

Excerpted from Ellensburg Personnel Policies Manual

Res 2001-17 - 7/02/01

Revised –Council Approval 12/21/15

9.7. WIRELESS COMMUNICATION DEVICES

Wireless communications devices include, but are not limited to, cellular telephones, wireless handheld devices and pagers. An employee's personal communications using City wireless communications devices should be limited, and employees are expected to exercise sound judgment in both the duration and frequency of such use. These devices should not be treated as if they were the employee's personal property. As with similar

City property, such as telephones, although minor personal use of wireless communications devices is not prohibited by this policy, it must not interfere with the performance of the employee's work duties or normal business operations of the City. Employees must reimburse the City for costs that would not otherwise have been incurred by the City resulting from the employee's personal use of such devices.

The City reserves the right to monitor the use of all City-owned wireless devices to the extent they involve City business or are made during the employee's scheduled work time. Reasonable precautions should be made to prevent equipment theft, vandalism, and improper use of wireless device equipment and services.

Employee use of a personal wireless device shall be governed by and consistent with the guidelines provided for City-owned wireless devices if the employee-owned wireless device is used for official City business and reimbursement is requested. Use of an employee-owned wireless device for City business should be limited to emergencies and situations where alternative means of communication are unsafe, inconvenient, or not readily available.

Text Messaging: Text messages sent or received by an employee that relate to City business are public records regardless of whether the device used is owned by the City or employee. It is the City's policy that its employees maintain electronic records in accordance with the State archivist records retention laws and schedules. The City does not archive instant messaging or text messaging records. Therefore, employees are instructed not to use instant messaging or text messaging for communications records that have retention value. However, text messages that are of a transitory nature do not have retention value. Examples of transitory messages include: personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and non-continuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms; and routine notifications (e.g., "I'll be late," or "see you there," etc.). In the event communications that are more than transitory are necessary, such communications should occur in person, by telephone, by email, or by memorandum, but not by text.

Payment for Wireless Device Use: Recognizing that City supplies, services and equipment cannot be used for personal purposes, any person who is assigned a cellular telephone must make provision to assure payment for personal calls, whether by paying cash or signing an agreement to have the funds withheld from wages. An agreement form is available from the Finance or Human Resources Departments.

The billing for City-owned wireless device service shall be provided to the employee who has had use of a cellular telephone during the corresponding service period. It is the duty of the employee to note and certify on the City billing which calls were not related to City business or a public safety emergency. The billing shall be returned to the supervisor within five (5) business days, accompanied by information about the personal calls, if there is a cost incurred the employee will pay for the personal calls.

Employees should recognize that cellular transmissions are not secure; thus, employees should exercise discretion when relating confidential information during a cellular telephone call.

Employees who abuse this policy for whatever reason may be subject to disciplinary action, including possible termination.

Use of Handheld Wireless Communication Devices While Driving is Prohibited: Except as provided below, the use of handheld wireless communication devices, including but not limited to cellular telephones and smart phones (including text messaging), is not permitted while operating a car or other moving vehicle unless a hands free device is used. If a hands free device is not used, all necessary phone calls must be made before leaving the previous location or after arriving at the next destination. In the event an employee must make or receive a call or message while driving, he/she must find a safe place to pull over and stop the vehicle.

Under Washington state law, a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction (RCW 46.61.667). Also under state law, a person operating such a vehicle is prohibited from sending, reading, or writing a text message while driving (RCW 46.61.668). These prohibitions do not apply to: an authorized emergency vehicle; or to a person operating a moving motor vehicle using a hand-held wireless communications device or electronic communications device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property. RCW 46.61.667 does not apply to a person operating a moving motor vehicle while using a hearing aid.

Employees violating this policy are subject to disciplinary action up to and including termination.

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