

Policy and Procedure Mobile Communication Device and Use Policy

PURPOSE

The purpose of this policy is to establish guidelines for the authorization, distribution and appropriate business use of Mobile Communication Devices (MCDs) by Agency employees. MCDs include cellular telephones, smartphones, air cards, and tablets. PCWA acknowledges the necessity of these devices as an integrated technology used for data as well as voice communication and provides this policy to contain costs, ensure departmental and personal responsibility and accountability, and to prevent improper use.

SCOPE

MCDs are used for the purpose of conducting Agency business when it is necessary for an employee to be accessible via telephone and/or email.

POLICY

There are two MCD options available to employees (see A & B below). Department Heads have the authority to approve an employee MCD request while taking into consideration the option that is most appropriate given the business need.

A. Agency-Provided MCD

1. Authorized employees may elect to receive an Agency-provided MCD.
2. The Information Technology Division (IT) of the Technical Services Department is responsible for purchasing and maintaining Agency-provided MCDs. Employees shall coordinate with IT in order to receive an Agency-provided MCD.
3. Agency-provided MCDs are intended to be used solely for Agency business with de minimis personal use.
4. Agency records and communications on an Agency-provided MCD may be subject to disclosure per a California Public Records Act request.
5. Agency communications and records made, received, or retained on Agency-provided MCDs are subject to the Agency's records retention policies and procedures.

B. Personally Owned MCD

1. Employees may elect to use a personally owned MCD for business use. However, the Agency will not be responsible for any cost associated with purchasing and maintaining personally owned MCDs.
2. The use of an employee's personal MCD for Agency business is voluntary and allowing access to the Agency's network from a personal MCD is granted for the employee's convenience.
3. Employees electing to use a personally owned MCD are responsible for all replacement and repair costs for their MCD. The Agency assumes no liability for loss or damage to any personally owned MCD.
4. Employees shall use good judgment when selecting a personally owned MCD for Agency business use and when selecting a service provider, taking into consideration service area (coverage), Agency standards, policies and procedures.
5. Employees using a personally owned MCD shall maintain an active and functional MCD and shall report any loss of functionality of the device to their supervisor within one (1) business day. Supervisors shall report the loss of functionality to IT within one (1) business day.
6. Agency records and communications on a personally owned MCD used to conduct Agency business may be subject to disclosure per a California Public Records Act request.
7. Agency communications and records made, received, or retained on a personally owned MCD are subject to the Agency's records retention policies and procedures.

C. MCD Allowance

1. Authorized employees may elect to receive an MCD allowance to defray a portion of the cost of a personally owned MCD to be used for Agency business. The Agency is not responsible for any overages resulting from the use of a personal plan for Agency business.
2. The monthly MCD allowance for a basic cell phone (i.e., no data package) is \$20.00. The monthly MCD allowance for a phone and data package (e.g., smartphone) is \$50.00. The allowance will be issued through the normal payroll process.

3. Allowance amounts are considered income subject to State of California and Federal income tax requirements and shall be reported as such by the Agency.
4. To continue to receive an MCD allowance, employees shall maintain an active and functional MCD and shall report any loss of functionality of the device to their supervisor and to IT within one (1) business day.

PRIVACY

When using an Agency-provided MCD, or when conducting Agency business on a personally owned MCD, the Agency cannot and does not imply, extend, or guarantee any "right to privacy" for voice calls and/or electronic communications, including but not limited to call detail records, logs, voice mail messages, data storage, text messages, emails, address books, and the tracking of physical location.

REVIEW OF DEVICES IN RESPONSE TO A CALIFORNIA PUBLIC RECORDS ACT REQUEST

Upon receipt of a California Public Records Act request, Agency management will identify employees who may have responsive documents. Those employees are required to search for documents in response to a California Public Records Act request in good faith. The employee's search will include Agency devices and accounts and any personal accounts and devices the employee uses to conduct Agency business. The employee alone will be responsible for searching his or her personal accounts and devices. To comply with the law and to protect the privacy of its employees, the Agency will take the following steps:

1. Identify the employee(s) who may have documents relevant to the request.
2. Communicate the scope of the request to those employees.
3. Request that the employee(s) search his or her personal files, accounts, and devices for materials responsive to the request.
4. If the employee(s) desires to withhold a document that could be potentially responsive to the request, the employee may submit an affidavit to the Agency and a reviewing court, if applicable, that states why the document is a personal record and not a public record.

