

**CITY OF LAUDERHILL  
HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT**



**CELL PHONES**

HR POLICY NO. HR-38  
September 7, 2023

**SUMMARY OF REVISED, DELETED, OR ADDED CONTENT**

Revision	Date	Responsible Department	Description of Change
1	June 13, 2005	Human Resources and Risk Management	Initial Release
2	June 1, 2009	Human Resources and Risk Management	Revision
3	December 20, 2017	Human Resources and Risk Management	Revision
4	September 7, 2023	Human Resources and Risk Management	Revision

**APPROVAL**

\_\_\_\_\_  
City Manager Signature

9/21/2023  
Date

## CELLULAR PHONES

### 1.1 PURPOSE

The purpose of this policy is to provide guidelines and criteria for the use and maintenance of cellular telephone devices during working hours, including those devices for which employees receive a monthly stipend from the City.

### 1.2 SCOPE

This policy applies to all City full-time employees, part-time employees, temporary employees, and seasonal employees, not limited to employees who receive a stipend for their cellular telephone usage.

### 1.3 DEFINITIONS

For the purposes of this policy, understanding the following concepts is important:

1. **Public Records:** Documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance in connection with the transaction of official business by any agency.

### 1.4 POLICY

The City recognizes that cellular telephones can be very valuable in times of emergency and can enhance the operational effectiveness and efficiency of staff while away from the office. However, excessive use of cellular telephone devices during working hours can be distracting and interfere with employee productivity. As such, during working hours, employees are expected to not make or receive personal calls and instead make and take personal calls during non- working hours (e.g., during break and lunch periods), except in those exigent circumstances that demand immediate personal use. Employees are similarly expected to limit texting during working hours so that it does not become a distraction while performing their job duties. Supervisors and Department Heads are expected to monitor the activities of their employees to ensure that they are not distracted by telephone calls, texting or other activities associated with or accessible via cellular telephones, including the use of social media.

During working hours, employees shall not utilize their cellular telephones to: access the Internet for non-work related purposes; violate any of the City's Internet or email policies; visit or utilize social media; play games; watch movies or other televised programming; or engage in any activity prohibited by City policy, including, but not limited to gambling or accessing or distributing pornographic or discriminatory material.

Employees should be aware that the record of telephone calls made on their telephones may constitute public records if those calls concern official City business pursuant to the Florida Public Records Act. If a public records request is submitted for an employee's phone records, the employee should assist the City Clerk's Office in identifying calls that were made in connection with official City business so that those records may be produced in response to the request.

While operating a City vehicle and/or during the performance of City business (regardless of whether or not an employee is driving a City vehicle), employees are required to exercise caution, since the use of

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cellular telephones while driving presents a potential safety hazard. In order to promote safety and minimize liability, the following activities are prohibited while operating a City vehicle or any vehicle during the performance of City business:

- Making or answering telephone calls without a hands-free headset, Bluetooth device, or voice activated features available on the employee's phone;
- Sending or reading text messages, instant messages, BBMs, PIN messages or the like;
- Sending or reading email messages;
- Accessing the Internet;
- Using or accessing any telephone applications or "Apps";
- Playing games;
- Taking pictures or making video recordings;
- Recording voice notes or messages;

The foregoing list is not meant to be exhaustive, but is a mere representation of popular cellular telephone functions which are prohibited by the City while employees are operating a City vehicle and/or during the performance of City business (regardless of whether or not the employee is driving a City vehicle).

### **Cellular Telephone Stipend**

An employee may be eligible for a cellular telephone stipend if their job duties include the frequent need for a cell phone and requires them to be accessible at all times.

Each Department Head must recommend to the City Manager in writing each employee they anticipate will require a cell phone to effectively perform City business, by signing and submitting the attached form. The City Manager will determine, in their sole discretion, which employees will require a cell phone to effectively perform their duties and such employees will receive a cell phone allowance as set forth in this Policy. Proof of frequency of use may also be requested by the City Manager to assist the City Manager in determining which employees require a cell phone to effectively perform City business. Employees who the City Manager determines need a cell phone to effectively perform their duties shall receive a cell phone allowance as set forth in this Policy and must retain an active cell phone service plan as long as a cell phone allowance is in place.

Employees who receive a cell phone allowance must be available to the City by their personal cell phone twenty-four (24) hours per day, seven (7) days a week, unless otherwise approved by the City Manager.

Employees who the City Manager determines require a cell phone to effectively perform their duties shall receive a monthly cell-phone allowance of up to \$50.00. Notwithstanding the foregoing, Department Heads, City Officials and other employees, as determined by the City Manager in their sole discretion, shall receive a monthly cell phone allowance of \$100.00.

The allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill. Further, it is the employee's responsibility to ensure that sufficient minutes are available on his/her plan to accommodate the anticipated volume of additional calls. The City will not reimburse the employee for the cost of any additional minutes over and beyond those provided by the employee's personal cell phone agreement. Instead, if the telephone bill exceeds the allowance provided

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to the employee under this agreement (i.e., \$50.00 or \$100.00 as applicable), it is the sole responsibility of the employee to pay the difference that is in excess of the telephone allowance.

The cell phone allowance is designed to enhance the level of service offered to the City's residents. The cell phone allowance may be discontinued at any time at the sole discretion of the City Manager.

The cell phone allowance is taxable income; however, such allowance will not be considered to be part of an employee's base salary nor will it be used for calculation of retirement benefits.

Employees must maintain an active cellular service plan for as long as they are receiving an allowance pursuant to this policy. If an employee discontinues their plan and has no cellular telephone service, they should immediately advise their Department Head, who must then inform Human Resources so the allowance can be discontinued. Failure to provide the proper notification may result in disciplinary action up to and including termination.

Because the employee is personally responsible for the account and the allowance provided is taxable income, the employee may use the account for both business and personal purposes.

### **1.5 PROCEDURE**

Each employee, who has been selected to receive a cell phone allowance, and their Department Head will execute a Cell Phone Allowance Agreement (attached).

The Department Head will provide any written documentation requested by the City Manager and/or the Human Resources Department to support the request and to continue the allowance.

The agreement and any required documentation will be forwarded to the Human Resources Director and the City Manager for their signatures.

After the agreement is approved by all the necessary parties, a status change will be issued authorizing the monthly allowance. The cell phone allowance will begin the first of the month following the signed agreement. Employees must furnish their current cell phone number and carrier information to the Human Resources Department and their Department Head for the City's records. If the cell number changes during the term of the agreement, the employee is required to report the new number within twenty- four (24) hours to the Human Resources Department and their Department Head.

If the status of the employee changes and the employee is no longer eligible to receive a cell phone allowance, the Department Head or designee will notify the employee and the Human Resources Department. The Department will issue a status change cancelling the allowance. If the City Manager determines to discontinue the cell phone allowance for an employee, the Human Resources Department will issue a status change cancelling the allowance.

Department Heads are required to annually review whether existing allowances should be continued as is, changed, or discontinued or if any new phone allowances should be established.

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**ACKNOWLEDGEMENT OF RECEIPT**

I hereby acknowledge that I have read and understood the foregoing policy, rules and conditions governing the use of the City of Lauderdale's Cellular Phone Policies & Procedures. I understand that a violation of the Policy (HR-38) or any Human Resources policy may result in disciplinary action, including possible termination, and/or legal action.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness/HR Representative Signature

\_\_\_\_\_  
Witness/HR Representative Name

\_\_\_\_\_  
Date

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### CELL PHONE ALLOWANCE AGREEMENT FORM

I understand that I will be provided with monthly cell phone allowance as stated in this policy, of up to \$50.00 or \$100.00 (Department Heads, etc.), to be used towards expenses I incur for cell phone usage related to my job duties with the City. I also understand that I will be required to be available to the City by cell phone twenty-four (24) hours per day, seven (7) days a week or as required by the City Manager. I will provide my cell phone number and carrier information to my Department Head and the Human Resources Department within five (5) days after I have executed this Agreement. The cell phone allowance may be discontinued at any time by the City Manager.

The cell phone allowance will start the first of the month following the execution of this Agreement by all parties. I understand that it is my responsibility to ensure that sufficient minutes are available on my plan to accommodate the anticipated volume of additional calls and, if my number changes, to report the new number to Human Resources and my Department Head within (24) hours. As such, the City will not reimburse me for the cost of any additional minutes over and beyond those provided by my personal cell phone agreement.

I also certify that I have read, understand and intend to comply with all aspects of this policy, including limitations on use of my cellular telephone during working hours, and my obligation to exercise caution while driving a City vehicle and/or conducting City business while utilizing my phone, and further understand that violations of the policy may result in disciplinary action up to and including termination of my employment from the City.

<b>Employee Name:</b>	<b>Employee Signature:</b>	<b>Date:</b>
<b>Department Head:</b>	<b>Department Head Signature:</b>	<b>Date:</b>
<b>City Manager Signature:</b>		<b>Date:</b>
<b>Employee Cell Phone Number:</b>	<b>Cell Phone Service Provider:</b>	

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