

Category: 400

Number: 402

Subject: CELLULAR DEVICE POLICY

1. **PURPOSE:** Establish a policy for cellular device use and compensation allowance.
2. **AUTHORITY:** The Gratiot County Board of Commissioners.
3. **APPLICATION:** This Policy applies to Elected Officials, Department Heads and employees who are provided a cellular device owned or leased by the County, or who are authorized to use a personal cellular device for County business.
4. **RESPONSIBILITY:** The Board of Commissioners shall be responsible for the implementation of this Policy. The Administrator shall be responsible for the administration of this policy.
5. **DEFINITIONS:**
 - 5.1 County-Owned Device: A cellular device that is purchased or leased by the County and/or is connected to Gratiot County's cellular service plan.
 - 5.2 Personally-Owned Device: A cellular device that has been purchased by an employee or is associated with an employee's personal cellular service plan.
 - 5.3 Department Heads: Appointed or elected officials who are designated to head and manage County offices or departments.
 - 5.4 County Employees: Elected officials, appointed officials, other employees, volunteers, court staff, or contractors.

6. POLICY:

6.1 **Assignment of County-Owned Devices and Permission to use Personally-Owned Devices to Conduct County Business**

- 6.1.1 All employees who are permitted access to County-Owned Devices, or use their Personally-Owned Devices to conduct business on behalf of the County shall be so identified as meeting the criteria established below.
 - 6.1.1.1 The responsibilities of the position require the routine and regular conduct of County business before or after normal working hours.
 - 6.1.1.2 The responsibilities of the position are such that it is to the convenience of the County to assign a cellular device or allow an employee to use a personal device to conduct County business on behalf of the County.
 - 6.1.1.3 A demonstrated security risk warrants such assignment based upon the position, data accessed or to otherwise safeguard County data or property interests.
 - 6.1.1.4 A demonstrated need for a cellular device to ensure a timely response to an emergency or after-hour call has been verified and approved by the Department Head.
 - 6.1.1.5 Individual is designated to be "on call" for a specific function or purpose.
- 6.1.2 The authority to grant, modify, limit or revoke assignment of a County-Owned Device or permission to conduct business on behalf of the County on a Personally-Owned Device rests in the discretion of each Department Head or the

County Administrator. Devices and usage rights are assigned and certain privileges in their use are granted only as a means of providing effective management of County functions and should not be construed as being a substitute for other compensation or as a fringe benefit

- 6.1.3 Department head or staff supplied with or approved to use County-Owned Device is for County business purposes only and are not eligible to receive an allowance/stipend toward a Personally-Owned Device.

6.2 **Service and Maintenance.**

- 6.2.1 Repairs. Eligible County-Owned Devices will be repaired under the terms and conditions of the County maintenance contract or by a vendor chosen by the County.
- 6.2.2 Replacement. Cost of replacement of any County-Owned Devices resulting from damage, loss or theft is the responsibility of the department to which the equipment is assigned.
- 6.2.3 Return/Transfer of Equipment. Employees transferring to another County position for which a cellular device may be issued under this Policy shall notify the Gratiot County Information Technology Department ("GC-IT") and cooperate in GC-IT's direction regarding equipment or plan change and necessary documentation.
- 6.2.4 Theft, Loss, or Damage. Individuals assigned a County-Owned Device or a Personally-Owned Device on which County records are accessible, must employ the physical security measures against the device lost or stolen and employ password protection and other measures mandated by GC-IT to reduce security threats. In the event of a lost or stolen device the individual is required to report the incident to their Department Head immediately.

Departments are required to report any theft or loss of County Owned Devices or authorized Personally-Owned Devices used to access County resources to GC-IT immediately (or no later than 72 hours in the event of a weekend or holiday) so that appropriate security or remedial measures may be taken. This may include, but is not limited to deactivating the device, remotely locking the device and/or remotely wiping the device. Devices remotely wiped will destroy all data on the device whether it is related to County business or personal. GC-IT has exclusive authority and discretion regarding the appropriate remedial and security measures to be utilized.

By use of an County-Owned Device or acceptance of the County stipend for partial reimbursement of the costs of a Personally-Owned Device the Department Head or employee authorizes the County to undertake such remedial measures, including a remote wipe and waives and releases the County from any liability or damages arising from such remote wipe including, but not limited to, the device and/or loss of personal data.

6.3 **Record Maintenance.**

- 6.3.1 The GC-IT will maintain records of those individuals who have been assigned a County-Owned Device or has been authorized to utilize a Personally-Owned

Device for County business. These records shall include device and usage rights assignment, and billing statements, and authorized reimbursement sums. In the discretion of the County Administrator, records available and maintained by the GC-IT reviewable by Department Heads upon their request.

