

# Resolution No. 089-2023

## *Cell Phone Policy*

**Cuyahoga** County, Ohio

**Be It Resolved** by the Township Trustees of Olmsted Township

**Whereas**, the Board of Trustees of Olmsted Township has determined the need to modify the Cell Phone Policy to reflect new service guidelines and Public Records requirements, and

**Whereas**, the new Cell Phone Policy will take effect with the passage of this resolution with an effective date of August 1, 2023, and

**Whereas**, noted below is the wording of the new Cell Phone Policy; upon approval a copy of policy will be distributed to all employees to ensure acknowledgement of receipt.

### **Employees are to comply with the policies below regarding cell phone use:**

- A. Employees shall generally refrain from texting, messaging, emailing, or making personal phone calls during work time that are not related to Township business, except in cases of necessity/emergency. Employees shall not waste work time talking to family, friends, or conducting other non-work-related business during regular working hours, unless the time is kept to a minimum or due to emergency situations. Employees may use their personal cell phones while on authorized work breaks, provided the use of the cell phone does not interfere with the operations of the Department nor extend the employee's authorized break period. Employees shall have no expectation of privacy using their personal cell phone in Township facilities in public spaces that are accessible to other Township staff and/or the public.
- B. The use of a cell phone while operating a motor vehicle in the course of employment is strictly prohibited, unless the employee is using a hands-free device in accordance with Ohio Law.

For certain Township employees where a cell phone is necessary to take calls from the public, the employee will be offered 1) a Township cell phone or 2) permission/the ability to use a personal cell phone as an alternative to a Township provided cell phone. It shall be the Trustee's discretion to identify the specific employees eligible for this benefit. After the employee is approved by the Trustees, he/she will receive a monthly cell phone stipend of up to fifty dollars (\$50.00).

If the employee's cell phone cost per month is less than fifty dollars (\$50.00) the employee shall only be eligible to receive a stipend not to exceed the total monthly bill of the employee. The cellular phone stipend is intended to reimburse the employee for the business use of the device. The stipend is not intended to fund the cost of the device nor pay for the entire monthly bill. The employee shall sign an acknowledgment form to receive the stipend.

If the employee reduces service levels in his/her wireless contract below the reimbursed amount, the employee shall report the reduction to the Fiscal Office to adjust the stipend payment. If the employee's phone is lost, stolen, damaged so that the employee does not have access to the phone for an extended period (48 hours), the employee shall report the issue to the Fiscal Office. The employee receiving a stipend is responsible for phone choice, plan choices, service features, etc. This includes termination clauses, and paying all charges associated with the cellular service and device. The Township is responsible only for the monthly stipend as provided for by policy.

- C. If an employee chooses to be issued a Township owned cell phone, he/she shall be responsible for maintaining the cell phone in proper condition. If the cell phone is damaged or lost, the issue should be immediately reported to the Trustees, their designee, or the Fiscal Office. An employee issued a Township owned cell phone shall be responsible for keeping it password protected and shall share the password with the Fiscal Office. The issuance of a Township cell phone to an employee removes all expectation of privacy and the cell phone is to be used only for Township business. Township owned and issued cell phones will be purchased with limited data packages, if any, and are intended only to be used for taking/making phone calls and sending/receiving text messages. Upon separation from employment an employee issued a Township owned cell phone shall return it to the Fiscal Office.
- D. Employees not approved to use personal cell phones for Township business/work, are not required to use personal cell phones for Township related business, whether to make or receive phone calls or send/receive email. Should such employees use their personal phones to receive work-related emails, employees are not required to respond to work-related emails after normal business hours. Further records must be maintained of any Township business conducted by way of a personal cell phone whether approved or not approved under this policy.
- E. The cellular phone stipend does not constitute an increase in base pay, nor will it be included in the calculation of percentage increases to base pay. The stipend is a reimbursement of employee expenses, like an expense report. The stipend will be paid quarterly in the first month after the quarter end with a warrant.
- F. Employees are advised that use of any cell phone to conduct Township business, whether the employee is receiving a stipend or not, may be subject the Public Records law. As such employees must comply with all Federal and State data maintenance and protection laws (e.g., Ohio Public Records, FOIA, record retention requirements, etc.), as well as all OMEGA policies, including those pertaining to data security, acceptable computing use, and email. Employees are also required to delete all Township data from their cell phone when employment with the Township is severed, except when required to maintain the data in compliance with a litigation hold notice, or the Ohio Public Records Laws.

**Whereas**, the Olmsted Township Cell Phone Policy and Stipend Acknowledgement Form is noted below.

Olmsted Township Cell Phone Policy & Stipend Acknowledgement Form

I, \_\_\_\_\_ certify that I have read and understand Section \_\_\_\_\_ – Cellular Phone Use in Olmsted Township's Personnel Policy Manual.

I acknowledge that I have agreed to receive a monthly stipend, up to a maximum of fifty dollars (\$50.00) to compensate me for my personal cell phone use at work. I agree to comply with the Township's policies on cell phone use.

I am declining the stipend, and will use a Township owned cell phone, but acknowledge and agree to comply with Township's policies cell phone use.

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Employee Signature

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Date

**Now Therefore Be It Resolved** that the Board of Trustees of Olmsted Township adopted the foregoing Cell Phone Policy that is included in the 2023 Personnel Manual on this date 9th August 2023.

**BE IT FURTHER RESOLVED** that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 9th day of August, 2023

Attest: Bruce Whithill (Fiscal Officer)

Isaac J. Jr.  
Troy A.  
Jeannine M. Kew  
(Township Trustees)

