

THE BOARD OF COUNTY COMMISSIONERS OF
PAWNEE COUNTY, KANSAS

RESOLUTION 2012-07

**A RESOLUTION ADOPTING THE PAWNEE COUNTY CELLULAR TELEPHONE
& WIRELESS COMMUNICATION POLICY**

WHEREAS, K.S.A. 19-101, provides that a county may exercise the powers of home rule to determine its local affairs and government authorization under the provisions of K.S.A. 19-101a; and

WHEREAS, the supervision of county employees with regards to personnel rules, regulations, and related administrative procedures and policies is a permissible exercise of home rule power, pursuant to K.S.A. 19-101a; and,

WHEREAS, the Board of County Commissioners, desires to adopt an official cell phone policy establishing a policy and procedure for appropriate use, assignment of county owned cellular devices and a rate of reimbursement for county employees for the use of personally owned cellular devices for county business; and

WHEREAS, the Board of County Commissioners believes that adopting the Cell Phone Policy is in the best interests of County Employees and the County itself;

THEREFORE, BE IT RESOLVED, the following policy shall be adopted:

**PAWNEE COUNTY CELLULAR TELEPHONE
& WIRELESS COMMUNICATION POLICY**

A. *Operation of a Wireless Communication Device While Driving is Prohibited*

I. Application:

This policy shall apply to all County employees while operating County-owned vehicles and/or while using a non-county owned vehicle for County business; regardless of the ownership of the wireless communication device that may be involved.

II. Policy:

1. Employees shall not operate a motor vehicle while sending or reading text messages via a wireless communications device.
2. When receiving incoming phone calls on a wireless communication device while operating a motor vehicle: the employee should answer the call while observing

traffic, if it is safe to do so. The caller should be told to hold, the phone sat down in a safe location and the vehicle should be stopped in a safe manner in a location where it is legal to do so. The call may resume.

3. When initiating outgoing phone calls on a wireless communication device: the employee should stop the vehicle where it is safe and legal to do so, and then initiate the call.
4. If the employee has a hands-free device, it is acceptable to operate the motor vehicle while speaking on the wireless communication device. However, the employee still is required to stop the vehicle in a safe and legal manner prior to dialing a phone number manually.

III. Exceptions:

1. Operation by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officers or emergency service personnel's employment;
2. Operation from a motor vehicle stopped off the regular traveled portion of the roadway.
3. Operation by a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call, while using a hands-free device;
4. Operation by a person who receives an emergency, traffic or weather alert message; or
5. Operation by a person receiving a message related to the operation or navigation of the motor vehicle.
6. The provisions of subsection (b) shall not prohibit a law enforcement officer or emergency service personnel from using a wireless communications device while operating a moving motor vehicle to:
 - a) *Report current or ongoing illegal activity to law enforcement, or;*
 - b) *Prevent imminent injury to a person or property;*
 - c) *Communicate with local dispatch or other law enforcement officers or emergency service personnel by the use of a two-way radio installed in the county vehicle or carried on the person of the LEO or EMS personnel.*

IV. Definitions:

"Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

B. *Provisions Regarding the Assignment of County Owned Cell Phones and Reimbursement Allowance for Employee Owned Cell Phones*

1) **Employee Owned Cell Phone Allowance Plan**

- Department Head will determine which employees should be required to carry a cell phone to facilitate the employees' duties and responsibilities concerning the conduct of Pawnee County business. This determination is subject to review by the County Commissioners as deemed necessary.
- Employee may select either the county's allowance plan or a county owned phone **unless** the Department Head determines the use of a county owned cell phone is more appropriate for the county's needs.
- Department Head will determine which employees should be required to carry a cell phone based on the time employee spends outside of the office, the need for employees to be accessible outside of regular business hours and the expectation by the county that the employee will be available by phone outside of regular office hours. This determination is subject to review by the County Commissioners as deemed necessary.
- To receive allowance, employee must provide the employee's cell phone number to the Department Head and phone must be on during business hours or while on call.
- Allowance will be included in employee paycheck and subject to all appropriate taxes and deductions.
- Employee will not be required to submit monthly bills for allowance.
- Employee should keep past bills for his/her own records.
- Phones currently supplied by county that are in hands of employee who chose the allowance plan shall be returned to the Department Head for other assignment or deactivation. Any new phones, accessories and special features employee wishes to acquire shall be at expense of employee.
- The county will reimburse employees who are approved by the Department Head to be eligible for the **Basic Monthly Allowance Plan the amount of \$40.00 per month.**

- The county will reimburse employees who are approved by the Department Head to be eligible for the **High Monthly Allowance Plan the amount of \$60.00 per month.**
- All repairs, maintenance, and loss of employee owned cell phones and accessories will be responsibility of employee.
- Additional reimbursement may be available for employees who have extraordinary usage due to emergency county use, contingent on Department Head's approval. Employee must furnish past bills to demonstrate spike in usage was for county business.
- If employee is assigned a county owned cell phone, no personal calls will be allowed.
- Once the initial choice has been made between the Allowance Plan or a county owned cell phone, employees cannot change their option until any contract dates that apply to the county owned cell phone have expired.

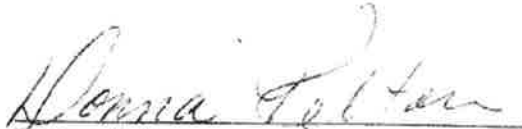
2) **County Owned Cell Phone Plan**

- County Cellular phones are assigned to employees whose need for telephone service is of an essential nature and only for the conduct of county business.
- Department Heads will determine employees required to carry a cell phone.
- County Cell phones are to be used where regular telephone service is not accessible, when an employee is away from work site and is on county business, and during emergencies.
- Authorized users are responsible for reimbursing the county for the replacement costs of a lost or stolen cellular phone, if its loss, damage or theft was due to gross negligence as determined by the Department Head.
- Employees are responsible for reimbursing the county for unauthorized use or charges at the rate of .25 per minute (including use by any other individuals).
- Each Department Head must:
 - * Audit cell phone billings on a quarterly basis with assistance from the Employees.
 - * Verify the accuracy of the billing.
 - * Identify calls that were not official business, whereupon employees must reimburse the county for the total of personal calls, if any, and prorated share of monthly phone service.
 - * The supervisory person assigned to audit such bill must initial and date the audit, denoting any areas of concern and how those areas were resolved and keep a record of such audits.
 - * Authorized users are responsible for returning the telephone to their Supervisor upon the termination or when it is no longer necessary for the user in order to carry out his/her assignments. They must reimburse the county for the purchase price if they do not return the telephone.


- Any violation of these procedures may be subject to disciplinary action up to and including termination.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF PAWNEE
COUNTY, KANSAS the 4th day of June, 2012

BOARD OF COUNTY COMMISSIONERS OF
PAWNEE COUNTY, KANSAS



Donna Pelton
Chairman

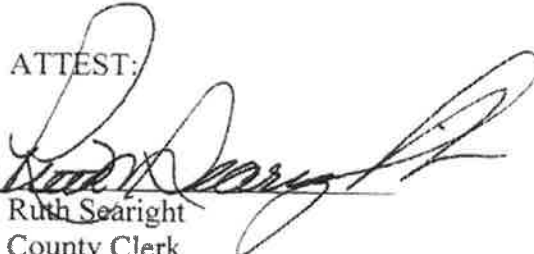


Kathy Bowman
Member



John Haas
Member

ATTEST:



Ruth Searight
County Clerk