal minutes, or early equipment upgrades). Any device or service plan changes must be approved by the appropriate Assistant Secretary / Division / Commission Head.

Commerce recognizes that it is difficult to limit the use of mobile communication devices to 100% business use however, State Policy stipulates that; ***"no personal calls should be made on mobile telephones except in case of emergency as determined by the department"***.

In certain urgent situations employees may deem it necessary to use a mobile communication device while operating a motor vehicle. However, given the dangers of driving while using a mobile communication device, the Commerce strongly discourages this practice and encourages drivers to use these devices only while safely parked.

Employees shall whenever possible utilize a landline phone and avoid incurrence of mobile communication usage charges except for in those instances when the use of the landline is more expensive.

This policy enforces all mobile communication device and services contractual terms and conditions entered into by the State of North Carolina or Commerce. Division heads may not establish mobile communication device use policies that are less restrictive than this policy.

All mobile communication devices and associated accessories must be recycled when they reach the end of their life cycle. Devices should be returned to the Division / Commission Mobile Communication Device Coordinator so that it can be recycled in accordance with current state policies governing recycling. Prior to recycling, any information stored on the device must be deleted to include the removal and destruction of any internal data storage (i.e. SIMMS card) that can be removed without damaging the device.

In accordance with current Office of State Budget and Management policy, if an employee uses his/her personal mobile telephone in conducting state business, the employee can be eligible for reimbursement. In order for the Department to reimburse the employee, the employee must indicate on his/her telephone bill the reimbursable call(s), individuals called, the nature of the call(s) and submit the telephone bill to their supervisor for approval. If the supervisor approves the call(s) as state business related, the Department will reimburse the actual billed cost of the call(s). Commerce requires that any request for reimbursement be submitted on a travel claim within 30 days of date of providers bill.

## **Enforcement**

All Commerce mobile communication devices are the property of Commerce and as such may be removed from the employee's possession at any time with or without cause. As noted in the Department's Information Resource Access Memorandum of Understanding, Commerce employees acknowledge that the State reserves the right to monitor employee's text messages, and log all network activity, including e-mail, with or without notice, and users should have no expectation of privacy in the use of mobile communication devices or any other state-owned technology devices used by the employee.

Abuse of Commerce mobile communication device privileges, upon the discretion of the Assistant Secretary / Division / Commission Head, or immediate supervisor can result in loss of Commerce mobile communication device privileges. Inappropriate use of any mobile communication devices, computers, or other electronic devices may result in formal disciplinary action, up to and including dismissal.

**Mobile Communication Device Request Form**

**Form Use:** This form must be submitted by individual staff members through their supervisory chain to request mobile communication devices and associated service plans or request an upgrade to approved devices or plans. The Statement of Receipt and Responsibility section that must be completed at the time equipment is issued to the employee for all approved requests. **NOTE:** Word version of form located at Department Intranet / Forms.

**Form Instructions:** 1. Type in gray boxes. 2. Tab between Fields. 3. Limit use of Enter key. 4. Rename file and save for your files.

**Basic Information**

Requestor's Name			Position /Title		
Division/Commission			Section		
Type of Request	Initial		Upgrade		
Funding Source	State Appropriated		Federal		Receipts
Budget Info	Budget Code		Fund Code		RCC

**Type of Device (insert model)****Type of Plan (indicate package minutes/ Mb)**

Basic Cell Phone		Voice	
Smart Phone		Data	
Air Card		Voice / Data	
Other (specify)		Other (Specify)	

**Justification (X all that apply)**

Member of Department / Commission Senior Staff	Employee's job is designated as on-call status
More than 50% of work on a monthly basis is conducted away from assigned duty station	Monitor/administer mission critical IT systems / operational support during non-business hours
Frequently make critical business decisions outside of normal working hours and delay of such decisions has significant negative impact on agency's mission	Safety requirements dictate that mobile communication capability is an integral part of performing job duties
Other (provide explanation)	

**Requestor Certification**

By signing below, I certify that I have read and understand the NC Department of Commerce Mobile Communication Device Policy and agree to adhere to the rules and procedures established therein.	
Employee Signature	Date

**Recommendation (Sign & enter X beside your recommendation. Forward approved request to next level.)**

I have reviewed this request and make the following recommendation.		RECOMMEND	
Supervisor's Signature		Approval	Disapproval
Asst Sec/Division/Commission Head Signature		Approval	Disapproval
Director of Internal Operations Signature		Approval	Disapproval

**Statement of Receipt and Responsibility**

I hereby acknowledge receipt of the mobile communication device for number _____ and understand that if it is lost, stolen or damaged I may be held responsible for cost reimbursement to the state.	
Signature	Date

(Completed forms must be returned to the Director of Internal Operations)