BENTON COUNTY
PORTABLE ELECTRONIC COMMUNICATION DEVICE USAGE POLICY

1. Applicability. This policy applies to portable electronic communication devices, defined and enumerated in the "Definitions" section, used for County business. This policy does not apply to two-way short or long-range radios used by any County employees including Sheriff's Deputies.

2. Definitions. Unless otherwise specified, references to devices in this section are to devices issued, and paid for, by County (whether County owned or County leased).

a) Cell Phones – shall mean cellular phones that are primarily capable of making voice calls and have either nonexistent or minimal cellular data capabilities.

b) Laptop Computers – shall mean full-featured or near-full-featured personal computers designed with a small, portable, form factor.

c) Personally Owned Communication Device – shall mean a Cell Phone or Smart Phone that is either owned by an employee or that is owned by a third party other than the employee or County and that is available for employee's personal unlimited use.

d) Portable Electronic Communication Device ("PECD") - shall mean any Laptop Computer, Cell Phone Smart Phone, or Table Device, as further defined herein

e) Smart Phones – shall mean cellular phones that have full featured cellular data capabilities and that, among other things, are designed to send and receive email, browse the internet, and on which multiple applications may be installed.

f) Tablet Devices – shall mean a flat panel, tablet-shaped device designed for touch screen input, with hybrid capabilities of both personal computers and Smart Phones, including built-in wireless networking capabilities.

3. General provisions:

a) All devices issued by the County to employees are regarded, at all times, as County property including any data that may be stored within. As such, they are subject to audit at any time, solely at the discretion of County, and any employees using such issued devices shall fully cooperate with such audits.
b) The issuance of Portable Electronic Communication Devices that permit or facilitate employees to work off-site including at their own homes, does not constitute authorization or consent for such employees to incur overtime expenses. Regardless of whether any given employee has been issued such PECDs, overtime must still be authorized using applicable means and channels as appropriate and required by the employee's department, elected office, and/or collective bargaining agreement.

4. **Laptop Computers** – may be issued to employees by elected officials or department managers as needed for County business. Issuing elected officials or department managers shall coordinate with Central Services regarding the availability, support, and configuration of such issued Laptop Computers.

a) **For County business only.** County issued Laptop Computers shall only be used for County business except for incidental personal use. "Incidental personal use" shall be defined, for purposes of this section, as use that is casual, insignificant, and infrequent. This policy applies regardless of later deletion of data, use of removable portable electronic storage devices (such as “thumb drives,” “flash drives” or similar devices), or perceived lack of use of consumable County resources.

b) **Specifically prohibited use.** County issued Laptop Computers may not, under any circumstances, be used for:
   - any purpose that violates federal, state or local laws; or
   - the purpose of harassing or sexually harassing any other person, including other employees; or
   - for operating a profit-seeking endeavor of any sort; or
   - on-line gambling; or
   - viewing or accessing of pornography or any adult entertainment related website or on-line service regardless of whether such viewing or accessing is otherwise legal (unless said access is made by a criminal justice related department for bonafide investigative, prosecutorial or criminal defense purposes);

c) **Password protection.** Employees who have been issued Laptop Computers shall ensure that, at all times, an appropriate password or passkey, as designated and
configured by Central Services, remains in place to protect the contents of said Laptop Computers. Employees shall not take any action to disable the password protection or reduce the effectiveness of the password protection, and if password protection fails or is no longer present on an issued Laptop Computer, then Central Services shall be notified and requested to assist, as soon as possible.

d) **Safekeeping/Safeguarding.** Employees who have been issued Laptop Computers shall take reasonable steps to secure the Laptop Computers against damage and theft, including use of any issued protective carrying equipment as is appropriate. Employees who have been issued Laptop Computers shall also take reasonable steps to safeguard the contents of such Laptop Computers and, by extension, the contents of any County owned data networks that are accessible by use of the Laptop Computers. Such steps shall include, but may not be limited to, ensuring that only authorized persons are permitted to use or access the Laptop Computer.

e) **Use of personally owned computers.** Unless otherwise authorized, Employees are strongly discouraged from using personally owned computers for County business. If it is necessary to use personally owned computers for County business, employees shall use one of the following best practices (in order of preference, from greatest to least) in order to preserve the records so created for purposes of compliance with the Public Records Act: 1) use County provided network infrastructure that allows records to be saved directly to servers and other storage devices owned or controlled by County; 2) use County provided portable electronic storage devices (such as hard drives, flash drives, USB drives or “thumb” drives) to save such records; 3) saving all records in a dedicated folder on the personally owned computer and regularly copying the contents of the folder to county owned or operated servers or portable electronic storage devices.