RESPONSIBILITY AND ACCOUNTABILITY

A. Appropriate MCD Use

1. Employees using Agency-provided MCDs to access email will abide by and remain apprised of changes to all Agency policies, including the PCWA Electronic Media Policy as it pertains to Agency email access and use.

2. MCDs should not be used to store confidential and/or sensitive data. Since these devices can be lost or stolen, employees shall ensure that these devices are used in full accordance with Agency security policies.
3. In California, state law prohibits talking on a cell phone without a hands-free device while driving. In addition, state law prohibits writing, sending, or reading text-based communications on a mobile device while driving a motor vehicle. An employee who is issued a ticket or fine as a result of violating either of these laws while operating an Agency vehicle or a personal vehicle on Agency business shall be solely responsible for costs resulting from such actions. Employees will abide by and stay apprised of all state and federal laws relating to MCDs.

B. Consequences of Misuse

1. PCWA expects that its employees will use MCDs in an ethical and appropriate manner and in accordance with Agency policies. Employees shall refrain from using sexually explicit language, abusive language or profanity when using MCDs for Agency business.
2. Excessive misuse or abuse of Agency-provided MCDs may result in employee reimbursement for charges, loss of the use of the device, and/or disciplinary action.
3. PCWA reserves the right to terminate an employee's MCD privileges for Agency-provided or personally owned MCDs, and/or terminate the MCD allowance at any time for any reason.

SECURITY

Regardless of the MCD option that is chosen (Agency-Provided MCD or Personally Owned MCD), all MCDs connected to the PCWA network are required to have Mobile Device Management (MDM) software installed and at a minimum a pin code enabled to unlock the device. These security functions will allow the Agency to manage the MCD and all PCWA information or applications enabled or stored on the device in a secure fashion. In the event a MCD is lost or stolen the Agency will enable location services and/or remote wipe Agency data from the device.

Employees may not tamper with or disable the MDM security application. PCWA is responsible for the selection and installation of the MDM software and will assume the cost for applicable software license fees.

Employees using a personally owned MCD are required to update the MDM and any other software used for Agency business when updates become available. If the MDM cannot be updated on the device, the employee shall contact IT immediately or access to PCWA information and applications will be removed from the MCD.

Upon termination of employment, or a determination by the employee or the employee's Department Head that the employee no longer has a need to access the PCWA network via a personally owned MCD, IT shall be notified to remove the MDM security application and all related PCWA data from the employee's MCD. When a personally owned MCD is upgraded or replaced, IT shall be notified to remove PCWA information from the old MCD and install the MDM on the new device.

DEFINITION(S)

Mobile Communication Devices (MCDs) include any mobile communication device that provides for voice and/or data communications between two or more parties including, but not limited to, a cellular telephone, a text message device, a personal digital assistant, a smartphone, an air card, or a tablet that utilizes a cellular signal to provide Internet access.

FORM(S)

Mobile Communication Device/Use Application

All PCWA employees are required to read and familiarize themselves with the Mobile Communication Device and Use Policy and the Electronic Media Policy. Because changes or modifications may be made to these policies as technology evolves, it is each employee's responsibility to periodically review the policies to ensure compliance with the most current requirements. The policies are available on the Agency's intranet, The Splash.

I acknowledge receipt of this policy and understand and agree that I am bound by its contents. I further acknowledge that if an MCD is required by my position, the Agency shall provide an MCD. If I elect to use my personally owned MCD for business use, I understand that I may be authorized to receive an MCD allowance to defray a portion of the cost of the MCD to be used for Agency business, but I acknowledge that the Agency is not responsible for any overages resulting from the use of a personal plan for Agency business. If I am not eligible to receive an MCD allowance for use of my personally owned MCD, I understand that the Agency shall not be responsible for any cost associated with purchasing, using and maintaining it. Similarly, I acknowledge that the Agency assumes no liability for loss or damage to a personally owned MCD:

Employee Signature

Date

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