6.4 **General Rules and Regulations**

The following rules and regulations are established as a supplement to all rules and regulations contained in this and other administrative and personnel policies. The rules and regulations contained herein apply to all devices being used to conduct County business, regardless of whether they County-Owned Devices or the associated cellular plan is paid (in full or in part) by County. Individuals who use a Personally-Owned Device to conduct County business must adhere to policy regardless of whether they are being reimbursed by the County for business use.

- 6.4.1.1 All individuals must comply with all applicable laws and ordinances while operating a County-Owned Device or Personally Owned Device for County business. This includes laws regarding the use of cell phones while driving, and avoiding cell phone use that may jeopardize the safety of the individual or others. Such use may include text messaging, emailing, or verbal communication.
- 6.4.1.2 Employees are prohibited from text messaging while driving a County owned vehicle, or while driving privately owned vehicle during business hours or on County business.
- 6.4.1.3 The operation of any equipment in such a manner that could result in property or bodily damage either to the County or the public due to careless or negligent operation.
- 6.4.1.4 Using a County-Owned or Personally-Owned cellular telephone number for both County business and another non-County business use.
- 6.4.1.5 Using a County-Owned or Personally-Owned device for in any illegal, illicit or offensive manner.
- 6.4.1.6 Personal calls or messaging on County-Owned Device are highly discouraged. The County recognizes that brief personal calls or messages for family or emergency matters may occur from time to time; however, the individual will be expected to keep personal use to a minimum. Personal calls on County-Owned Devices which result in overage or additional charges to the County are, and remain, the sole financial responsibility of the individual.
- 6.4.1.7 Department Heads and staff using devices for County network and data access will, without exception, shall use secure data management procedures recommended by GC-IT. Individuals shall not seek to contravene or bypass County installed software or security.
- 6.4.1.8 For security reasons, individuals with a County Owned-Device or Personally-Owned Device authorized to conduct County business may not install any additional programs or applications without prior

approval of GC-IT. To like effect, individuals may not make any modifications to the cell phone hardware or software, or install additional hardware or software, beyond authorized and routine installation updates unless approved by GC-IT.

- 6.4.1.9 For security reasons, individuals with a County Owned-Device or Personally-Owned Device authorized to conduct business on behalf of the County may not install or use any cloud-based applications or backup which permits County-related data to be copied or transferred to unsecure parties or the cloud.
- 6.4.1.10 To comply with applicable laws, individuals are responsible for following County approved Data Retention Policies and Equipment Disposal Policies, if applicable, to identify how long electronic communications found on the device must be kept and/or maintained. (Note that all electronic communications do not necessarily have the same retention period.)
- 6.4.1.11 It is generally recognized that cell phone transmissions are not secure. Individuals will not transmit legally private, confidential or sensitive County information unless applicable encryption or GC-IT approved privacy safeguards are utilized.
- 6.4.1.12 Waiver of policy is at discretion of the County Administrator.
- 6.4.1.13 Violation of any of these provisions will result in termination of device privileges or partial reimbursement, and/or disciplinary action up to and including termination.

6.5 **Privacy and Information Retrieval**

- 6.5.1 Cell phones can be used to both send and receive text messages, pictures, recordings, videos, and e-mail communications. The County reserves the right to monitor all text messages, pictures, recordings, videos, e-mail communications or other communications of any type whether composed or received by the individual on a County-Owned Device or a Personally-Owned Device (or the County network) used for County business. The County also reserves the right to monitor the individual's internet use history on a County-Owned Device or which uses County network resources.
- 6.5.2 The County reserves the right to review, audit, intercept, access, and/or disclose all matters contained in/as part of the County telecommunications system at any time, with or without notice to the individual. The individual acknowledges, by using an County-Owned Device or accepting partial County reimbursement for a Personally Owned Device, that the individual has no expectation of privacy to any communications made on or data which may be contained on the cell phone or County's telecommunications or network system.
- 6.5.3 Due to the nature of electronic communications and the public entity status of the County call history, text messages, pictures, recordings, videos, e-mail communications, internet search histories or other data or communications of any type either composed or received by the individual on a County-Owned

Device or a Personally-Owned Device used for County business purposes could be considered public records and subject to disclosure under the Michigan Freedom of Information Act or be subject to disclosure by other legal mechanism. Electronic communications regarding Authority business composed or received by an individual on their personal cell phone may also be subject to the Michigan Freedom of Information Act or other legal means of disclosure. The County and its employees may be required to disclose such records, text messages, and other electronic data and documents (including cellular device user locations at particular times, phone numbers called or texted or from whom the individual received calls or texts, or contents of text messages sent or received) pursuant to the Michigan public records laws, court order or state and federal laws. This applies to any phone used for County business purposes, whether the hardware is owned by the County or owned by the individual, and regardless of whether the County is reimbursing the individual for cellular service costs.