Employees who choose to use personally owned computers for County business should be aware that electronic discovery in litigation or the response to a request under Washington’s Public Records Act may require the County to review the contents of such laptop computer. In such an event, employees agree to cooperate to the extent necessary to accomplish such a review to protect the interests of the County. Furthermore, employees who choose to use personally owned computers
for County business are not entitled to any compensation or stipend to compensate for the cost of purchase, maintenance, repair, or replacement of such computers under any circumstances, and are not entitled, by virtue of such use alone, for increased pay, overtime pay, compensatory time, or any other additional benefits or compensation whatsoever.

5. **Cell Phones** - may be issued to employees by elected officials or department managers as needed for County business. Issuing elected officials or department managers are responsible for selecting desired phones and services, contracting for such services, and paying for such services using funds so allocated and available within existing budget funds. This policy is not intended to, and shall not, provide any elected office or department with budget entitlement for funding necessary to pay for cell phones. Elected officials or department managers desiring to issue Cell Phones shall, whenever possible, take advantage of available purchasing discounts, including Washington State purchasing contracts available through Washington State General Administration, in procuring phones and service.

a) **For County business only.** County issued Cell Phones shall only be used for County business except for incidental personal use. "Incidental personal use" shall be defined, for purposes of this section, as use that is casual, insignificant, and infrequent. This policy applies regardless of later deletion of data, use of removable portable electronic storage devices (such as “thumb drives,” “flash drives” or similar devices), or perceived lack of use of consumable County resources.

b) **Specifically prohibited use.** County issued Cell Phones may not, under any circumstances, be used for:

- any purpose that violates federal, state or local laws; or
- the purpose of harassing or sexually harassing any other person, including other employees; or
- for operating a profit-seeking endeavor of any sort; or
- accessing any number associated with or operated by a gambling venue of any sort; or
- accessing “1-900” numbers or any other number associated with or operated by an adult entertainment venue of any sort; or
viewing or accessing of pornography or any adult entertainment related website or on-line service regardless of whether such viewing or accessing is otherwise legal (unless said access is made by a criminal justice related department for bonafide investigative, prosecutorial or criminal defense purposes);

making long-distance or toll calls for any purpose other than for County business

c) Safekeeping/Safeguarding. Employees who have been issued Cell Phones shall take reasonable steps to secure the Cell Phones against damage and theft, including use of any issued protective carrying equipment as is available. Employees who have been issued Cell Phones shall also take reasonable steps to safeguard the contents of such Cell Phones and, by extension, the contents of any County owned data networks that are accessible by use of the Cell Phones. Such steps shall include, but may not be limited to, ensuring that only authorized persons are permitted to use or access the Cell Phones.

d) Availability for calls. Employees who are issued Cell Phones shall ensure said Cell Phones are powered on, and that they are personally available to receive call on said Cell Phones during all regular work hours and during all other hours when they are required to be on-call.

e) Responsibility to monitor appropriate use. Department heads or elected officials who issue Cell Phones to employees are responsible for ensuring their appropriate use.

f) Public Records. Pursuant to the Public Records Act, any documents, including electronic documents, pertaining to, or generated by, the use of Cell Phones, shall be retained by employees to whom such Cell Phones are issued, in the manner established by the employee's department or elected office and consistent with records retention schedules issued by the State Archivist.

g) Phone security. In the event that an issued Cell Phone is lost or stolen, or the security of such a Cell Phone is compromised on an on-going basis, arrangements shall be made with the contracted cell phone carrier immediately for the termination of the Cell Phone's active service, and remote "wiping" of its contents if possible and applicable.
h) **No text messaging.** Due to the difficulty in retaining and archiving records created by text messaging, for purposes of compliance with the Public Records Act, employees shall not use Cell Phones to send any text messaging relating to County business unless the employee has been previously authorized to do so in writing by the employee's department head or elected official, and has coordinated with Central Services in order to effectuate the archiving of such text messaging.

