



**SUBJECT: WIRELESS COMMUNICATION DEVICES**

**PURPOSE:** To provide guidelines regarding wireless communication devices to enable the District to meet its fiduciary responsibility to the taxpayers. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct District business in an effective and timely manner.

**DEFINITION:** *Wireless Communication Device* is any device that is used by any measure, to send or receive wireless voice or data transmissions, commonly referred to as cell phones, smart phones, or air cards (hereinafter called *cellular devices*). This does not include the District's two-way radio devices.

**SCOPE:** All District members.

**REFERENCE:** USC Title 26, Subtitle A, Chapter 1, Subchapter B, Part 1, Section 61(1)(1)  
IRS – "Taxable Fringe Benefit Guide"  
IRS Notice 2011-72  
IRS Field Service Guide Memo (Control No. SBSE-04-0911-083)  
RCW 42.56 – Public Records Act  
RCW 46.61.667 – Cell Phones  
RCW 46.61.668 – Text Messaging  
Form 550.10.09 Cellular Device Contract & Annual Certification

**PROCEDURE:** 1.0 Administrative Policy  
1.1 The District recognizes that cellular devices may be an important and necessary tool in the performance of certain employees' duties. For those employees who have an approved and valid business purpose, the District will, subject to specific terms and restrictions, provide a District cellular device and plan for that employee's business use. Approved employees who extensively use a cellular device for District business purposes will be provided with a District owned cellular device and may also receive a service plan allowance in lieu of a District paid plan.

1.2 The District shall determine which type of device and plan is appropriate for each employee by taking into account the employee's individual job duties and related wireless communication needs. These needs will be determined by consulting with the department head and when necessary, the employee. Based on these individual needs, it will be the responsibility of the Logistics Section to determine the most cost effective alternative of cellular device and plan subject to final approval by the Fire Chief. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used



to establish the most cost effective alternative for cellular devices and plans.

- 1.3 Certain employees may be eligible to receive a cellular device allowance. Only employees who have a legitimate business need, and who would normally be eligible for a District paid cellular plan are eligible for the cellular device allowance. The request to utilize a cellular device for regular business purposes and/or receive an allowance must be recommended by the employee's department head. If approved by the Fire Chief, the amount of the allowance will approximate the business portion of use and what the cost to the District would have been to issue the employee a District owned cellular device.
- 1.4 Determination of eligibility and the dollar amount of the allowance is made at the department head level, but must be approved by the Fire Chief. The allowance must be within the guidelines and dollar limits established under these guidelines. (See Appendix 1: Cellular Device Allowance Tiers)
- 1.5 Employees receiving a cellular device allowance shall enter into a Cellular Device Contract with the District, which must remain active as long as a cellular device allowance is in place. (See Form 550.10.09 Cellular Device Contract & Annual Certification)
- 1.6 Regardless of whether or not an employee receives a cellular device allowance, all District personnel are allowed to use discounted plans for their personal plan from any provider offering these District member discounts.
- 1.7 District employees receiving a cellular device allowance are responsible for:
  - Payment of bills and charges, including cost for any cosmetic or other extras associated with the device;
  - Notifying the District immediately if the monthly bill is less than the District allowance;
  - Retaining six (6) months of billing records;
  - And, upon request by the District, providing recent billing statements reflecting all business related activity. Personal phone use may be redacted.

1.8 The District is responsible for:

- Purchase of equipment and necessary District business related accessories;
- Equipment upgrades or replacement of lost, stolen, or damaged equipment when directly related to necessary and normal business use. Replacement costs may be at the expense of the employee when determined to be personal in nature.

1.9 The use of cellular devices, whether owned by the employee or the District, creates a record of the number dialed or the number of the caller. When the device is used for District business this record is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to District business that is left on a cellular device, whether owned by the employee or the District is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act.

Administrative Procedure

2.1 Determination of Eligibility

2.1.1 Eligibility is based on the need for frequent use of a cellular device, such as an employee who needs to be frequently available for emergency contact, and whose duties require him/her to be quickly contacted, anywhere, anytime as determined by his/her department head.

2.1.2 Employees leaving District employment must turn in District owned cellular devices as a part of their termination process. Employees transferring or promoting within the District must coordinate their prior cellular device hardware and plan with Logistics and their department head(s). Eligibility in the new department or position must be re-established.

2.2 Determination of Device, Plan, or Allowance

2.2.1 The cellular device model, plan attributes, and dollar amount of the cellular device allowance should cover the employee's projected business-related needs and expenses only. Basic equipment costs and the employee's cellular device use related to business should be considered. Costs for non-business-related cosmetic or technical extras and upgrades may not be considered.

