

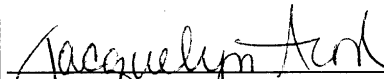



City of Carson

Report to Mayor and City Council

June 7, 2011
New Business Consent

SUBJECT: CONSIDERATION OF REVISIONS TO STANDARD MANAGEMENT PROCEDURE (SMP) NO. 6.50 - CELLULAR TELEPHONE/SMARTPHONE ALLOWANCE FOR ELECTED OFFICIALS AND UNCLASSIFIED EMPLOYEES


Submitted by Jacquelyn Acosta
Administrative Services General Manager


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

SMP No. 6.50 was approved by the City Council on May 1, 2007. Since that time, technology has changed and blackberries are becoming outdated and are now being replaced by Smartphones. The purpose of revising this SMP is to allow the current cellular telephone/blackberry allowance to also apply to Smartphones.

II. RECOMMENDATION

APPROVE the revised Standard Management Procedure No. 6.50.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

In May 2007, the city implemented an allowance program for elected officials and unclassified employees to encourage them to purchase their own cellular telephone/blackberry and cellular service rather than having the city provide and pay for the cellular telephone/blackberry and the monthly service.

Since that time, technology has changed and blackberries are becoming outdated and are now being replaced by Smartphones. The purpose of revising this SMP is to allow the current cellular telephone/blackberry allowance to also apply to Smartphones.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Revised SMP No. 6.50. (pgs. 3-8)
2. Original SMP No. 6.50. (pgs. 9-14)

Prepared by: Jacquelyn Acosta, Administrative Services General Manager

TO:Rev010511

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

CITY OF CARSON		POLICY/PROCEDURE
NUMBER 6.50		SUBJECT CELLULAR TELEPHONE/SMARTPHONE ALLOWANCE FOR ELECTED OFFICIALS & UNCLASSIFIED EMPLOYEES
ORIGINAL ISSUE 5/15/07	EFFECTIVE 5/1/07	
CURRENT ISSUE 6/7/11	EFFECTIVE 6/1/11	CATEGORY VI. HUMAN RESOURCES
SUPERSEDES N/A		

I. PURPOSE

- A. To establish a policy for the use of cellular telephones/Smartphones by Carson Elected Officials and Unclassified Employees.
- B. To establish an allowance to offset the user's projected business-related cellular telephone/Smartphone usage only. A user's personal cellular telephone/Smartphone usage is not reimbursable nor is it a consideration when setting the allowance amount(s).

II. SCOPE

- A. With the development and use of new, improved and affordable forms of communication, cellular telephones/Smartphones have now become a standard tool in the workplace environment. Cellular telephones/Smartphones can be a reliable and important instrument in assisting Elected Officials and Unclassified Employees to more effectively accomplish their duties and responsibilities. When properly utilized and controlled, this mobile form of communication permits users to remain in contact with their office and/or be available as needed. Cellular telephones/Smartphones also allow users to work during typical periods of downtime, such as when traveling.

III. GENERAL

- A. The city will provide Elected Officials and Unclassified Employees with an allowance of \$50.00 per month for costs associated with the use of their personal cellular telephone service for business purposes.
- B. The city will provide Elected Officials and Unclassified Employees with an allowance of \$75.00 per month for costs associated with the use of their personal cellular telephone/Smartphone service for business purposes.
- C. Elected Officials and Unclassified Employees must possess a cellular telephone/Smartphone and maintain a personal service plan in order to become eligible for the \$50.00 or \$75.00 monthly allowance provided by the city.
- D. Elected Officials and Unclassified Employees may choose one of the following three options:

