

## CELLULAR DEVICE POLICY

- Policy Number:** BP # 146
- Effective Date:** Approved by the **Eastern Washington State Historical Society (EWSHS)** Board of Trustees on February 1, 2017.
- Application:** Applies to all employees of the EWSHS.
- History:** Replaces HR # 211.
- 

**Purpose:** The state recognizes cellular devices, for certain personnel, are valuable tools that aid the state in conducting business in an effective and timely manner. These tools can help employee productivity and promote public and employee safety. The purpose of this policy is to help the EWSHS:

- Ensure state-owned cellular devices and service plans are issued based on business needs.
  - Ensure EWSHS and employees are aware of their responsibilities.
  - Provide steps to improve state and EWSHS cellular device management.
  - Enable optimization strategies for devices and plans.
  - Establish policies to allow employees to use personal cellular devices.
  - Provide reasonable and appropriate compensation for the use of personal cellular devices as required in the performance of assigned duties and tasks.
- 

### Definitions

**Cellular Device:** A portable device with cellular communications capability and cellular service plan, such as a cell phone, smartphone, data card, cellular enabled tablet, netbook or any other type of cellular device.

---

1. **Agencies Must Actively Manage State-Owned Cellular Devices:** The EWSHS must ensure assigned cellular devices and service plans are necessary for business needs and continue to improve the purchasing, assignment, and monitoring of cellular devices and service plans. State provided cellular devices may be issued based upon one or more of the following job requirements:
  - a. Employee's job requires field work or travel where landline phones are inaccessible or inefficient
  - b. Employees job requires immediate or on-call availability
  - c. Employee needs a cellular device for work-related safety, security, or other emergency reasons
  - d. Employees job requires real-time communication, including email
  - e. Other requirements as defined and documented by the EWSHS.

The EWSHS's authorizing staff and employee must complete Appendix A – Cellular Device Authorization and Agreement to document business need and policy acceptance.

The EWSHS must work with the Department of Enterprise Services (DES) and cellular contractors, as necessary, to ensure state-issued devices are on the best plans for the lowest costs. EWSHS must work with Consolidated Technology Services (CTS) to ensure cellular devices such as smartphones, tablets and data cards meet minimum requirements for compatibility and security.

2. **Security, Privacy and Records Management:** Employees must follow state security standards and are prohibited from storing or relaying confidential information by such means unless authorized by EWSHS policy. Cellular device activity and transmissions may not always be secure. The state and EWSHS reserve the right to monitor the use of all state-owned cellular devices and services. Employees should not expect privacy in their use of state-owned equipment and services. All call records, documents and data, photos, etc. used to conduct state business via a personal device, and all contents of a state-owned device, are subject to records retention requirements and public disclosure. Any personal call records or other information may also be subject to review or audit in the event of a public disclosure request or litigation hold. Personal data (data on a personal device that does not constitute a public record) is not subject to public disclosure; however, all data on a state-owned device is deemed a public record. EWSHS is responsible for managing and retaining public records related to cellular device usage in accordance with records retention schedules, including but not limited to billing and usage records. The cellular device must be wiped remotely when the device is lost or stolen, or when the maximum number of password attempts are made on the device, per the State IT Security Standards.
3. **Agencies Must Optimize Devices and Plans:** The State requires EWSHS to optimize the use of state-owned devices and service plans. Optimization may include one or more of the following:
  - a. Combine service plan subscriptions, where possible, to streamline billing and management and enable statewide optimization.
  - b. Ensure employees are using the most appropriate service plan. Monitor and analyze billing statements and usage reports regularly to identify potential savings and efficiencies.
  - c. Work with cellular contractors and EWSHS employees to identify and deactivate or reassign unnecessary cell devices.
  - d. Use the lowest cost method for long distance calls and related telecommunications services.
4. **Agencies May Authorize the Use of Personal Devices:** The State allows EWSHS to authorize employees to use their personal cellular devices to conduct state business when the following conditions are met:
  - a. All employees who use a personal cellular device to access business documents and communications must comply with statewide and EWSHS-specific security standards, records management and retention schedules, and all other applicable laws and standards.
  - b. All call records, documents and data, photos, etc. used to conduct state business, and made via personally-owned devices, are subject to records retention requirements and public records disclosure.
  - c. Personal call records and other information (personal data, photos, text messages, etc.) may be subject to review or audit in the event of a litigation hold or public disclosure request.

- d. The owner of a personal cellular device may be required to surrender the device, including all personal and business related information, if it is subject to a public records request or litigation hold.
  - e. If the device is lost or stolen, or if a number of password attempts are made on the device, the cellular device will be subject to being wiped remotely (State Security IT Standards).
  - f. The EWSHS authorizing staff and employee must complete Appendix A – Cellular Device Authorization and Agreement to document business need and policy acceptance.
5. Agencies May Provide Stipends for Use of Personal Devices: The State allows EWSHS to authorize a monthly stipend for employees who use a personal cellular device in lieu of a state-issued device. Authorization is allowed only when an employee is required to use a cellular device to conduct state business based on job requirements. Monthly stipends are as follows:
- Voice Access - \$10 / month
  - Data Access - \$30 / month
  - Voice and Data Access - \$40 / month

The intent of stipends is to help minimize overall state cellular spend. The allowed stipend amounts were set by researching agency spending patterns, master contract prices, and market costs. All stipends will be paid through a payroll transaction. Payroll taxes will be withheld if required by law. EWSHS will not provide a stipend as a replacement for amounts previously treated as wages. EWSHS will cease paying any stipend when the first of the following events occur:

- Employee termination
- EWSHS ceases to have a business need for employee cellular access.
- A decision to terminate the stipend for any other reason at the discretion of EWSHS or the employee.

