



TOWN OF PEMBROKE PARK

Policy for Use of Cell Phones Issued by the Town **and for Personal Cell Phones**

Approved By: Town Commission Date Approved: March 8, 2023
EFFECTIVE DATE #: March 8, 2023 UPDATED: March 8, 2023

The Town has determined that the use of cell (mobile) phones contributes to the overall effectiveness of conducting the public's business. The purpose of this policy is to provide efficient and consistent standards and procedures for the use and maintenance of cell phones by Employees of the Town to whom a cell phone has been issued, and to provide effective organizational communication and cost management associated with acquiring and operating cell phones. In addition, this policy provides the appropriate procedures to archive and make appropriately accessible public records of text message communications made or received in connection with Town business. Please note that for personal cell phones not issued by the Town, text message communications made or received in connection with Town business are also subject to public records disclosure.

SETUP OF CELL PHONES:

The Town's Information Technology (IT) division is responsible for assisting in the initial setup of the Town cell phone. IT provides technical assistance in setting up and maintaining cell phones. IT is responsible for the identification, acquisition and implementation of communication and information technologies that securely capture public records, including but not limited to text messages, which are made or received in connection with Town business, for retention in compliance with all applicable laws and Town policy. IT is responsible for establishing a Town standard platform for public record storage to ensure compliance with records retention requirements.

POLICY FOR EMPLOYEE USE:

Each Employee who is assigned a Town cell phone, or who chooses to use a personal cell phone to communicate regarding work-related matters, is required to follow this policy.

- A. The use of cell phones should never interfere with an employee's attention to duty and should never be used when engaged in safety-sensitive functions requiring the employee's full attention.
- B. Employees should limit the use of personally owned cell phones and telephone

calls, in frequency and duration, to the greatest extent possible during hours of employment. This includes incoming as well as outgoing telephone calls. Personal calls should not interfere with an employee's duties and should not impact an employee's productivity.

- C. Regardless of whether a Town-issued cell phone or personal cell phone is being used for public or incidental personal purposes, Employees shall not initiate a cell phone call while they are driving a Town-owned motor vehicle or operating Town-owned equipment. Employees who receive a cell phone call while driving a Town-owned motor vehicle or operating Town-owned equipment are required to stop the vehicle/equipment in a safe location so that communication is held while the vehicle is stopped. The use of "hands free" technology is the only acceptable method for initiating and receiving calls, but user must still ensure it does not interfere with the safe operation of the vehicle or equipment. This section shall not apply to Employees who are passengers in a motor vehicle.
- D. The use of cell phones to send text messages, check email, or browse the internet while driving is prohibited.
- E. Unauthorized or inappropriate use of Town cell phones may result in: loss of cell phone privileges; disciplinary or adverse action; or being held personally liable for any costs associated with the inappropriate use.

TOWN CELL PHONES

- A. Upon recommendation from Department Head, the Town Manager may authorize an Employee to receive a Town cell phone based upon an Employee's job responsibilities.
- B. Employees are responsible for the safekeeping, maintenance, and care of the cell phone and are required to take appropriate precautions to prevent loss, theft, damage, and unauthorized access to the cell phones. Employees will be financially responsible for any loss, theft, or damage to a Town-issued cell phone, unless the theft or loss was caused by circumstances beyond the control of the employee during the performance of the employee's assigned duties. Financial responsibility may include repair or replacement of the Town-issued cell phone. Loss, theft, or damage of a Town-issued cell phone must be immediately reported to the employee's supervisor and IT. If lost or stolen, IT will immediately notify the telephone carrier/service provider so that service to the cell phone may be suspended or deactivated to avoid unauthorized use of the service. In the case of loss or theft, the employee must obtain a police report and the police report must be submitted to Human Resources within forty-eight (48) hours of the incident..
- C. Reasonable precautions should also be made to prevent equipment theft and vandalism.
- D. An Employee must surrender the assigned cell phone upon request by the Employee's supervisor, Department Head, or Town Manager.

- E. The Town reserves the right to review, audit, and inspect Town-issued cell phone records at any time, with or without notice.
- F. Facebook, Instagram, Tiktok, LinkedIn and other social media sites are to be used for Town-business purposes only.
- G. When an employee separates from employment with the Town, IT will be responsible for:
 - Retrieving from the employee the Town-issued cell phone and all related accessories including, but not limited to, chargers;
 - Inspecting the cell phone for any damage, to try to ensure that it is in proper working order;
 - Ensuring that the final cellular telephone bill is reviewed for any personal use for which the Town may be due reimbursement by the employee pursuant to this Policy.

In the event an employee fails to return a Town-issued cell phone upon separation from employment with the Town, the Town may withhold funds from the employee's final paycheck to the extent permitted by law, in an amount which covers the cost of the cell phone.

ARCHIVAL POLICY

- A. In the course of conducting ordinary business, Town officials and Employees may use electronic messaging technologies, such as text messages and instant messaging, to communicate. The Florida Attorney General has opined that such messages are public records under Chapter 119 of Florida Statutes. Consequently, the Town needs to accurately capture, store, and make appropriately accessible electronic and text messaging records.
- B. Users of Town-issued devices must opt in to the Town's Archive Text Service Provider (currently Smarsh).
- C. Town-issued devices must be compatible with the Town's standard platform for text messaging communication and records retention.
- D. Employees must send business related text messages through the Town's standard platform to ensure its retention, whether such messages are sent or received on a Town-issued phone or a personal phone.
- E. If there is a critical public safety or other critical operational need that requires the use of a communications device that is not supported by the Town's standard platform, and such use is approved by the Town Manager and Department Head, then the user of such device is personally responsible for compliance with the public records law and retention schedules with respect to the use of such device and retention of text messages. Employee may meet this requirement by forwarding the text messages to their Town e-mail address.

- F. Employees who use personal equipment for text messaging communication related to official Town business are personally responsible for compliance with the public records law and retention schedules with respect to the use of such device and retention of text messages. Employee may meet this requirement by forwarding the text messages to their Town e-mail address.
- G. Employees who violate any part of this policy; who fail to properly preserve electronic communications and text messages; or who intentionally delete electronic communications, text messages, or public record information from cell phones, will be subject to discipline, up to and including termination.