III. GENERAL (CONT.)

1. Use a city-owned cellular telephone/Smartphone and city-provided service plan. If the Elected Official or Unclassified Employee chooses this option, they will be issued the standard city cellular telephone/Smartphone and the appropriate accessories. If the Elected Official or Unclassified Employee chooses this option, they will be required to use the service provider currently under contract with the city. If the Elected Official or Unclassified Employee chooses this option, they will be required to reimburse the city, on a monthly basis, for all personal calls, at the rate of \$.18 per minute. Additionally, the Elected Official's or Unclassified Employee's phone records will be considered public records and will be available for public review, inspection, and reproduction, upon request.
2. Purchase and pay for their own cellular telephone/Smartphone and service plan. If the Elected Official or Unclassified Employee chooses this option, then they can select whatever type of cellular telephone/Smartphone* they choose. Additionally, they can select the service provider/plan of their choice. If the Elected Official or Unclassified Employee chooses this option, the cellular telephone/Smartphone will be the personal property of the Elected Official or Unclassified Employee and will be theirs to keep when they separate from the city. If the Elected Official or Unclassified Employee chooses this option, any damage to or loss of the cellular telephone/Smartphone will be the responsibility of the Elected Official or Unclassified Employee. If the Elected Official or Unclassified Employee chooses this option, they will be eligible for the appropriate monthly allowance and the phone records of the Elected Official or Unclassified Employee will not be considered public records and will not be available for public review, inspection, or reproduction. ***NOTE: If the Elected Official or Unclassified Employee is purchasing a Smartphone, they must consult with the city's Information Technology Manager to make sure that it will be compatible with the city's e-mail system.**
3. Purchase and pay for their own cellular telephone/Smartphone and get reimbursed for the cost of the cellular telephone/Smartphone by the city, and, in addition, purchase and pay for their own service plan. If the Elected Official or Unclassified Employee chooses this option, then they can select whatever type of cellular telephone/Smartphone* they choose. Additionally, they can select the service provider/plan of their choice. If the Elected Official or Unclassified Employee chooses this option, the cellular telephone/Smartphone will be the property of the city and must be returned to the city when they separate from the city. If the Elected Official or Unclassified Employee chooses this option, any accidental damage to or loss of the cellular telephone/Smartphone will be covered by the city. If the Elected Official or Unclassified Employee chooses this option, they will be eligible for the appropriate monthly allowance and the phone records of the Elected Official or Unclassified Employee will not be considered public records and will not be available for public review, inspection, or reproduction. ***NOTE: If the Elected Official or Unclassified Employee is purchasing a Smartphone, they must consult with the city's Information Technology Manager to make sure that it will be compatible with the city's e-mail system.**



III. GENERAL (CONT.)

- E. For Elected Officials and Unclassified Employees who purchase their own service plan and receive the monthly allowance, which is considered taxable income, they may use the cellular telephone/Smartphone for both business and personal purposes, as needed. Upon separating from the city, the cellular telephone/Smartphone allowance will cease.
- F. Payment of any business cellular telephone/Smartphone charges in excess of the city-paid monthly allowance of \$50.00/\$75.00 shall be the personal responsibility of the Elected Official or Unclassified Employee. No further reimbursement for cellular telephone/Smartphone service plan costs is available to Elected Officials or Unclassified Employees who receive a monthly allowance.
- G. Unclassified Employees will be expected to be available via cellular telephone/e-mail during normal business hours or as workload demands require.

IV. PROCEDURE

- A. In order to receive the monthly allowance, the Elected Official or Unclassified Employee must complete and submit city form number 1105/0907 and must be contracted with a cellular telephone service provider and have paid all activation fees and any incidental charges relating to the plan they chose. They will also bear the cost of any fees imposed by the cellular telephone/Smartphone service provider associated with changing or canceling a cellular telephone/Smartphone service plan.
- B. The \$50.00/\$75.00 cellular telephone/Smartphone allowance shall be paid by the city for the prior month on the first pay date of each month.
- C. The cellular telephone/Smartphone allowance is taxable income and appropriate withholdings will be taken from each monthly check.
- D. Elected Officials and Unclassified Employees shall provide documentation verifying their ownership and business use of a cellular telephone/Smartphone service plan to the Purchasing Division in order to become eligible for the cellular telephone/Smartphone allowance.
- E. Elected Officials and Unclassified Employees shall provide their cellular telephone number/e-mail address to the Purchasing Division, with the understanding that their number will be published on the city's master cellular telephone directory. An Unclassified Employee's failure to provide a current cellular telephone number, or failure to notify the city that the cellular telephone service has been suspended or terminated while the allowance is still being provided, will result in disciplinary action, up to and including termination of employment.