- 6.5.4 The County treats all information stored through or stored in the cellular system's equipment or network, including, but not limited to, voice communication, text messages and e-mail messages, as County information. The County has the capacity to access, review, copy, modify any information transmitted or stored in the system, including voice, text and e-mail messages.
- 6.5.5 Records of phone calls and messages and other electronic transmission or data produced for County business are County property. The user shall cooperate in retrieval of this County property from a device, whether County-owned or personally owned. Assisting with data retrieval may require providing the device to a representative of the County, providing a device unlock PIN or other password to allow County representative to gain access to data on the device.
- 6.5.6 If a Personally-Owned device is no longer required to be used to conduct County business, the user is responsible notifying GT-IT to facilitate back-up, copy, and deleting County data from the device.

6.6 **Technological Requirements**

- 6.6.1 All devices used to conduct County business, whether they are County-Owned Devices or personally owned (and regardless of whether or not the County is partially reimbursing the employee for the device) must have necessary software installed to safeguard the County data network or secure data on the device . This software is used at minimum to:
 - 6.6.1.1 Enforce a secure PIN requirement on the device.
 - 6.6.1.2 Permit GC-IT to remotely reset a PIN / passcode on a device.
 - 6.6.1.3 Permit GC-IT to remotely lock the device and/or remotely wipe all data contained on a device in the event it is lost, stolen, or compromised.
 - 6.6.1.4 Assists GC-IT with purchasing software for the device under the County's Volume Licensing Agreement.
 - 6.6.1.5 Allows for GC-IT to enforce operating system version requirements. The County reserves the right to use mobile device management software to collect and manage data as described in other portions of this Policy.

6.6.2 Purchasing Software

6.6.2.1 All mobile device software purchases used for County business should be processed and approved by the GC-IT. When possible, software purchases should be made by using the County's Volume Licensing Agreement.

6.6.3 Cellular Device Support

6.6.3.1 Individuals authorized to utilize a County-Owned Device must obtain technical support from GC-IT and must strictly adhere to the requirements of GC-IT.

6.6.3.2 Individuals authorized to utilize a Personally-Owned Device for County business purposes must receive technical support from GC-IT staff with issues relating to security requirements and connecting to County services to conduct County business.

6.6.3.3 Employees who utilize a Personally-Owned Device will not receive technical support from Gratiot County IT staff with issues relating to personal use, or issues concerning the phone's hardware, operating system, cellular service or other software. Support for these items must be obtained from the vendor providing the hardware or cellular service.

6.6.3.4 Individuals authorized to utilize a Personally-Owned Device for County business use must utilize an authorized device model designated in Appendix B. This list is updated annually. Devices may be removed from the list at the discretion of GC-IT based upon security or reliability determinations.

6.7 **Cellular Device Reimbursement Allowance for Personal Device Used for County Business**

6.7.1 Eligibility for Cellular Device Allowance

6.7.1.1 The cellular device reimbursement allowance must be approved by the employee's Department Head and County Administrator for individuals who meet the criteria listed in 6.1.

6.7.1.2 The allowance will be charged to the corresponding department's budget. The Department Head must ensure availability of funding.

6.7.2 Cellular Device Allowance Amount

6.7.2.1 The monthly cellular device allowances are shown in Appendix A of this Policy. The allowance is intended to reimburse the employee for the estimated County business use, not to pay the individual's entire cellular bill. The amount of the allowance is commensurate with the estimated business use and will be reviewed periodically by Administration for modification or revocation.

6.7.2.2 Eligible individuals must provide the County with a cellular bill in order to be eligible to receive the reimbursement allowance. The amount of the reimbursement allowance is the amount listed on Appendix A (or a lesser amount on the receipt.)

- 6.7.2.3 Eligibility for the reimbursement allowance or the level of the allowance provided is subject to modification or revocation as determined by the employee's Department Head or the County Administrator.
- 6.7.2.4 Upon request, individuals must provide any and all documentation requested by the County to substantiate or verify the reimbursement, allowance, or the level of County business use.

6.7.3 Responsibilities

- 6.7.3.1 Complete and execute the Cellular Device Allowance Request form certifying that he/she will provide the cellular number associated with the applicable device and will be available for calls (in possession of the device and have it turned on) during those times specified by Department Head.
- 6.7.3.2 Select a cellular carrier approved by the Department Head. Individuals may purchase and provide their own accessories at their own cost, without reimbursement.
- 6.7.3.3 Provided written notice to the County when the eligibility criteria are no longer applicable, circumstances have changed, or if cell service is cancelled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the individual may be required to reimburse the County for the amount of the allowance received.
- 6.7.3.4 Understand that the individual's personal cellular plan is an agreement between the individual and his/her cellular provider and NOT an agreement between the County and provider. The individual is solely and wholly responsible for the contractual obligations of his/her cellular plan.

