



NC Department of Agriculture and Consumer Services (NCDA&CS)

Mobile Communication Devices Policy

Title: Mobile Communication Devices Policy

Scope: This policy covers the use of Mobile Communication Devices owned or operated by NCDA&CS, and personal Mobile Communication Devices used while conducting State business.

1.0 Purpose

The purpose of the Mobile Communication Devices (MCD) Policy is to strategically align specific cellular and paging technologies to the roles and responsibilities of employees who have a job-related need for mobile communication technology. NCDA&CS recognizes certain job functions require an employee to be accessible when remotely assigned, away from assigned work location, during times outside scheduled working hours, or during times of emergency. For this reason, NCDA&CS may provide Mobile Communication Devices to employees whose job functions meet the aforementioned criteria. NCDA&CS must remain aware of the costs and appropriate use associated with providing this technology to its employees.

As a convenience to employees and to further NCDA&CS operational efficiencies, NCDA&CS may provide employees an allowance for business use of a personal MCD in lieu of a state-issued device.

2.0 Definitions

Mobile Communication Device: any device that is capable of using the services provided by the public/private cellular networks. These devices include pagers, cellular phones with or without data plans, tablet PCs with a cellular plan, and laptops with a dedicated air card.

3.0 Policy

Division Directors will review and report quarterly the need for MCDs, voice and data plans, and select the most appropriate and cost-effective solution. NCDA&CS will develop a standard reporting format for all divisions to use. Reports are due to the Division of Budget and Finance on the 15th of September, December, March and June. Each report will list the following information.

- a) The number and types of new devices issued since the last report.
- b) The total number of mobile devices issued by the division.
- c) The total monthly cost of mobile devices issued by the division.
- d) The number of each type of mobile device issued, with the total cost for each type.
- e) The number of employees receiving an allowance for business use of a MCD and the total monthly allowance paid to employees.

Many field-based employees, particularly those in regulatory and emergency response roles, encounter job responsibilities that put them in situations of potential threat to their personal safety and in need of instantaneous communication. Division directors should be cognizant of such issues when approving MCD allocation, and cost should not be a sole determinant in the decision process when approving the issuance of devices.

The minimum period for replacement of NCDA&CS-issued MCDs will be one year or the provisions outlined in the service contract, whichever is greater. Exceptions may be made by the division director if a device is damaged or becomes inoperable. NCDA&CS will not purchase nor replace MCDs for employees receiving an allowance. It will be the responsibility of the employee using a personal MCD for business to immediately repair/replace the device to ensure continuous communication.

Regardless of a calling plan's features that provide free calls during specific times of the day or week or unlimited mobile-to-mobile calls, employees should be reminded that agency-provided cellular equipment is intended for business use only. State Policy states that: "*no personal calls should be made on mobile telephones except in case of emergency as determined by the department.*" The call and use records of NCDA&CS-issued MCDs may and will be reviewed by managers at any time.

Texting and emailing while driving are illegal according to G.S. § 20-137.4A. NCDA&CS recognizes that in certain urgent situations employees may deem it necessary to talk using a cellular phone while operating a motor vehicle. However, given the dangers of driving while using a MCD, the department strongly discourages this practice and encourages drivers to use MCDs only while safely parked. The department also encourages the use of hands-free devices for limited conversations.

Employees who are paid an allowance for the business use of their personal MCD shall keep personal use to a minimum during official working hours.

Division Directors may establish MCD policies that are more but not less restrictive than this policy. The decision to pay an allowance for business use of a personal MCD shall be made by the Division Director and approved by the appropriate Assistant Commissioner.

4.0 Enforcement

All NCDA&CS MCDs are the property of the Agency and as such may be removed from the employee's possession at any time. Abuse of NCDA&CS MCDs may result in loss of privileges, repayment of fees for unauthorized or disallowed services, and/or may result in personnel action. An annual review shall be conducted to re-justify the business need for each state-owned MCD device that has been issued, and any instances where employees are paid an allowance for business use of a personal MCD.

5.0 Allowance Rates

In the event a division determines paying an allowance for business use of a personal cell phone furthers operational efficiencies, the allowance shall be 75% of the most widely used current State contract vendor rate for the pooled 400 minute voice only plan or 75% of the pooled 400 minute voice with data plan. For ease of calculation, the allowance rates will be rounded up to the nearest whole dollar.

Allowances will be paid through payroll as an unaccountable taxable fringe benefit according to the IRS.

6.0 Public Records Notification

Employees will be informed, and they must agree, that the use of either a personal or state-issued MCD for state business will subject them to providing MCD use records to satisfy a public records request. A signed acknowledgement form will be kept on file in the appropriate division.

Supporting Information

Reference: Office of State Budget and Management, State of North Carolina Budget Manual 5.1 0.5

Mobile Telephones

5.11 Mobile Communication Device

State of North Carolina, ITS Contract Number: 915A

7.0 Revision History