2.2.2 Departments are responsible for projecting business use to the best of their ability, and for communicating this estimate to Logistics. Logistics shall be responsible for purchasing all District-owned cellular devices and establishing plans with providers. Departments with special needs must identify such to Logistics prior to purchase. Logistics shall utilize its expertise and purchase the most cost effective option of devices and



plans to meet the departments' business requirements. Logistics shall establish a standard menu of devices and plans. The standards will represent the options that best meet the District's business needs at the lowest cost. Employees requesting a device or plan in excess of the standards must have written approval from the Fire Chief.

### 2.3 Establishing a Cellular Device Allowance Contract

2.3.1 The allowance process is initiated by the employee by completing Form 550.10.09 Cellular Device Allowance Contract & Annual Certification, and obtaining approval through the appropriate channels. The employee will attach to the form a copy of his/her cellular device contract or a current cellular device bill. The forms are to be submitted to the department head for eligibility and dollar allowance determination. Once approved, the department head will submit the forms to Finance to facilitate Fire Chief approval. After final approval, Finance will set up the monthly allowance plan. The allowance will be paid through the normal accounts payable process.

2.3.2 When an employee moves from a District owned cellular device plan to a personal plan with an allowance, the District will retain ownership of the device. Upon notification and completion of an incident report, lost, damaged, or stolen devices will be replaced at District expense. Upon approval by the department head a cellular device may be upgraded at District expense. The obsolete device will be returned to Logistics. In all cases where employment is terminated or the employee's position no longer warrants the use of the cellular device, the device will be returned to Logistics. As long as the employee remains a member of the District, he/she has the option to maintain the account and acquire a replacement device at his/her own expense.

### 2.4 Use of Cellular Device

2.4.1 For employees receiving a cellular device allowance, the employee must retain an active cellular device contract with a wireless provider as long as a cell phone allowance is in place. If the employee is receiving a cellular device allowance based on data usage, his/her contract must provide for unlimited data use (or the maximum level of data plan offered). The employee may use the device for both business and personal purposes, as needed. Personal use should be kept at a minimum during the employee's working hours. The employee may, at his/her own expense add extra services or equipment features, as desired. Use of the device in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cellular device allowance and the return of the cellular device equipment. The District will provide

technical support for the devices to the extent of data communication with the District's network for those authorized to have the ability to do so.

2.4.2 District employees operating a moving motor vehicle while holding a wireless communication device to his or her ear is guilty of a traffic infraction with exception of a District employee operating:

- An authorized emergency vehicle;
- A moving motor vehicle using a wireless communications device in hands-free mode;
- A moving motor vehicle using a hand-held wireless communication device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property; or
- A moving motor vehicle while using a hearing aid.

For purposes of this section, "hands-free- mode" means the use of a wireless communications device with a speaker phone, headset, or ear piece.

2.4.3 District employees operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction with exception of a District employee operating:

- An authorized emergency vehicle;
- A voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or
- A moving motor vehicle while using an electronic wireless communications device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property.

A person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name into a wireless communications device for the purpose of making a phone call.

2.4.4 In many cases, cellular devices operate as a camera or as a way to access the internet or email. Employees operating District owned cellular devices must comply with District Policy 550.10.01 Computer Use.

## 2.5 Cellular Device Allowance Documentation & Review Requirements

2.5.1 A copy of Form 550.10.09 Cellular Device Allowance Contract & Annual Certification will be kept on file with Finance. Affected employees' monthly wireless provider billing records that



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establish business use are subject to audit at any time by Finance or external auditors engaged by the state or federal government. By November 30 of each year, individuals receiving a cellular device allowance will fill out Form 550.10.09 Cellular Device Allowance Contract & Annual Certification. The department head is responsible for an annual review of employee wireless communication device use to determine if existing cellular device allowances should be continued as-is, changed, or discontinued, and to determine if a new allowance should be established.

- 2.5.2 On an annual basis, an evaluation will be made by Finance and Logistics to determine if existing allowance tiers are equitable with current market conditions. Allowance tiers may be adjusted upward or downward based on this evaluation.



Appendix 1

Cellular Device Allowance Tiers – Business Use Allowance

Allowance Tier	Description of Service	Monthly Allowance
A	Phone or Computer Air Card Only	Up to \$50
B	Moderate Use Phone with Limited Data and Texting	Up to \$60
C	Moderate Use Phone with Unlimited Data, Limited Texting	Up to \$70
D	High Use Phone with Unlimited Data, Limited Texting	Up to \$80
E	High Use Phone with Unlimited Data and Texting	Up to \$90