

**RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO
ADOPT A CELL PHONE POLICY**

WHEREAS, the Newton County Board of Commissioners has determined that it is desirable and necessary to update its Cell Phone Policy to establish a monthly mobile phone allowance or reimbursement program, to clarify who within the County may be eligible to participate in such program, to provide a maximum allowance or reimbursement amount, and to establish internal procedures for processing such allowance or reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Newton County, Georgia, that the Newton County Cell Phone Policy, attached hereto marked "Exhibit A," and incorporated herein by reference, is hereby adopted.

SEVERABILITY

If any portion of this Resolution or the application thereof shall be held invalid or unconstitutional, the other provisions of this Resolution shall not be affected, and the provisions of this Resolution are declared severable.

REPEALER

Any other Ordinance, Resolution, local law, or local policy or portion thereof, now in effect, that is in conflict with any of the provisions of this Resolution, is hereby repealed.

EFFECTIVE

This Resolution shall become effective immediately upon adoption by the Board.

SO RESOLVED, this 21st day of February, 2017.

Newton County Board of Commissioners

By: Marcello Banes
Marcello Banes, Chairman

Attest: Jackie Smith
Jackie Smith, County Clerk



EXHIBIT A

Newton County, Georgia Cell Phone Policy

Policy

Newton County ("County") recognizes that its elected officials, officers and certain employees ("Approved Personnel") may require the use of cellular telephones ("cell phones") in the performance of their official duties or employment. Such Approved Personnel may receive either a County-owned cell phone or a cell phone allowance to help offset the business-related costs of their personal cell phone. As a general rule, cell phones should not be selected as an alternative to other means of communication when such alternatives would provide adequate but less costly service to the County.

Where the County supplies Approved Personnel with a County-owned cell phone, the cell phone remains County property, and the County remains responsible for the monthly bill. County-owned cell phones shall be used for County business only. All records pertaining to County-owned cellular phones are subject to Georgia Open Records Act requests.

Where Approved Personnel are authorized by the County Manager to use their personal cell phone in the performance of their duties, the County will provide such Approved Personnel with a monthly allowance as provided below to help offset the business-related expense of the Approved Personnel's personal cell phone. The allowance may not cover the full cost of a cell phone plan. Authorized Personnel who receive the allowance remain obligated and responsible to pay their cell phone bills in full. Approved Personnel's personal cell phone remains their personal property. All records pertaining to Approved Personnel's personal cell phone that relate to County business are subject to Georgia Open Records Act requests.

County-Owned Cell Phones

The County may elect to maintain a limited number of cell phones that may be assigned to a specific department for use on an as-needed basis. These phones are intended to be used only during work hours, and personal use of these phones is strictly prohibited. Such phones will not be assigned to an individual and shall not be taken home by employees except periodically when an employee is assigned by the department to be "on call" after normal work hours.

The County may also elect to maintain a limited number of cell phones that may be issued to one or more Authorized Personnel at the discretion of the County Manager. These phones will remain with the assigned Authorized Personnel who will retain possession of such issued cell phone until such cell phone is returned to the County. The County Manager shall maintain administrative procedures regarding the issuance and retention of such County-issued cell phones.

Cell Phone Allowance for Business Use of Personal Cell Phones

- 1) **Eligibility:** Authorized Personnel eligible for a monthly cell phone allowance generally include Commissioners, department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties ("Authorized Personnel"). Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The County Manager shall give final approval for all cell phone allowances.
- 2) **Allowance Amount:** The County will provide a monthly cell phone allowance of fifty percent (50%) of the total monthly bill (excluding equipment rental charges) up to a maximum of sixty dollars (\$60.00). No further reimbursement for cell phone costs is available to Authorized Personnel who receive this allowance.
- 3) **Responsibilities:** Authorized Personnel may choose the cellular service provider and plan design of their choice so long as they obtain sufficient coverage to fulfill the duties for which the cell phone is needed. Because the Authorized Personnel own their cell phones personally, they may use their phone for both business and personal purposes, as needed. However, use of the phone in any manner contrary to local, state, or federal laws will constitute misuse and will result in immediate termination of the cell phone allowance.

Throughout the time the Authorized Personnel receives a cell phone allowance, they must maintain continuous cell phone service. If the cell phone allowance is discontinued for any reason, the Authorized Personnel shall remain obligated for the cost of their personal cell phone service.

County employees who receive a cell phone allowance must provide their current cell phone number to both their department head and the County's Technology Department, and the employee shall immediately notify both of these parties if the employee's number changes. Employees receiving a cell phone reimbursement are expected to carry their cell phone on their person both on and off duty and respond when called for County business.

Allowances for use of personal cell phones will be requested by providing a copy of current (personal) coverage (invoice or statement) with all personal information redacted. Name, base charge, plan coverage and invoice date are required information. This information will be required periodically.

- 4) **Allowance Payment:** The cell phone allowance will be paid monthly and will be reflected on the employee's paycheck. However, this allowance does not constitute an increase to compensation or base pay for employees, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc. If the employee provides documentation of current personal cell phone coverage, the cell phone allowance shall be non-taxable. However, if the employee fails to furnish such documentation, the cell phone allowance may be subject to all applicable payroll taxes.

Adopted by BOC _____