6. **Smart Phones** - may be issued to employees by elected officials or department managers as needed for County business. Issuing elected officials or department managers shall coordinate with Central Services regarding the availability, support, and configuration of such issued Smart Phones and are responsible for paying for such devices and services using funds so allocated and available within existing budget funds. This policy is not intended to, and shall not, provide any elected office or department with budget entitlement for funding necessary to pay for Smart Phones. The selection, installation and use of applications on Smart Phones shall be done according to the protocol stated herein.

a) **For County business only.** County issued Smart Phones shall only be used for County business except for incidental personal use. “Incidental personal use” shall be defined, for purposes of this section, as use that is casual, insignificant, and infrequent. This policy applies regardless of later deletion of data, use of removable portable electronic storage devices (such as "thumb drives," "flash drives" or similar devices), or perceived lack of use of consumable County resources.

b) **Specifically prohibited use.** County issued Smart Phones may not, under any circumstances, be used for:

- any purpose that violates federal, state or local laws; or
- the purpose of harassing or sexually harassing any other person, including other employees; or
- for operating a profit-seeking endeavor of any sort; or
- accessing any number associated with or operated by a gambling venue of any sort; or
- accessing "1-900" numbers or any other number associated with or operated by an adult entertainment venue of any sort; or
viewing or accessing of pornography or any adult entertainment related website or on-line service regardless of whether such viewing or accessing is otherwise legal (unless said access is made by a criminal justice related department for bonafide investigative, prosecutorial or criminal defense purposes); 
making long-distance or toll calls for any purpose other than for County business

c) **Safekeeping/Safeguarding.** Employees who have been issued Smart Phones shall take reasonable steps to secure the Smart Phones against damage and theft, including use of any issued protective carrying equipment as is available. Employees who have been issued Smart Phones shall also take reasonable steps to safeguard the contents of such Smart Phones and, by extension, the contents of any County owned data networks that are accessible by use of the Smart Phones. Such steps shall include, but may not be limited to, ensuring that only authorized persons are permitted to use or access the Smart Phones.

d) **Availability for calls.** Employees who are issued Smart Phones shall ensure said Smart Phones are powered on, and that they are personally available to receive calls on said Smart Phones during all regular work hours and during all other hours when they are required to be on-call.

e) **Device Security.** Employees who have been issued Smart Phones shall ensure that, at all times, an appropriate password or passkey, as designated and configured by Central Services, remains in place to protect the contents of said Smart Phones. Employees shall not take any action to disable the password protection or reduce the effectiveness of the password protection, and if password protection fails or is no longer present on an issued Smart Phone, then Central Services shall be notified and requested to assist, as soon as possible. If a Smart Phone is lost or stolen, or security has been compromised, then Central Services shall be notified as soon as possible so that the Smart Phone may be disabled and the contents remotely deleted to protect the contents therein.

f) **Responsibility to monitor appropriate use.** Department heads or elected officials who issue Smart Phones to employees are responsible for ensuring their appropriate use.
g) **Public Records.** Pursuant to the Public Records Act, any documents, including electronic documents, pertaining to, or generated by, the use of Smart Phones, shall be retained by employees to whom such Smart Phones are issued, in the manner established by the employee's department or elected office and consistent with records retention schedules issued by the State Archivist.

h) **Smart Phone base configuration.** Central Services shall, in consultation with an advisory group with representation from all elected offices and departments that wish to provide input, establish a "Base Configuration" for all Smart Phones that are issued to County employees. The Base Configuration shall be designed to provide employees with a user experience that will permit them to accomplish, using tested, stable, applications, most commonly needed communication (including voice communication, text communication and email communication), note-taking, and other functions ordinarily expected to be accomplished with the Smart Phone, and shall be reviewed and modified as necessary, on a periodic basis. All Smart Phones shall be issued with at least the Base Configuration and the applications included in the Base Configuration shall be fully supported by Central Services to the extent possible.

