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Cellular (“Cell”) Phone Stipend Policy

Why this policy is important

This policy governs the use of equipment and responsibilities of employees related to using College and employee owned cell phones to conduct business as part of their employment at Clackamas Community College.

Who needs to know and understand this policy

This policy applies to all employees that utilize cell phones to conduct CCC business.

At a Glance

Topic	Date Effective/Revised
Purpose	TBD
Ownership of Mobile Devices	TBD
Stipends (Reimbursement) for Personally Owned Devices	TBD
The Operation of Personally Owned Devices	TBD
No Expectation of Privacy	TBD
Public Records	TBD
Text Messaging	TBD
Camera (Photo/Video)	TBD
Failure to Comply	TBD

Related Policies

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Purpose

Clackamas Community College (CCC) authorizes certain employees to use cell phones when such usage is required by the employee's job responsibilities. This policy provides standards of use for College and employee-owned cell phones used for work purposes.

Ownership of Cell Phones

When a group or team of employees need access to a cell phone, the College will purchase a cell phone for the group or team. That cell phone will be assigned to a department, remain on-site at an assigned campus and may be accessible to multiple employees on an as needed basis. If the College purchases the phone, the College will own the device and pay any and all applicable service fees.

It is the College's preference to authorize a stipend for the use of employee-owned cell phones rather than provide College-owned cell phones for employees that are required by their job responsibilities to be accessible. Employees required to be accessible via a cell phone will be provided a stipend for use of the employee-owned cell phone. Employees whose job responsibilities that require a cell phone that do not wish to use their own cell phone will be provided with a cell phone by the College.

Stipends (Reimbursement) for Employee-Owned Cell Phones

A stipend or reimbursement for an employee-owned cell phone is a taxable fringe benefit to the employee. Clackamas Community College will review and set the provided reimbursement amounts based on the job responsibilities of the individual employee.

The approved stipend rates are as follows:

\$25.00/month for employees who meet two or more of these criteria:

- Employees whose job responsibilities require that the employee is accessible at all times during their assigned work hours
- Employees who perform more than 50% of their work in the field
- Employees in lead positions

\$50.00/month for employees who meet three or more of these criteria:

- Employees whose job responsibilities require that the employee is accessible at all times
- Employees who perform more than 50% of their work in the field
- Employees that are critical decision makers for the College
- Employees that are required to be on-call outside of normal work hours as a job requirement

Stipend reimbursements will be made each pay period via the employee's paycheck. The stipend payment will begin the first of the month following receipt of the signed Employee-Owned Cell Phone Stipend Policy Acknowledgement.

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The Operation of Employee-Owned Cell Phones

An employee who receives a stipend from the College for an employee-owned cell phone will have their cell phone number listed as a contact number within Outlook.

Employees may use their cell phones to access the following College-owned resources:

- Internet
- Email
- Calendars
- Contacts
- Documents

Devices may not be used at any time to:

- Transmit illicit materials
- Harass others

Employees using their cell phones while conducting Community College business must:

- Personally purchase a cell phone and cell phone service and assume responsibility for vendor terms and conditions. The employee is responsible for plan choices, service features, and calling areas that meet the requirements of the job and the area of service the stipend is intended to cover (on campus, during travel or at home). This includes termination clauses, and paying all charges associated with the cellular service and device.
- Report any changes in their position that would eliminate or significantly reduce the business need for a cell phone.
- Take precautions, such as performing regular back-ups, to preserve personal email, contacts, etc.
- Refrain from using cell phones while operating a motor vehicle, machinery or in other dangerous situations. Employees receiving traffic violations resulting from the use of a cell phone while driving are solely responsible for all liabilities that result from such action.
- Comply with all Federal and State data maintenance and protection laws (e.g., FERPA, record retention requirements, etc.) as well as all Clackamas Community College policies including those pertaining to data security, acceptable computing use, and email.

Employees are responsible for:

- All charges on personal cell phone plans, including early termination fees. Should the employee leave the position that required the use of a cell phone, they remain responsible for the contractual obligations of the service plan and lose their cell phone stipend.

