Rio Arriba County

Cell Phone and Internet Stipend Policy and Procedure

Purpose: To establish uniform procedures for use, compensation, and/or payment of cell phones to those employees and elected officials who are required to be accessible by cell phone, both during and after regular business hours, or as determined necessary by their position.
Policy and Procedure
For
Cell Phone and Internet Stipend

PURPOSE

To establish uniform procedures for use, compensation and/or payment of cell phones to those employees and elected officials who are required to be accessible by cell phone, both during and after regular business hours, or as determined necessary by their position.

POLICY

It is the policy of Rio Arriba County to provide to designated employees and elected officials who are required to be accessible by phone, as a conditional fringe benefit of employment, a cell phone. The requirement of accessibility is necessary in the event of an emergency by law enforcement, fire and emergency personnel, and to employees and elected officials who would not have access to a public telephone while conducting official business away from their designated office/work place.

A cell phone stipend will be given to eligible employees and elected officials which shall be considered a taxable fringe benefit and subject to all payroll taxes (as taxable income) in accordance with IRS requirements. The benefits of utilizing a stipend include: 1) a call log is not required 2) monthly reporting is not required 3) a single phone may be utilized for both personal and business purposes.

This stipend does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc. Once approved, the stipend amount will be added to the employee's regular pay. The stipend will be paid as a flat rate per month, based on the selected service(s) and usage level(s) outlined below. Rio Arriba County will pay only the agreed upon amount, even if monthly costs exceed the stipend.

A new request form must be submitted if the stipend amount needs to be changed because of documented business purposes. Rio Arriba County reserves the right to remove a participant from this plan and/or cancel the plan if there is insufficient budget to meet the plan costs or it is determined that employee violates the Cell Phone Stipend Agreement.

Eligibility for Cell Phone Allowance:

Employees who hold positions that include the need for a cell phone (see eligibility criteria below) may receive a cell phone stipend to compensate for business-related costs incurred when using their individually-owned cell phones. RAC will not own cell phones for the use of individual employees.

The department head is responsible for overseeing employee cell phone needs and assessing each employee's continued need of a cell phone for business purposes. The need for a cell phone stipend should be reviewed annually, to determine if existing cell phone stipends should be continued as-is, changed, or discontinued. Stipends are funded by the department submitting the
Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a monthly cell phone stipend, to cover business-related costs. An employee is eligible for a stipend if at least one of the following criteria is met:

- The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to RAC that he/she is accessible during those times;

- The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours;

- The job function of the employee requires him/her to have wireless data and internet access; and/or;

- The employee is designated as a “first responder” to emergencies county-wide.

If an employee meets the eligibility requirements for a cell phone, as outlined above, a stipend may be requested using the Cell Phone Stipend Agreement form. The request may be made any time during the fiscal year.

**Stipend Category:**

The County has determined that essentially there are two categories of employees that receive a cell phone stipend. The first category, “essential” personnel, includes Managers, Commissioners, Directors, Coordinators, and Supervisors. Essential Personnel are required to respond to calls on their cell phones 24/7. Employees categorized in the second category, are considered “non-essential” (not requested 24/7) but still required to have communications when away from the office. A cell phone stipend in this category is necessary for effective performance of their respective offices.

The amount of the stipend will be determined based on the business contact required of the employee’s position and the minutes or data needed for the employee to perform his or her job responsibilities as outlined in Table A.

<table>
<thead>
<tr>
<th>Table A</th>
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<tbody>
<tr>
<td><strong>Occasional Use</strong> (Includes Non-Essential Personnel)</td>
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<tr>
<td>$30</td>
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**Employee Rights and Responsibilities**

Employees not wanting to divulge personal cell phone numbers may be authorized a one-time reimbursement (with prior authorization) up to an amount approved by county manager for purchase of a separate cell phone plan/number. The employee is responsible for purchasing a
cell phone and establishing a service contract with the cell phone service provider of his/her choice. The cell phone contract shall be in the name of the employee, who is solely responsible for all payments to the service provider. The employee purchases cellular phone service and equipment; determines plan choices, service levels, calling areas, service and phone features; and accepts termination clauses and payment terms. Because the cell phone is owned personally by the employee and the stipend provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the carrier for resolution.

Support from Rio Arriba County's IT is limited to documentation provided for connecting a personally-owned PDA/Smartphone to County-provided services, including email, calendar, and contacts.

An employee receiving a cell phone stipend must be able to show, if requested by his/her supervisor, a copy of the monthly access plan charges and business related use to determine if the amount of compensation is appropriate. If the employee terminates the wireless contract at any point, he/she must notify his/her supervisor within 5 business days to terminate the stipend. Additionally, if an employee changes their cell phone number, they must notify his/her supervisor to avoid stipend termination.

RAC does not accept any liability for claims, charges or disputes between the service provider and the employee. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone stipend. Cell phones covered by this policy are used in part to conduct RAC business and/or to create, receive, send, or store RAC data and/or confidential information. As a result, information contained on devices covered by this policy are also subject to Federal and State data maintenance and protection laws (e.g., records retention requirements), as well as all RAC policies, including those pertaining to data security, acceptable computing use, and email. An employee receiving a cell phone stipend must comply with Federal, State, and RAC requirements, and assist RAC in providing access to information about or contained on the cell phone covered by this policy in response to requests for such data or information by third parties as required by Federal and/or State law. Any cell phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee’s supervisor, the wireless device service provider, and to IT as soon as possible. Employees are expected to delete all RAC data from the cell phone when their employment with RAC is severed, except when required to maintain that data in compliance with a litigation hold notice.

Cancellation

Any stipend agreement will be immediately cancelled if an employee receiving a cell phone stipend terminates employment with RAC. In case of a change in job positions or department, a new Cell Phone Stipend Agreement must be submitted to the Finance Office to establish the continued business need for a cell phone. If, prior to the end of the cell phone contract, a personal decision by the employee, employee
misconduct, or misuse of the phone results in the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. EXAMPLE: The employee quits, and no longer wants to retain the current cell phone contract for personal purposes. If, prior to the end of the cell phone contract period, a department decision (unrelated to employee misconduct) results in the need to end or change the cell phone contract, the department will bear the cost of any fees associated with that change or cancellation. The original billing statement indicating the early termination charge billed must be submitted in order to be reimbursed in these circumstances. EXAMPLE: The employee’s supervisor has changed the employee’s duties, and the stipend is no longer needed. The employee does not want to retain the current cell phone contract for personal purposes.

Rio Arriba County Owned Cell Phones

RAC may own and retain a limited number of cell phones for emergency, disaster recovery, and/or other business purposes, including:

- On-call department cell phone (Ex: Animal Control): Used for business purposes only, this arrangement involves multiple individuals that take turns being on call and share one phone.

Employee use of county-owned cell phones is limited to official county business only, and no personal use of county-owned cell phones is allowed.

County owned cell phones are to remain in “unlisted” status and phone numbers are not revealed to the general public.

Cell Phone and Driving:
Employees whose job responsibility includes driving and who must use a cell phone for business use are expected to refrain from using the phone while driving. Allow voice mail or your passenger to handle calls when possible. Safety must come first before all other concerns. Regardless of circumstances, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

Policy Revision History
Policy Version Revision Date Revision Reason
v.1 Policy implemented 10/25/12
SIGNED, ADOPTED AND APPROVED THIS 25th DAY OF October, 2012.

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