i) **Optional applications.** The addition of paid or free applications to issued Smart Phones by any employee shall be accomplished by seeking the approval of the appropriate elected official or department head. Once the elected official or department head has approved the addition of paid or free applications in writing, then Central Services shall assist with installation of said application including advising as to stability or security issues with any applications if necessary. Central Services shall assist with supporting any optional applications installed for necessary productivity purposes, to the extent possible.

j) **No text messaging.** Due to the difficulty in retaining and archiving records created by text messaging, for purposes of compliance with the Public Records Act, employees shall not use Smart Phones to send any text messaging relating to County business unless the employee has been previously authorized to do so in writing by the employee's department head or elected official, and has coordinated with Central Services in order to effectuate the archiving of such text messaging.
7. **Tablet Devices** - may be issued to employees by elected officials or department managers as needed for County business. Issuing elected officials or department managers shall coordinate with Central Services regarding the availability, support, and configuration of such issued Tablet Devices and shall be responsible for paying for such devices and services using funds so allocated and available within existing budget funds. This policy is not intended to, and shall not, provide any elected office or department with budget entitlement for funding necessary to pay for Tablet Devices. The selection, installation and use of applications on Tablet Devices shall be done according to the protocol stated herein.

a) **For County business only.** County issued Tablet Devices shall only be used for County business except for incidental personal use. “Incidental personal use” shall be defined, for purposes of this section, as use that is casual, insignificant, and infrequent. This policy applies regardless of later deletion of data, use of removable portable electronic storage devices (such as “thumb drives,” “flash drives” or similar devices), or perceived lack of use of consumable County resources.

b) **Specifically prohibited use.** County issued Tablet Devices may not, under any circumstances, be used for:
   - any purpose that violates federal, state or local laws; or
   - the purpose of harassing or sexually harassing any other person, including other employees; or
   - for operating a profit-seeking endeavor of any sort; or
   - accessing any number associated with or operated by a gambling venue of any sort; or
   - accessing “1-900” numbers or any other number associated with or operated by an adult entertainment venue of any sort; or
   - viewing or accessing of pornography or any adult entertainment related website or on-line service regardless of whether such viewing or accessing is otherwise legal (unless said access is made by a criminal justice related department for bonafide investigative, prosecutorial or criminal defense purposes);
   - making long-distance or toll calls for any purpose other than for County business.
c) **Safekeeping/Safeguarding.** Employees who have been issued Tablet Devices shall take reasonable steps to secure the Tablet Devices against damage and theft, including use of any issued protective carrying equipment as is available. Employees who have been issued Tablet Devices shall also take reasonable steps to safeguard the contents of such Tablet Devices and, by extension, the contents of any County owned data networks that are accessible by use of the Tablet Devices. Such steps shall include, but may not be limited to, ensuring that only authorized persons are permitted to use or access the Tablet Devices.

d) **Password protection.** Employees who have been issued Tablet Devices shall ensure that, at all times, an appropriate password or passkey, as designated and configured by Central Services, remains in place to protect the contents of said Smart Phones. Employees shall not take any action to disable the password protection or reduce the effectiveness of the password protection, and if password protection fails or is no longer present on an issued Tablet Devices, then Central Services shall be notified and requested to assist, as soon as possible.

e) **Tablet Devices base configuration.** Central Services shall, in consultation with an advisory group with representation from all elected offices and departments that wish to provide input, establish a “Base Configuration” for all Tablet Devices that are issued to County employees. The Base Configuration shall be designed to provide employees with a user experience that will permit them to accomplish, using tested, stable, applications, most commonly needed communication (including voice communication, text messaging communication when authorized, and email communication), note-taking, word-processing, document viewing and manipulation, and other functions ordinarily expected to be accomplished with the Tablet Devices. All Tablet Devices shall be issued with at least the Base Configuration and the applications included in the Base Configuration shall be fully supported by Central Services to the extent possible.

f) **Optional applications.** The addition of paid or free applications to issued Tablet Devices by any employee shall be accomplished by seeking the approval of the appropriate elected official or department head. Once the elected official or department head has approved the addition of paid or free applications in writing,
then Central Services shall assist with installation of said application including advising as to stability or security issues with any applications if necessary. Central Services shall assist with supporting any optional applications installed for necessary productivity purposes, to the extent possible.