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No Expectation of Privacy

Employees shall have no expectation of personal privacy when using employee-owned cell phones to conduct Clackamas Community College business.

The Clackamas Community College Information Technology Services (ITS) department will only request access to individual devices to implement security controls or to assist with legitimate discovery requests arising out of administrative, civil, or criminal proceedings. The College retains the right to destroy any data on an employee's cell phone or take any other action to ensure the confidentiality of College information on a cell phone, without regard to potential loss of the employee's personal data or information.

Public Records

In general, the term "public record" refers to information prepared, owned, used or retained by Clackamas Community College to satisfy the fiscal, legal and/or administrative requirements.

Clackamas Community College data and information transmitted via mobile technology could qualify as public records and are subject to all policies, including those relating to data security, data retention, and e-discovery.

Employees that are believed to have information on their cell phones that may be subject to a public records request must immediately turn over their cell phones to the College so that the College may comply with requests for public records.

The College retains the right to access, download and or duplicate any data on an employee-owned cell phone in order to comply with a public records request.

Text Messaging

Text messages sent or received by an employee in connection with the transaction of public (College) business are public records (unless a specific statute exempts the content of the text from the public records law). As with e-mails, there is no general exemption from the public records laws for information sent or received through text messaging. In fact, text messages should be treated the same as e-mails under public records laws.

In the absence of separate documentation, Clackamas Community College employees are to refrain from text messages for official purposes other than routine communications that do not meet the definition of a "public record."

Camera (Photo/Video)

Cameras in cell phones can potentially compromise the privacy of students, staff and the community. Therefore, good judgment is expected when using the camera feature of the cell phone. Use of cameras and video recording devices are subject to enforcement of

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Oregon's voyeurism laws as set forth in 2011 ORS 163.700 Invasion of Personal Privacy.

Employees utilizing the camera in their cell phone must:

- Refrain from using cameras in areas where there are obvious compromises to personal privacy and safety (e.g., restrooms, locker rooms, etc.).
- Refrain from taking pictures or video of students, staff, students or community members without their consent.
- Using a camera to photograph or video public or group events is acceptable provided good judgment is used.

If necessary, Clackamas Community College will report violations of this policy to the proper authorities and the responsible individual may be subject to disciplinary action.

Failure to Comply

Failure to comply with the Mobile Device and Stipend Policy may result in disciplinary action up to and including termination.

Attachment A – Mobile Device Policy Acknowledgement

Commented [VH1]: Do we need to change this from mobile device to cell phone?

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Attachment A – Employee-Owned Cell Phone Stipend Policy Acknowledgment

Employee Name (Please Print)		Stipend Start Date	
Position		Stipend Amount	
Employee- Owned Cell Phone Number			

Policy Summary

Clackamas Community College recognizes certain job classifications require the use of a cell phone. Employees may receive a cell phone stipend to offset business related costs incurred when using their employee-owned cell phone. The stipend is a taxable fringe benefit to the employee. The job related use will determine the stipend amount.

Employee Agreement (initial each line in agreement of terms)

I will purchase a cell phone and cell phone service and take responsibility for all costs incurred including overages and assume responsibility for vendor terms and conditions.

I agree to produce monthly invoices upon request.

I will not use a cell phone while operating a motor vehicle, machinery or in other dangerous situations. If I receive a traffic violations resulting from the use of a mobile devices while driving I am solely responsible for all liabilities that result from such action.

I will comply with all Federal and State data maintenance and protection laws

I acknowledge that receipt of a mobile device stipend does not authorize me to work after hours. I understand that supervisory permission is required for overtime.

I understand this stipend agreement will be terminated if I leave employment with Clackamas Community College or transfer into a position at the College that does not require use of a cell phone to perform my work responsibilities.

Employee Certification

The employee's signature below indicates that the employee has read and understands the Cellular Phone Stipend Policy and agrees to adhere to the rules outlined therein.

Employee Signature

Date

Supervisor Signature

Date

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