

ADMINISTRATIVE REGULATION 2020-06

MAYOR JOHN SUTHERS

DATE: TBD

TOPIC: Cell Phone Allowance

LEGAL AUTHORITY: Administrative Regulation

1.0 Purpose and Scope

A monthly fixed cell phone allowance is to provide a fair and reasonable allowance when an employee uses a personal cell phone to conduct City business on a frequent and routine basis or needs to be available beyond regular work hours. The fixed monthly allowance is intended to ease the administrative effort otherwise required to track and report every occurrence of personal cellular usage for business purposes for those employees who call extensively in the performance of their duties and to defray the cellular operating and fixed costs borne by the employee.

The employee is required to maintain appropriate coverage and is responsible for all expenses incurred in the operation of the cell phone.

Eligibility

Employees eligible for a cell phone allowance generally include department heads, managers and some supervisors, and full-time employees, by exception, whose jobs regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. Department heads shall approve which employees within their departments qualify for a cell phone allowance.

At the discretion of a Department Head, employees may receive an allowance through payroll to cover business use of personally owned cell phones. Employees will obtain their own service agreements for cell phones and receive an allowance from the City for the use of those services. Allowances are intended to cover cell phone hardware purchases, replacement and any maintenance of devices as required. The allowance rates will be reviewed and established annually. It is not intended that all City employees using personal cell phones for business purposes will receive an allowance. Allowances will be authorized only for regular and necessary City business. Incidental and occasional use of a personal cell phone is expected for City business and is not to be compensated with an allowance.

Employee Responsibilities

Cellular contracts for personally owned cell phones are between the employee and the cellular provider, and are not obligations of the City of Colorado Springs. Invoices for

personally owned cell phone equipment or usage are not to be addressed to the City of Colorado Springs, and are the employee's sole responsibility to pay.

Employees who receive the allowance for personally owned cell phones are required to maintain current service in good standing with the cellular provider so long as the allowance is in effect.

The employee must provide their department head and the City's Technology Department with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for City business.

Employees who receive the allowance for personally owned cell phones are required to make their phone numbers available for appropriate business use and to be available to answer calls on their cell phone during business hours when regular business phones are not available or at other hours as may be appropriate or required for the position. An employee receiving a cellular service allowance must carry their mobile device on and off duty and respond when called for City business, in accordance with the employee's Department policies and procedures.

An employee may not receive a cellular service allowance and also be issued a City cell phone or smartphone. If an employee is receiving a cellular service allowance and, subsequently, is issued a City cell phone or smart phone, it is the employee's responsibility to notify City Payroll of the change in status and the allowance will be discontinued.

Reimbursement for business calls on a privately owned cell phone is not provided by the City of Colorado Springs, and shall be covered by the allowance. Reimbursement beyond the allowance is not provided for any reason.

Employees may choose the cellular service provider and plan design of their choice. If available from the City's contracted cellular service provider, employees may be able to take advantage of discounts for their personal service plans if they utilize the same provider as the City.

Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. 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 allowance.

Any email, account, or application on the employee's mobile device used for City business is subject to the discovery and legal hold requirements as well as subject to production in accordance with the Colorado Open Records Act (CORA).

If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in cell phone allowance being

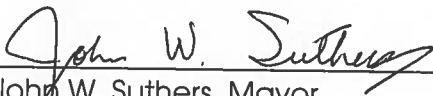
discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

2.0 Terms Defined

3.0 Procedures

4.0 Miscellaneous

- 4.1. This Administrative Regulation shall be effective as of ~~XXXX~~, and shall remain in effect until amended or rescinded.
- 4.2. This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City's website.
- 4.3. This Administrative Regulation does not limit, restrict or replace the Mayor's ability to exercise any authority granted by City Charter § ~~XXXXXX~~ or to utilize the City's human resources policies and procedures or other applicable policies, procedures, rules, regulations and laws.



John W. Suthers, Mayor

APPROVED AS TO FORM:

Office of the City Attorney

