RESOLUTION 618

**A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ADOPTING A POLICY FOR PROVIDING CELLULAR TELEPHONES TO QUALIFIED CITY EMPLOYEES, WITH ASSOCIATED RULES**.

**WHEREAS**, the City of White Sulphur Springs, has employees who may or may not have personal cellular telephones (cell phones), which the City cannot require an employee to carry; and

**WHEREAS**, the said employees have need of cell phones to communicate with each other and with vendors and others during the work day when not in the office or near a land line; and

**WHEREAS**, the City has obtained cell phones and service for those cell phones which it deems an appropriate expense to enable providing cell phones to qualified employees to enable those employees to communicate effectively during working hours; and

**WHEREAS**, the City desires to adopt a policy regarding these cell phones and their use by qualified City employees.

**NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, THE CITY ADOPTS THE FOLLOWING POLICY REGARDING CELLULAR TELEPHONES TO QUALIFIED CITY EMPLOYEES AND ASSOCIATED RULES FOR THEIR USE**:

The City of White Sulphur Springs authorizes the Mayor to determine, based on an individual's job description, whether to provide an employee with a City-owned cell phone. A City employee may elect to carry or use their personal cell phone during work hours, but is not required to use their personal cell phone for City business. A City employee who carries their personal cell phone during work hours does so at the employee's own risk. The City will not be responsible for any damage to a personal cell phone incurred during hours of work, and will not be responsible for any work-related calls or texts on a personal cell phone without prior arrangements with the Mayor. Upon assignment of a City-owned cell phone, the Mayor shall note the number assigned to the phone and the date of assignment to the employee. The cell phone, and the cellular service, are the property of the City. At the time such employee ceases to work for the City, the cell phone assigned shall be turned over to the City Clerk/Treasurer or Mayor. The employee shall acknowledge the assignment of the cell phone and agrees to the Rules for Use below.

Rules for Use:

1. Any cell phone provided to an employee is for the use of the employee for City business. Such cell phone may be used only for conducting City business, whether by call or text.
2. An employee issued such phone shall insure they give out the cell phone number assigned to the phone for business or emergency purposes only.
3. If the cell phone is used for non-business purposes, or the employee uses the cell phone for private purposes rather than their personal cell phone, the employee is required to note the call or text and report the personal usage to the City.
4. The employee may be required to reimburse the City based on the amount of personal usage during any given month.
   1. The usage will be charged to the employee on the basis of the percentage of usage which is personal in any month.
   2. There will be a minimum charge to the employee of 1% of the total of the monthly fee or one dollar ($1.00), whichever is greater, for the phone in any month in which there is personal usage.
5. The employee may request a waiver of the assessment of the cost of the use of the phone for personal usage when such usage is for emergency purposes.
   1. The employee shall submit the request to the Mayor for consideration.
   2. All requests for such waiver shall be at the discretion of the Mayor, and all decisions by the Mayor shall be final.
6. The Mayor and the Clerk/Treasurer are responsible for reviewing the cellular service bills for the City-owned cell phones and insuring the calls are for City purposes.
7. Any failure of an employee to report personal usage of a cell phone assigned to the employee may result in disciplinary action as determined by the City Personnel Policy, at the discretion of the Mayor.

**passed** by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2019.

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Rick Nelson, Mayor

ATTEST:

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Michelle Stidham, City Clerk

APPROVED AS TO FORM:

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Susan L. Wordal, City Attorney