IV. PROCEDURE (CONT.)

- F. As needed or requested, Elected Officials and Unclassified Employees shall provide documentation to the Purchasing Division verifying continued ownership and business use of a cellular telephone/Smartphone service plan in order to maintain their monthly allowance.
- G. Elected Officials and Unclassified Employees who receive a monthly cellular telephone/Smartphone allowance shall maintain the cellular telephone/Smartphone in good operating condition. Unclassified employees must have the cellular telephone/Smartphone in their possession during their regular working hours and any other hours specified by their supervisor. They will be expected to be available via cellular telephone during said hours, or as workload demands require. Payment of any business cellular telephone/Smartphone charges in excess of the monthly allowance shall be the personal responsibility of the user.
- H. Elected Officials and Unclassified Employees are responsible for operating city-owned vehicles and potentially hazardous equipment in a safe and prudent manner; therefore, Elected Officials and Unclassified Employees should refrain from using cellular telephones/Smartphones while operating such vehicles. In addition, Elected Officials and Unclassified Employees shall not use cellular telephones/Smartphones while driving in states where prohibited by law or where use is banned.
- I. Legal and ethical limitations on the use of cellular telephones/Smartphones for business purposes:
 - 1. While the city recognizes and respects users' rights to freedom of speech, such rights are not absolute. Speech, which is fraudulent, libelous, obscene, harassing, or threatening is not permitted under state or federal law, and is in direct violation of city policies addressing such and the city's Personnel Rules. While conducting city business, users are expressly prohibited from using their cellular telephones/Smartphones to engage in such conduct. Users violating this section will be subject to disciplinary action up to and including termination, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws.
 - 2. For purposes of this Policy, the terms "fraud" and "libel" are given their legal meaning as developed by the courts of this state and of the United States. "Obscenity" means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value. "Threatening" means communications, which result in an individual being fearful of imminent bodily harm and/or emotional/mental disruption of his/her daily life. "Harassing," means to engage in a knowing and willful course of conduct directed at another which seriously alarms or annoys another, and which



IV. PROCEDURE (CONT.)

serves no legitimate purpose.

3. In addition, "harassment" shall also mean to subject to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of such a nature which has the purpose or effect of creating an intimidating and/or hostile work environment, or as otherwise provided pursuant to state and/or federal law. Other conduct, which is prohibited by this Policy, is that which would constitute discrimination on the basis of race, religion, sex, national origin, disability, marital status, sexual orientation or any other classification recognized by state and/or federal law.

V. EXCEPTIONS

Exceptions to this procedure shall only be authorized by the City Manager.

VI. AUTHORITY

By order of the City Council, as approved on June 7, 2011, Agenda Item XX.

Clifford W. Graves

Date



ACKNOWLEDGEMENT FORM

I, _____, have received and read the Cellular Telephone/Smartphone Allowance policy for Elected Officials and Unclassified Employees and understand its provisions. I also understand the cellular telephone/Smartphone allowance will be discontinued if I do not maintain a personal cellular telephone/Smartphone and service. I further understand that when I sign this acknowledgement form it will be placed in my personnel file. By signing this acknowledgement below, I am agreeing to follow the provisions of this Standard Management Procedure.

SIGNATURE _____**DATE:** _____

CITY OF CARSON		POLICY/PROCEDURE
NUMBER 6.50		SUBJECT
ORIGINAL ISSUE 5/15/07	EFFECTIVE 5/1/07	CELLULAR TELEPHONE/BLACKBERRY ALLOWANCE FOR ELECTED OFFICIALS & UNCLASSIFIED EMPLOYEES
CURRENT ISSUE 5/15/07	EFFECTIVE 5/1/07	
SUPERSEDES N/A		CATEGORY
		VI. HUMAN RESOURCES

I. PURPOSE

- A. To establish a policy for the use of cellular telephones/blackberries by Carson Elected Officials and Unclassified Employees.
- B. To establish an allowance to offset the user's projected business-related cellular telephone/blackberry usage only. A user's personal cellular telephone/blackberry usage is not reimbursable nor is it a consideration when setting the allowance amount(s).

II. SCOPE

- A. With the development and use of new, improved and affordable forms of communication, cellular telephones/blackberries have now become a standard tool in the workplace environment. Cellular telephones can be a reliable and important instrument in assisting Elected Officials and Unclassified Employees to more effectively accomplish their duties and responsibilities. When properly utilized and controlled, this mobile form of communication permits users to remain in contact with their office and/or be available as needed. Cellular telephones/blackberries also allow users to work during typical periods of downtime, such as when traveling.

