

Buffalo County Resolution

Drafted By:

Lee Engfer

Presented Month/Year:

April 2023

Involved Committees:

Human Resources & Finance

County Department:

Administration

Fiscal Impact: YES / NO

AC Approved: YES / NO

RESOLUTION # 23-05-04

A RESOLUTION TO UPDATE PERSONNEL POLICY 110 – CELL PHONES

WHEREAS, the current Buffalo County Handbook requires the Buffalo County Board of Supervisors to authorize by resolution any amendments to the Employee Handbook; and,

WHEREAS, the Human Resource Committee has recommended changes to Policy 110 – Cell Phones increase the allowance from \$10 to \$25 for employees designated as needing a phone for work purposes but elect to use their own personal to be align with current cell phone costs and to add language regarding cell phone use and driving; and,

NOW, THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby amends Policy 110 – Cell Phones of the Buffalo County Handbook and the respective associated form effective May 1st, 2023, to make these updates.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 22nd day of May, 2023.


County Clerk

ATTEST:



County Board Chairperson

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Respectfully Submitted:

Human Resources Committee:



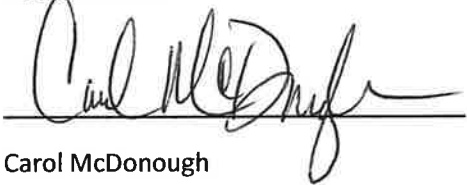
Steven Nelson, Chair



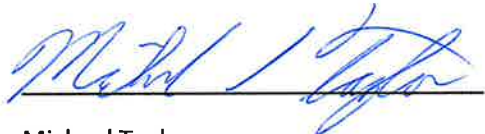
Mary Anne McMillan Urell



Nathan Nelson

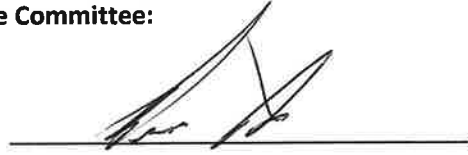


Carol McDonough



Michael Taylor

Finance Committee:



Dennis Bork, Chair



Max Weiss



William Bruegger



Brian Michaels



Chris Lindstrom

ANTICIPATED FINANCIAL IMPACT STATEMENT

2023 May through December: Sheriff's Dept- \$120; CJS Dept- \$120 for a total of \$240
2024 Annual Potential Impact-Sheriff's Dept- \$180; CJS Dept- \$180; DHHS- \$1500 for a total of \$1860 annually

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Exhibit A:

POLICY 110 – CELL PHONES

Purpose: To provide efficiency through the use of technology, the County shall provide a county issued cell phone or a personal cell phone allowance to authorized individuals. The use of a cellular device allows the employee to remain available for work-related communication while away from their office land line and enable them to complete the essential functions of their job. This policy is not intended to reimburse an employee who is required to have a phone number on file to be contacted for weather related activities or emergency services as part of their job duties.

Policy: The respective Department Managers are responsible for identifying the needs of their departments and requesting needed equipment and services.

All requests for a cellular phone allowance require authorization by the Department Manager and shall meet the following justification guidelines:

- Employee has management responsibility which requires a cellular phone for operational tasks; or
- Task driven functions that require a cell phone including any of the following: an identifiable and articulable need, for a specific task or function, or the use of which shall enhance efficiency or effectiveness of county operations.

Allowances: Once a Department Manager has determined a specific need for an employee to possess a cell phone for the efficiency of county operations, and that employee either currently has a personal cell phone or agrees to obtain a cell phone at their own expense, that employee shall receive a monthly allowance for the proposed use of that phone for county business. The allowed stipend will be considered a non-taxable fringe benefit to the employee.

