



Granville County Employee Cell Phone Policy

Adopted: September 10, 2010

Updated: August 5, 2019

I. PURPOSE:

Cell phone technology is a valuable communication tool for Granville County employees. Voice, text, and data functions-as well as other cell phone and smart phone features-make this tool necessary and effective for certain Granville County employees in transacting official Granville County business. The purpose of this policy is to outline legal requirements for electronic records and open meeting laws regarding cell phone technology, as well as to establish policies around cell phone use by employees of Granville County.

II. ELECTRONIC MESSAGES AS PUBLIC RECORD

Electronic messages, including texts and emails, are considered public record under North Carolina General Statutes Section 132 and will be managed as such.

G.S. § 132-1(a)

"Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

Public records include anything created in the course of public business *regardless of format*. Granville County business that is conducted on a cell phone is subject to public record law. Any record made or received in the transaction of public business is subject to public access unless an exception applies. Records created by government staff on personal devices are public records if the content involves public business.

Retention schedules for electronic records may vary by department and/or topic. Content created by Granville County staff, elected officials, appointed boards members, and volunteers conducting county business is subject to state retention schedules.

In certain circumstances it is possible for an employee to be required to turn their cell phone over to County administration, law enforcement, and/or the court system

III. OPEN MEETINGS

Granville County elected officials and appointed board and committee members are subject to open meeting laws. A quorum of board members holding a discussion about public business through text messaging or on a group call (or by email) may constitute a meeting that is subject to the open meetings law.

IV. EMPLOYEE CELL PHONE STIPEND

Employees requiring cell phones to perform their work will receive a stipend to compensate for business use of an employee purchased, employee owned, and employee operated cell phone. The stipend will be included in the

employee's pay check. This is a non-accountable plan; therefore, additional receipts and documentation are not required once the stipend has been approved by the Department Manager and Human Resources.

Employees that conduct official Granville County business on their personal cell phone devices are subject to public records and open meeting laws.

Requirements for the stipend include:

- Employees must retain an active cell phone contract as long as they receive a cell phone stipend. Department heads and the Internal Auditing Department retain the right to receive a copy of an employee's cell phone payment invoice to verify an active contract.
- Employees are responsible for all costs related to the phone including accessories.
- The County makes no distinction between brand or type of phone that an employee may choose to use.
- Granville County Government is not responsible for any damages that occur to an employee's personal cell phone.
- Employees receiving a cell phone stipend will not also receive a county purchased and county owned phone. Exceptions to this rule must have a documented need and must be approved by the County Manager.
- Any costs incurred over and above the stipend are the responsibility of the employee.

If cell phone stipends are discontinued, Granville County will give employees a 90-day notice of termination.

4.A Exceptions

There are two exceptions to the employee cell phone stipend.

Exception 1: County Purchased, County Owned, Employee Operated

The first exception to this policy will be cell phones that are County purchased, County owned, and employee operated. Example: The employee requires a cell phone to perform their work but does not wish to use a personal phone and receive a stipend.

With this option, cell phones supplied by the County are meant to be used for County business. Personal calls (outgoing and incoming) will be allowed in limited and infrequent instances, namely emergencies. Incidental personal use of Granville County equipment should be kept to a minimum and in compliance with Granville County Information Technology policies. Call logs (of personal calls only) will be audited each month by the Internal Auditing Department. The employee may also be subject to disciplinary action for violations of policies regarding a County-owned cell phone.

Training on the Granville County Cell Phone Policy and completion of the necessary forms must be completed before employees receive a cell phone.

A screen lock code is highly encouraged on all County-owned cell phones.

Exception 2: County Purchased, County Owned, Department Group Use

The second exception will be cell phones that are County-purchased, County-owned and maintained by departments for group use and are not assigned to specific individuals.

With this option, departments will be required to maintain a detailed log of employees checking in and out the assigned phone. The log will be subject to review each month by the Internal Auditing

Department. Employees may be subject to disciplinary action for violations of policies regarding a County-owned cell phone

A screen lock code is highly encouraged on all County-owned cell phones.

Training on the Granville County Cell Phone Policy and completion of the necessary forms must be completed before employees receive a cell phone.

Incidental Personal Use of County Systems

Personal use is when an employee, elected official, or volunteer uses a Granville County information system for a reason that is not related to the purpose for which that user was granted access to that system. Incidental personal use of Granville County's information systems is permitted unless the department for which the user works or volunteers sets additional restrictions on personal use of Granville County information systems.

Personal use of Granville County information systems is prohibited when it:

- Interferes with the user's productivity or work performance
- Interferes with the productivity or work performance of others
- Has an adverse effect on Granville County information systems
- Is illegal or violates Granville County policy
- Violates State or Federal information systems policies governing departmental services

Staff, elected officials, and volunteers are discouraged from using government systems for personal use. Users must present their personal communications using Granville County information systems in such a way to make it clear that those communications are personal and are not made as a representative of Granville County.

Storage of personal records on Granville County information systems shall be kept to a minimum. Any personal storage that IT determines interferes with efficient operations of Granville County's information systems is subject to removal.

4.B Eligibility for Cell Phone Stipend

Eligible positions are identified in the Granville County Pay and Classification Plan on file with Human Resources. Exceptions to eligible positions must be approved by the County Manager. General eligibility involves:

Voice Plan:

- 30% or more of work hours are outside of the office
- Job duties require on-call status
- Job duties are in public safety requiring immediate or emergency response
- Primary mode of communication is the cell phone to stay in contact with county offices, contractors, etc.

Data Plan:

- Frequent need to information such as email, contacts, calendar, etc. while away from the office.

Data plans must be approved by the County Manager. Department Managers are responsible for determining the need for eligible employees prior to employee applying for stipend.

Training on the Granville County Cell Phone Policy and completion of the necessary forms must be completed before employees receive a cell phone stipend.

V. NON-EXEMPT EMPLOYEES

Department heads are responsible for orienting non-exempt employees to FLSA regulations, especially in regard to cell phone use per this policy.

VI. DEPARTMENT DISCRETION OF CELL PHONE POLICY

Department heads may implement a department specific cell phone policy. These department specific policies must meet the Countywide policies at a minimum. Department specific policies must be approved by the department head and the County Manager and/or the respective departments' governing boards.

**Granville County Employee
Cell Phone Policy
Acknowledgement and Agreement**

Employee Name: _____ Employee ID: _____

Job Title: _____ Dept: _____

I have read, understand, and agree to comply with the Granville County Cell Phone Policy. I acknowledge that my cell phone account records may in certain circumstances be considered public records in accordance with NC General Statutes and may need to be turned over to the County upon request.

Employee's Signature

Date

Department Manager's Approval

Date