**g) Cellular ("3G" or "4G") connectivity.** If the issuing department head or elected official determines that productivity and use needs are best served by issuing a tablet device with cellular connectivity (commonly known as "3G" or "4G" devices), then such a device shall be requisitioned through Central Services and Central Services shall assist in obtaining such a device and for arranging for such data interfacing as necessary for proper use of such cellular connectivity for County productivity purposes.

**h) Use of personally owned tablet devices.** Employees are strongly discouraged from using personally owned tablet devices for County business unless specifically authorized to do so. If it is necessary to use personally owned tablet devices for County business, employees shall use one of the following best practices (in order of preference, from greatest to least) in order to preserve the records so created for purposes of compliance with the Public Records Act: 1) use County provided network infrastructure that allows records to be saved directly to servers and other storage devices owned or controlled by County; 2) use County provided portable electronic storage devices (such as hard drives, flash drives, USB drives or "thumb" drives) to save such records; 3) saving all records in a dedicated folder on the personally owned tablet devices and regularly copying the contents of the folder to county owned or operated servers or portable electronic storage devices. Employees who choose to use personally owned tablet devices for County business should be aware that electronic discovery in litigation or the response to a request under Washington's Public Records Act may require the County to review the contents of such tablet devices. In such an event, employees agree to cooperate to the extent necessary to accomplish such a review to protect the interests of the County. Furthermore, employee who choose to use personally owned tablet devices for County business are not entitled to any compensation or stipend to compensate for the cost of purchase, maintenance, repair, or
replacement of such tablet devices under any circumstances, and are not entitled, by virtue of such use alone, for increased pay, overtime pay, compensatory time, or any other additional benefits or compensation whatsoever.

8. Reimbursement for use of personally owned devices

a) Which qualify. Employees who are otherwise eligible to be issued either a Cellular Phone or Smart Phone may elect to make a Personally Owned Communication Device available for County use in lieu of carrying a County issued device.

b) Election to use Personally Owned Communication Device. Employees who elect to use a Personally Owned Communication Device for County use shall complete a County Use of Personally Owned Communication Device Agreement ("Personal Device Agreement") and shall obtain approval from the appropriate elected official or department head prior to using the Personal Owned Communication Device for County purposes and seeking reimbursement.

c) Reimbursement for Personally Owned Communication Device used for County purposes. Only employees who sign a Personal Device Agreement may be entitled to reimbursement for a portion of the cost of operating their Personally Owned Communication Device according to the following schedule. The reimbursement amount stated herein shall be the exclusive reimbursement available to employees who sign Personal Devices Agreements, and County shall not be responsible for any airtime or data overage charges whether or not directly related to County use of employee's device, and County shall also not be responsible for any loss, theft or damage of employee's device even if such loss, theft or damage occurs while the device is being used for County purposes.

^ Cell Phone – Employees who sign and comply with a Personal Device Agreement for use of a Cell Phone shall be entitled to a monthly reimbursement of $30. High Cell Phone Use employees, who are regularly required to accept calls outside of regular business hours, or who otherwise are required to handle a large volume of calls shall be entitled to a monthly reimbursement of $50. The determination as to whether an employee qualifies as a High Cell Phone Use employee shall be made in the sole discretion of the authorizing department head or elected official
**Smart phone** – Employees who sign and comply with a Personal Device Agreement for use of a Smart Phone shall be entitled to a monthly reimbursement of $50.

d) **Technical support.** Employees who sign a Personal Device Agreement remain completely and solely responsible for technical support for their personally owned communication device. County may, at its sole discretion, provide limited technical support, in particular to facilitate the interface of approved personal electronic devices with County network resources, but such discretionary limited technical services shall not be regarded as an obligation of County.