- **\$25.00** per month per designated employee.
- The allowance is for monthly phone use only. Allowances shall be paid on the first payroll of the month for the preceding month. To be eligible for the monthly allowance, an employee must have worked the majority of the month.
- If the employee separates employment the 1st – 15th of the month, they are not eligible for the month's allowance. If the employee separates employment the 16th – end of the month, they are eligible for the month's allowance.
- Employees shall not be reimbursed for the cost of any lost, stolen, or damaged personal cell phones.
- ~~Department Managers shall complete a Cell Phone Allowance Form, available at the Administration Office that shall include the employee's name, cell phone number and general ledger account code.~~

County Owned Cell Phone: County owned cell phones are for work purposes only. No personal use of a County owned cell phone is allowed except for "de minimus" use, defined as limited incidental calls of two (2) minutes or less per call not to exceed five (5) times a month.

- Employees in possession of County equipment such as cell phones are expected to protect the equipment from loss, damage or theft. Upon separation of employment or at any time upon request, the employee may be asked to produce the phone to return for inspection, upgrade or changes. Like all county equipment, it is the employee's responsibility to maintain and protect the equipment. In the event of damage or loss, this should be immediately reported to the employee's supervisor.
- Employees will not be allowed to purchase county owned cell phones upon separation unless approved by the County Administrative Coordinator.

Procurement: Department Managers are responsible for designating staff that is responsible to manage and administer cellular phone contracts with vendors, including purchasing and payment of charges. **Department Managers shall complete a Cell Phone Agreement Form once an employee is either issued a county owned phone or is to receive a cell phone allowance that shall be returned to the Administration Office upon completion and approval.**

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Phone Usage: While at work, employees are to exercise the same discretion in using cell phones as they do the County phones. Excessive personal use during the workday, regardless of the phone used, can interfere with employee productivity and can be distracting to others. Employees shall limit personal use while on-duty or at work so that they do not interfere with the performance of their duties. Employees are asked to make any personal calls on non-work time when possible and to ensure that friends and family members are aware of the County's policy. Employees are not required to carry a cell phone unless they have been authorized and approved to receive an allowance or a county owned cell phone.

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times.

Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving; use of a cellphone while driving is not required by the company. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Reading or sending text messages while driving is strictly prohibited.

This policy applies to employees operating any vehicle whether county owned or personal while performing county business.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Policy 110 - Effective April 16, 2019; Revised May 1, 2023

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Exhibit B:

Cell Phone **Allowance** Agreement Form

Employee Name: _____

Job Title: _____ Dept Name: _____

G/L account code: _____

Cell Phone #: _____ Cellular Carrier: _____

TYPE (Select one): County Owned Cell Phone Personal Cell Phone

ALLOWANCE TYPE: \$10 per month

Stipend Start Date*: _____

**Stipend payment should begin with the start of the next month.*

1 Policy Summary

Per policy 110, Buffalo County employees who have management responsibilities which require a cellular phone for operational tasks or has task driven functions that require a cell phone may receive a **county owned cell phone** or a personal cell phone allowance. The allowance will be considered a non-taxable fringe benefit to the employee.

2 Employee Responsibilities

Recipients of either a county owned cell phone or a personal cell phone allowance have the following responsibilities:

- Review and follow Policy 110 regarding phone procurement, usage, camera phones and safety issues for cell phone use.
- For personal cell phones, the employee is responsible for plan choices, service features, and calling areas that meet the requirements of the job and the area of service the allowance is intended to cover. This includes termination clauses, and paying all charges associated with the cellular service and device.
- Report any job function changes that eliminate or significantly reduce the business need for a cell phone to your supervisor within 5 business days of this change. Also, if the employee reduces service levels in the wireless contract below the reimbursed amount, the same communication expectations exist.
- , keep (or have access to) monthly invoices for a two-year period so they can be produced upon request by either a County rep or the Internal Revenue Service.
- Comply with all Federal and State data maintenance and protection laws (e.g., FERPA, record retention requirements, etc.), as well as all County policies, including those pertaining to data security, acceptable computing use, and email.
- Delete all County data from the cell phone when employment with the county is severed, except when required to maintain the data in compliance with a litigation hold notice.

3 Employee Certification

By signing below, I certify that I have read, understand, and agree to the Cell Phone Policy and my responsibilities under the policy.

Employee Signature

Date

Department Head Signature

Date