III. GENERAL

- A. The city will provide Elected Officials and Unclassified Employees with an allowance of \$50.00 per month for costs associated with the use of their personal cellular telephone service for business purposes.
- B. The city will provide Elected Officials and Unclassified Employees with an allowance of \$75.00 per month for costs associated with the use of their personal cellular telephone/blackberry service for business purposes.
- C. Elected Officials and Unclassified Employees must possess a cellular telephone/blackberry and maintain a personal service plan in order to become eligible for the \$50.00 or \$75.00 monthly allowance provided by the city.
- D. Elected Officials and Unclassified Employees may choose one of the following three options:



III. GENERAL (CONT.)

1. Use a city-owned cellular telephone/blackberry and city-provided service plan. If the Elected Official or Unclassified Employee chooses this option, they will be issued the standard city cellular telephone/blackberry and the appropriate accessories. If the Elected Official or Unclassified Employee chooses this option, they will be required to use the service provider currently under contract with the city. If the Elected Official or Unclassified Employee chooses this option, they will be required to reimburse the city, on a monthly basis, for all personal calls, at the rate of \$.18 per minute. Additionally, the Elected Official's or Unclassified Employee's phone records will be considered public records and will be available for public review, inspection, and reproduction, upon request.
2. Purchase and pay for their own cellular telephone/blackberry and service plan. If the Elected Official or Unclassified Employee chooses this option, then they can select whatever type of cellular telephone/blackberry* they choose. Additionally, they can select the service provider/plan of their choice. If the Elected Official or Unclassified Employee chooses this option, the cellular telephone/blackberry will be the personal property of the Elected Official or Unclassified Employee and will be theirs to keep when they separate from the city. If the Elected Official or Unclassified Employee chooses this option, any damage to or loss of the cellular telephone/blackberry will be the responsibility of the Elected Official or Unclassified Employee. If the Elected Official or Unclassified Employee chooses this option, they will be eligible for the appropriate monthly allowance and the phone records of the Elected Official or Unclassified Employee will not be considered public records and will not be available for public review, inspection, or reproduction. ***NOTE: If the Elected Official or Unclassified Employee is purchasing a blackberry, they must consult with the city's Information Technology Manager to make sure that it will be compatible with the city's e-mail system.**
3. Purchase and pay for their own cellular telephone/blackberry and get reimbursed for the cost of the cellular telephone/blackberry by the city, and, in addition, purchase and pay for their own service plan. If the Elected Official or Unclassified Employee chooses this option, then they can select whatever type of cellular telephone/blackberry* they choose. Additionally, they can select the service provider/plan of their choice. If the Elected Official or Unclassified Employee chooses this option, the cellular telephone/blackberry will be the property of the city and must be returned to the city when they separate from the city. If the Elected Official or Unclassified Employee chooses this option, any accidental damage to or loss of the cellular telephone/blackberry will be covered by the city. If the Elected Official or Unclassified Employee chooses this option, they will be eligible for the appropriate monthly allowance and the phone records of the Elected Official or Unclassified Employee will not be considered public records and will not be available for public review, inspection, or reproduction. ***NOTE: If the Elected Official or Unclassified Employee is purchasing a blackberry, they must consult with the city's Information Technology Manager to make sure that it will be compatible with the city's e-mail system.**

III. GENERAL (CONT.)

- E. For Elected Officials and Unclassified Employees who purchase their own service plan and receive the monthly allowance, which is considered taxable income, they may use the cellular telephone/blackberry for both business and personal purposes, as needed. Upon separating from the city, the cellular telephone/blackberry allowance will cease.
- F. Payment of any business cellular telephone/blackberry charges in excess of the city-paid monthly allowance of \$50.00/\$75.00 shall be the personal responsibility of the Elected Official or Unclassified Employee. No further reimbursement for cellular telephone/blackberry service plan costs is available to Elected Officials or Unclassified Employees who receive a monthly allowance.
- G. Unclassified Employees will be expected to be available via cellular telephone/e-mail during normal business hours or as workload demands require.

