

## [City of Brentwood, Tennessee]

### Section K. Employee Cell Phone Policy

- 1) **Policy:** Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a cell phone allowance, to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance. The City shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. These phones are intended to be used only during work hours and personal use of these phones is strictly prohibited.

As a general rule, cell phones should not be selected as an alternative to other means of communication -- e.g., land-lines, pagers, and radio phones -- when such alternatives would provide adequate but less costly service to the City.

#### 2) Cell Phone Allowance:

- a) **Eligibility:** Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The City Manager shall give final approval on all cell phone allowances.
  - b) **Allowance Amount:** The standard monthly cell phone allowance amount shall be \$40.00. However, based upon the recommendation of a department head and with approval of the City Manager, a monthly allowance of \$60 may be provided to any employee whose necessary city business use of a cell phone justifies the need for a greater number of plan minutes. No further reimbursement for cell phone costs is available to employees who receive an allowance.
  - c) **Allowance Payment:** The approved cell phone allowance will be paid bi-monthly as part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does **not** constitute an increase to base pay, and will **not** be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.
- 1) **Employee Responsibilities:** The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their department head and the City's Technology Department with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for city business.

Employees may choose the cellular service provider and plan design of their choice. If available from the City's contracted cellular service provider, employees may be able to take advantage of discounts for their personal service plans if they utilize the same provider as the City.

Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the cell phone allowance being discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

- 4) **Department Assigned Cell Phones:** City owned cell phones assigned to departments shall be used by multiple employees on an as-needed basis during the work day and are intended solely for city business use. Personal use of such phones for anything other than a personal emergency shall subject the employee to disciplinary action and require appropriate reimbursement to the City. Such phones will not be assigned to an individual and shall not be taken home by employees except periodically when an employee is assigned by the department to be "on call" after normal work hours.
- 5) **Official's Cell Phones:** City officials who choose to utilize a city provided cell phone shall review their city cell phone bill on a monthly basis and report to the City Manager the percentage of total minutes used during the billing cycle that were for personal use. Based upon this percentage, a pro rata share of the individual monthly bill will be added to the Official's gross wages on the next paycheck so that appropriate federal income and payroll taxes are paid on the value of this personal usage. Any additional charges incurred on an Official's city cell phone bill above and beyond the base monthly fee that is due purely to personal usage shall be reimbursed by the Official.