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| Policy Type | Personnel Practices |
| Policy Name | AR 50 – Cell Phone Stipend Program |
| Resolution Number | 2023-0527 |
| Effective Date | July 1, 2023 |

PURPOSE

The purpose of this policy is to implement a Cell Phone Stipend Program (“Program”) that facilitates the use of technology to conduct County business, promote work-life integration, assist in the consolidation of devices, boost productivity, increase security, and in certain cases, reduce the costs associated with providing cell phones to County employees.

SCOPE

All unrepresented County employees who are classified as exempt under the Fair Labor Standards Act (“FLSA exempt”) and meet the eligibility criteria of this policy may elect to receive a monthly cell phone stipend.

POLICY GUIDELINES

Effective July 1, 2023, the County will implement the Program for unrepresented FLSA exempt employees who, at the discretion of their Department Head or designee, may benefit from using a cell phone to conduct County business.

Participation in the Program is voluntary, and subject to the employee entering into and complying with the requirements of a Maintenance and Security Agreement (“Agreement”). Employees are neither required nor entitled to receive a monthly cell phone stipend pursuant to this Program, but those who do must enter into the Agreement and comply with its requirements. The Employee or the Department Head may terminate the Agreement, and as a result, the employee’s monthly cell phone stipend at any time and for any reason.

1. POLICY ADMINISTRATOR

County Department Heads, the Human Resources Director, and the Information Technology Director, or their designees, shall be responsible for administering this policy.

Department Heads shall:

- a. Determine employee eligibility to participate in the Program in accordance with Section 2 of this policy.

The Human Resources Director shall:

- a. Issue the stipend in accordance with Section 3 of this policy.
- b. Maintain an active record of employees participating in the Program.

The Information Technology Director shall:

- a. Define the maintenance and security requirements for personal devices in accordance with Section 5 of this policy.
- b. Provide regular maintenance and security compliance reports to the Human Resources Director.



2. ELIGIBILITY CRITERIA

All Unrepresented FLSA exempt employees are eligible to participate in the Program, subject to the approval of their Department Head or designee, entering into an Agreement with their Department Head, and complying with its requirements (**Attachment A**). Compliance with maintenance and security standards will be monitored by the Information and Communications Technology Department (TCiCT).

a. County-Issued Cell Phones

Unrepresented FLSA exempt employees who have a County-issued cell phone as of July 1, 2023 may participate in the Program instead of utilizing a County-issued cell phone or may opt to keep a County-issued cell phone instead of receiving the stipend. Employees may not receive both a stipend and a County-issued cell phone.

Unrepresented FLSA exempt employees who do not have a County-issued cell phone as of July 1, 2023 only have the option of receiving the monthly stipend in accordance with this Program. If employees do not wish to receive the stipend, this Program does not provide the option of receiving a County-issued cell phone instead. County cell phones shall continue to be issued solely at the discretion of the Department Head or designee.

3. STIPEND

The cell phone stipend of \$55 per month will be prorated and paid to eligible employees over 26 pay-periods. The stipend will be applied to the first full pay period after the Agreement is fully signed. The monthly stipend will be taxable. The Tulare County Employees Retirement Association ("TCERA") will determine for which members, if any, the stipend is pensionable.

The payment of a monthly cell phone stipend does not create an obligation for the County to ensure employees have access to a cell phone and/or continued cell service. For example, employees are solely responsible for replacing a lost or stolen cell phone. Employees are also solely responsible for any additional charges, e.g., access to a Hotspot, international fees, etc.

Employees on paid leave will continue to receive the stipend but are not to conduct County business while on leave, including using their cell phone to conduct County business. Employees on unpaid leave will no longer be eligible to receive the stipend effective the first day of their unpaid leave. Employees no longer employed by the County will only be eligible to receive their stipend through the last date of their employment. Employees who begin their unpaid leave or leave County employment in the middle of a pay period will receive their prorated stipend for the full pay period.

4. AVAILABILITY & RESPONSIVENESS

Participating employees are expected to provide their cell phone numbers to County staff and be available by cell phone during regularly scheduled working hours. Participation in the Program does not create a new obligation for employees to perform work outside of their regularly scheduled working hours, nor is it expected.



5. MAINTENANCE & SECURITY

Program maintenance and security standards will be established by the TCiCT Department and reviewed regularly in accordance with the TCiCT Mobile Device Policy. Material changes to these standards, as determined by the Information Technology Director, may require employees to sign a revised Agreement with their Department Head agreeing to the changes.

By entering into the Agreement, employees agree to install and maintain certain County management software and to comply with County security standards including but not limited to password length and complexity, password expiration, data encryption, minimum operating system level, etc.

The County respects employees' rights to privacy. County management software will only access enterprise collaboration software related to County email, County instant messaging and video conferencing software, County collaboration and productivity tools, County phone calls and text messages, and County WiFi. It will not access personal data such as call and web browsing history, personal emails and text messages, contacts, calendar, passwords, photos, files, and other apps in the employee's personal profile.

6. COMPLAINTS

This policy, including, but not limited to, determinations of which employees are eligible to receive the cell phone stipend and termination of a stipend, are not grievable under Personnel Rule 13.

7. ATTACHMENTS

A – Sample Maintenance and Security Agreement