IV. PROCEDURE

- A. In order to receive the monthly allowance, the Elected Official or Unclassified Employee must complete and submit city form number 1105/0907 and must be contracted with a cellular telephone service provider and have paid all activation fees and any incidental charges relating to the plan they chose. They will also bear the cost of any fees imposed by the cellular telephone/blackberry service provider associated with changing or canceling a cellular telephone/blackberry service plan.
- B. The \$50.00/\$75.00 cellular telephone/blackberry allowance shall be paid by the city for the prior month on the first pay date of each month.
- C. The cellular telephone/blackberry allowance is taxable income and appropriate withholdings will be taken from each monthly check.
- D. Elected Officials and Unclassified Employees shall provide documentation verifying their ownership and business use of a cellular telephone/blackberry service plan to the Purchasing Division in order to become eligible for the cellular telephone/blackberry allowance.
- E. Elected Officials and Unclassified Employees shall provide their cellular telephone number/e-mail address to the Purchasing Division, with the understanding that their number will be published on the city's master cellular telephone directory. An Unclassified Employee's failure to provide a current cellular telephone number, or failure to notify the city that the cellular telephone service has been suspended or terminated while the allowance is still being provided, will result in disciplinary action, up to and including termination of employment.



IV. PROCEDURE (CONT.)

- F. As needed or requested, Elected Officials and Unclassified Employees shall provide documentation to the Purchasing Division verifying continued ownership and business use of a cellular telephone/blackberry service plan in order to maintain their monthly allowance.
- G. Elected Officials and Unclassified Employees who receive a monthly cellular telephone/blackberry allowance shall maintain the cellular telephone/ blackberry in good operating condition. Unclassified employees must have the cellular telephone/blackberry in their possession during their regular working hours and any other hours specified by their supervisor. They will be expected to be available via cellular telephone during said hours, or as workload demands require. Payment of any business cellular telephone/ blackberry charges in excess of the monthly allowance shall be the personal responsibility of the user.
- H. Elected Officials and Unclassified Employees are responsible for operating city-owned vehicles and potentially hazardous equipment in a safe and prudent manner; therefore, Elected Officials and Unclassified Employees should refrain from using cellular telephones/blackberries while operating such vehicles. In addition, Elected Officials and Unclassified Employees shall not use cellular telephones while driving in states where prohibited by law or where use is banned.
- I. Legal and ethical limitations on the use of cellular telephones/blackberries for business purposes:
 - 1. While the city recognizes and respects users' rights to freedom of speech, such rights are not absolute. Speech, which is fraudulent, libelous, obscene, harassing, or threatening is not permitted under state or federal law, and is in direct violation of city policies addressing such and the city's Personnel Rules. While conducting city business, users are expressly prohibited from using their cellular telephones/blackberries to engage in such conduct. Users violating this section will be subject to disciplinary action up to and including termination, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws.
 - 2. For purposes of this Policy, the terms "fraud" and "libel" are given their legal meaning as developed by the courts of this state and of the United States. "Obscenity" means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value. "Threatening" means communications, which result in an individual being fearful of imminent bodily harm and/or emotional/mental disruption of his/her daily life. "Harassing," means to engage in a knowing and willful course of conduct directed at another which seriously alarms or annoys another, and which serves no legitimate purpose.



IV. PROCEDURE (CONT.)

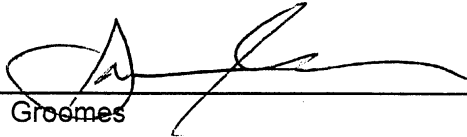
3. In addition, "harassment" shall also mean to subject to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of such a nature which has the purpose or effect of creating an intimidating and/or hostile work environment, or as otherwise provided pursuant to state and/or federal law. Other conduct, which is prohibited by this Policy, is that which would constitute discrimination on the basis of race, religion, sex, national origin, disability, marital status, sexual orientation or any other classification recognized by state and/or federal law.

V. EXCEPTIONS

Exceptions to this procedure shall only be authorized by the City Manager.

VI. AUTHORITY

By order of the City Council, as approved on May 15, 2007, Agenda Item 9.



Jerome G. Groomes

ACKNOWLEDGEMENT FORM

I, _____, have received and read the Cellular Telephone/Blackberry Allowance policy for Elected Officials and Unclassified Employees and understand its provisions. I also understand the cellular telephone/blackberry allowance will be discontinued if I do not maintain a personal cellular telephone/blackberry and service. I further understand that when I sign this acknowledgement form it will be placed in my personnel file. By signing this acknowledgement below, I am agreeing to follow the provisions of this Standard Management Procedure.

SIGNATURE _____**DATE:** _____