e) **Availability for calls.** Employees who sign a Personal Device Agreement shall be available to, and shall accept business related calls made to their personal device during all regular business hours and during any other other hours during which they are required to be on-call.

f) **Publication of number.** Employees who sign a Personal Device Agreement consent to the publication of their Cellular Phone or Smart Phone number to all county employees, and further agree that their Cellular Phone or Smart Phone number may be provided to members of the public as necessary or as requested.

g) **No Text Messaging.** Employees shall not utilize their personal cellular phones or smart phones to send or receive text messages (also known as “SMS” messages) unless the department or elected office that authorized them to use their personal cellular phones or smart phones for County business has, in conjunction with Central Services, implemented an archive system that will archive such text messages for the period of time that would have otherwise been required by applicable State Archivist retention schedule had the text message been an email.

h) **Procedure for Reimbursement/Submission of Phone Records.** Each department and elected office that permits employees to be reimbursed for personal cellular phones or smart phones shall establish a procedure for employees to complete a request for reimbursement on a monthly basis in order to be eligible for such reimbursement. The request shall be accompanied by a complete, unredacted, copy of the detail phone record for the cellular phone or smart phone in question, and shall include, at a minimum:
A certification that the employee was available for phone calls and/or emails for
County business during the applicable period; and
That the provided phone records are a true copy of the originals; and
Whether or not the employee sent or received any text messages about County
business using their personal cellular phone or smart phone

i) **Configuration of phone and applications.** County shall have no control
whatsoever over the phone configuration, including installation of applications, of
any employee who signs a Personal Devices Agreement. However, County may
condition access to county data networks or other resources on employee's
agreement to refrain from using certain applications or using certain configurations
if such applications or configurations are shown to negatively affect County data
networks or resources, or pose a security risk to such data networks or resources.

j) **Means of requesting and receiving reimbursement.** Reimbursements shall be
made monthly pursuant to voucher approval protocols as set forth by the
employee's department head or elected official. If required by IRS regulations, the
reimbursement will be made through the employee's payroll process and employee
shall be responsible for all taxes or other deductions that may reduce the final
amount of reimbursement.

k) **Employee responsibilities.** Employees who elect to utilize a Personally Owned
Communication Device for County purposes pursuant to a Personal Device
Agreement shall be responsible for:

- Paying for all service fees, taxes, surcharges and other costs of owning or
  operating said Personally Owned Communication Device regardless of whether
  such costs increase or not as a result of using for County purposes;

- All costs involved in insuring the Personally Owned Communication Device;

- All costs, including recurring costs, involved in maintaining any application or
  functionality of the Personally Owned Communication Device except for
  applications necessary to access County data networks as approved by the
  issuing department head or elected official;

- All costs, including opportunity cost or lost of business costs, associated with
  loss, theft or damage to the Personally Owned Communication Device
regardless of whether the Personally Owned Communication Device was being used for County purposes at the time of loss, theft or damage;

Ensuring that no personally owned and installed applications interfere with the proper functioning of County owned data networks or other resources to which the Device has been connected;

Taking reasonable steps to safeguard County data residing within the Device, and by extension, County data networks to which the Device has access, from unauthorized access. This includes, but may not be limited to:

- Supervising other users of the Device so that there is no unauthorized access to County data;
- Maintaining at least basic password protection;
- Contacting Central Services as soon as possible if the Device is ever lost or stolen;

l) Interference with County data networks. If it is determined that an Employee’s Personally Owned Communication Device is interfering with the operation of any County owned data network or other resource to which such Device is connected, then the County may, at its sole discretion, immediately disconnect Employee’s Device and terminate the Personal Device Agreement.

m) Applicability of Public Records Act. Employees who choose to use a Personally Owned Communication Device for County business should be aware that all electronic records created on approved device in the course of, or related to, County business, may be subject to the Public Records Act and/or electronic discovery in the event of litigation and employee agrees to cooperate in providing access to such approved device for these purposes if the need arises.