EWSHS is not responsible for the employee's cellular device or service plan. The employee is responsible for costs and maintenance of the personal cellular device and service plan. The employee is also responsible for all contract fees such as activation and early termination, regardless of the reason. The employee receives and pays invoices directly for the cellular device and service plan. An employee receiving a stipend must make their cell phone number available to EWSHS employees and constituents for the purpose of contacting the employee during their regular working business hours or no later than five business days after approval of the stipend or activation of the service plan, whichever comes first. The EWSHS's authorizing staff and employee must complete Appendix A – Cellular Device Authorization and Agreement.

## **Responsibilities**

### **EWSHS**

- The EWSHS is responsible for ensuring the appropriate issuance and use of state-issued cellular devices and services, including employee eligibility, plan usage, and billing.

- This policy is the minimum policy requirements as required by the State. The EWSHS may establish additional requirements.
- When a cellular device is designated as shared, an individual within the work group must be assigned primary responsibility for the device.
- For state-owned devices, EWSHS must use the existing state contracts and services unless there are compelling business reasons to do otherwise (coverage, service or plan type, etc.).
- EWSHS's director will review and approve requests for cell equipment and services consistent with these requirements.
- If the device is lost or stolen, or if a number of password attempts are made on the device, the cellular device (state issued or authorized personal cellular device) may be wiped remotely.
- EWSHS is responsible for the review and approval of employee requests to use personal wireless devices as necessary to meet state business needs. At a minimum, the EWSHS must establish procedures to monitor the ongoing appropriateness of providing a stipend, and adherence to security requirements.

#### Employee

- Responsible for cellular device and proper use of the equipment in their possession as required by state and EWSHS policies.
- Use the cellular device when it is the most cost effective and efficient communication method.
- Review billing statements for accuracy as requested by EWSHS.
- Ensure records are retained in accordance with the EWSHS retention schedule.
- Employees in overtime eligible positions who receive a stipend must document hours spent on the phone on their timesheet.
- Employees must notify their supervisor or appropriate management in writing within three days in the event of damage, loss or theft of cellular devices.
- Employees must comply with all laws applicable to use of hand held / wireless devices. This includes laws pertaining to the operation of a vehicle while operating handheld devices and / or texting.
- Employees must return state-owned devices to their supervisor immediately when the employee leaves their position or is no longer authorized to use the device.
- Any employee using a state-owned device or their personal cellular device to conduct state business, whether the employee receives a stipend or not, must sign the authorization agreement.

#### Department of Enterprise Service

- Provide master contracts offering the best options for cellular devices and service plans.
- Assist EWSHS in determining which plan may best fit their needs.
- Evaluate the plans offered under Western State Contracting Alliance (WSCA) and determine if additional plans are needed. Procure additional plans as required.

- Provide ongoing, detailed state and agency billing and usage reports from each service provider to enable statewide cell phone optimization and cost transparency.

**WAC's that apply to this policy and procedure**

RCW 46.61.667	RCW 46.61.668
<a href="#"><u>SAAM Chapter 75</u></a>	<a href="#"><u>State IT Security Standards</u></a>
<a href="#"><u>Records Management and Retention Schedule</u></a>	

## Appendix A – Cellular Device Authorization and Agreement

### Business Need

Agencies must ensure state-owned cellular devices and service plans are necessary for business needs, and continue to improve the purchasing, assignment, and monitoring of cellular devices and service plans. The issuance of a state-owned cellular device, or the payment of a stipend, must be based on one or more the following job requirements:

- Employee’s job requires field work or travel where landline phones are inaccessible or inefficient;
  - Employee’s job requires immediate or on-call availability;
  - Employee needs a cellular device for work-related safety, security, or other emergency reasons;
  - Employee’s job requires real-time communication, including email; or
  - Other requirements as defined and documented below by agency (and as agreed to by supervisor and employee):
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### State and/or Personal Device Authorization

State-owned device:      Yes \_\_\_\_\_      No \_\_\_\_\_  
Personal cellular device:      Yes \_\_\_\_\_      No \_\_\_\_\_  
Authorized Stipend Amount and Plan

Type of access as needed by agency, and monthly stipend amount and service plan type (in lieu of state-owned device and plan):

- Voice access      \$10 / month
- Data access      \$30 / month
- Voice and data access      \$40 / month

Employee Signature:	Date:
Employee Position:	
By my signature, I agree to abide by all the conditions and responsibilities set forth in the EWSHS Cellular Device Policy, including the conditions for use of my personal device, to conduct state business. If my employer is issuing me a state-owned device or a stipend, I agree to have the cellular device available for the performance of my work responsibilities. This means the device must be in my possession and turned on during my assigned work hours to receive phone calls, access voice mail, and send and receive electronic mail. Specific details related to my availability during non-traditional hours will be determined by me and my supervisor based on the unique circumstances of my position. I understand and will comply with state and federal laws and all policy conditions and requirements as described in this policy, including, but not limited to:	
<ul style="list-style-type: none"><li>• Records requests and records retention;</li><li>• All state and agency security policies and procedures, including the potential wiping of my device if lost or stolen, or too many attempted password attempts;</li><li>• Possible review or audit of my personal data and information;</li><li>• Possible device surrender if subject to public records request or litigation hold; and</li><li>• For authorized stipends, possible future imposition of payroll taxes, if required by law.</li></ul>	

EWSHS Authorizing Signature:	Date:
EWSHS Authorizing Signature Position:	
By this signature, I acknowledge the following: The employee is authorized to use a cellular device for state business purposes. I understand and agree to all policy conditions and requirements, including my agency and position responsibilities.	