6.8 **County-Provided Cellular Devices**

6.8.1 Eligibility for Cellular Device Allowance

- 6.8.1.1 With the approval of Administrator, the County or an authorized Department may purchase and contract for "common" cellular devices—e.g., common devices that rotate among road deputies, detectives, on-call staff, or maintenance personnel. All common devices remain the property of the County. Calling plans for approved common devices must be on County approved governmental contract. No long-term contracts over one year may be purchased for approved common devices.
- 6.8.1.2 County-provided cellular device requests must be approved by the employee's Department and County Administrator and be within the current approved budget allocation for the Department.
- 6.8.1.3 All cellular device invoices will be reviewed by GC-IT and sent to the Administration office to be coded to the proper budget line item. Department Heads may, upon request, review these billing statements in the County accounting software or request to receive a copy from the Administration office.

7. ADDITIONAL CONSIDERATIONS

7.1 Cell Phone Number Portability

7.1.1 Porting a personal cell phone number into the County's cellular plan is prohibited without written authorization.

7.1.2 The County reserves the right to retain personal cellular numbers ported into the County's cellular plan, even after cessation of employment or revocation of individual authorization for a County-Owned Device.

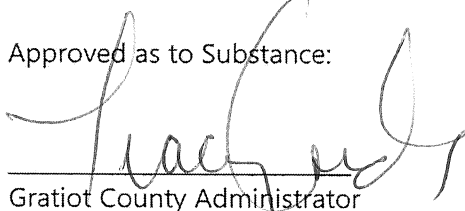
7.1.3 If a number is transferred out of the County's cellular plan for personal use, obligations of the Gratiot County cellular service contract associated with the phone number may transfer with the number. (These obligations may include but not be limited to vendor equipment costs associated with subsidized hardware upgrade eligibility.)

7.2 Purchasing Cellular Hardware

Notwithstanding 401 Policy on the Disposal of County-owned Property, employees may be permitted to purchase cellular devices associated with a number upon separation from County employment if the device is determined to no longer be of use to the County. The cost of these devices will be sold at fair market value as determined by Administrator and/or GC-IT. The County reserves the right to retain a copy of the information contained on the device for archival purposes and wipe the device of all data prior to sale.

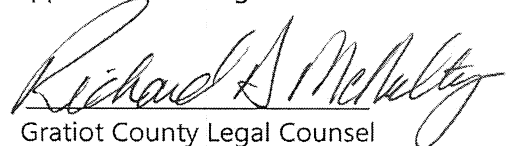
8. ADMINISTRATOR/LEGAL COUNSEL REVIEW: The Administrator has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. The County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Gratiot County Board of Commissioners.

Approved as to Substance:



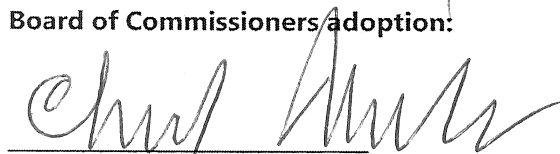
Gratiot County Administrator

Approved as to Legal Content:



Gratiot County Legal Counsel

Board of Commissioners adoption:



Gratiot County Board of Commissioners Chair

Appendix A: Cellular Allowances as of October 1, 2020

Cellular Device Plan Allowance

Monthly Allowance	
Voice, Text & Data	\$35

Appendix B: List of Supported Devices

Cell Phones

iPhone 6s
iPhone 6s Plus
iPhone SE (1st generation)
iPhone 7
iPhone 7 Plus
iPhone 8
iPhone 8 Plus
iPhone X
iPhone XR
iPhone Xs
iPhone Xs Max
iPhone 11
iPhone 11 Pro
iPhone 11 Pro Max
iPhone SE (2nd generation)
iPhone 12
iPhone 12 mini
iPhone 12 Pro
iPhone 12 Pro Max

Tablets

iPad Mini Family

iPad Mini 4
iPad Mini (5th generation)

iPad Family

iPad (5th Generation)
iPad (6th Generation)
iPad (7th generation)
iPad (8th generation)

iPad Air Family

iPad Air 2
iPad Air (3rd generation)
iPad Air (4th generation)

iPad Pro Family

iPad Pro (1st, 9.7" / 12.9")
iPad Pro (2nd, 10.5" / 12.9")
iPad Pro (3rd, 11"/12.9")
iPad Pro (4th, 11"/12.9")

Cellular Hotspot

Please check with Information Technology department for supported device.

List last updated: 10/15/20

This list is maintained and updated annually by the Gratiot County IT Department. Gratiot County IT Department makes no claim of support past one year following the "last updated" date.