



# CITY OF SIGNAL HILL

## Policy & Procedure

### Electronic Communication Devices Use Policy

DATE: *September 26, 2024*

APPROVED BY: 

## **I. PURPOSE**

This policy outlines the guidelines and expectations for the use of City-issued cell phones, personal cell phones, and other mobile communication devices ("electronic communication devices" or "ECD"), and reimbursement for use of personal ECDs by City employees for City business. The policy aims to ensure proper use, protect sensitive information, and comply with relevant laws, including the California Public Records Act (CPRA).

## **II. SCOPE**

This policy applies to all City employees who are provided with a City-issued ECD as well as employees who use their personal ECD for City business and are seeking reimbursement for conducting City business using their personal ECD. There is a separate policy that outlines the guidelines and expectations regarding City issued communication devices for the Police Department.

## **III. CITY-ISSUED ECD**

- a. City-issued ECD will be provided based on the approval of the City Manager (or designee) as well as the designated employees' job requirements and responsibilities.
- b. City-issued ECD shall be used for official City business purposes only.
- c. Employees have no expectation of privacy in any matters which are stored on a City-issued ECD, or in any communications transmitted using a City-issued ECD, including texts messages, voicemails, and any communications transmitted through the City's applications. The devices are the property of the City, and issued for business purposes, and may be searched by the City.

## **IV. PERSONAL ECD**

- a. Employees may use their personal ECD for City business if authorized by their Department Head or supervisor as well as the designated employees' job requirements and responsibilities.
- b. Employees using their ECD for City business must comply with the same rules and guidelines as City-issued ECD as it relates to the sections V, VI, VIII, X, XI and XIII.
- c. Employees who use their personal ECD for City business must be aware that such use could subject their phone or communications to a subpoena, a warrant, or, as discussed below, a public records act request. Employees will not be required to submit to a search of their personal ECD without required legal procedures, in accordance with applicable law.
- d. Employees who conduct City business on their personal ECD and whose job responsibilities require the use of an ECD, may apply for reimbursement for such use pursuant to Section VII of this Policy.

## **V. OUTLOOK EMAIL, MICROSOFT TEAMS, SOFT PHONE APPLICATION, AND OTHER DEPARTMENT SPECIFIC APPLICATIONS**

- a. Employees may install the City's Outlook email, Microsoft Teams, the City's soft phone application, or other applications used in their City Department, via their City-issued ECD or personal ECD, with prior supervisor approval. When using City applications those communications may be available to the City through the City's system, in which case, employees should have no expectation of privacy in those communications.
- b. Employees are not expected to perform work functions after hours. If employees receive calls, text messages, or emails on their cell phones through any City Application outside of their normal work hours, employees should not answer those calls or check any messages that are left until the employee's normal work hours unless they have received prior supervisor approval. Answering calls or checking messages could result in overtime and employees must receive prior supervisor approval/direction to work overtime.<sup>1</sup> In an emergency after hours, employees would be contacted directly on the number provided for emergency contact.

## **VI. CALIFORNIA PUBLIC RECORDS ACT**

Any ECD used for any City business is subject to the California Public Records Act (CPRA). This means that any information or data related to City business conducted on ECDs, regardless of whether the device is owned by the City or the employee, falls under the scope of the CPRA. The CPRA is a State law that grants the public the right to access certain records held by public agencies, including local government entities. Under the CPRA, information and communications related to official City business conducted on these devices are considered public records and must be made available for public inspection and copying upon request.

Under the CPRA, members of the public have the right to request access to public records pertaining to City business which includes information pertaining to City operations, decisions, and activities. This can include records stored on City-issued and personal ECDs, such as text messages discussing City policies, emails related to City projects, or call logs containing information pertaining to official City business.

Failure to comply with the CPRA and provide access to requested records can lead to legal consequences for both the individual employees and the City, itself. Pursuant to Section III(B) of the City's Public Records Act Policy, if a request for public records pursuant to the CPRA seeks records contained in or likely contained in a City issued or personal ECD, the City Clerk's office, with the assistance of the relevant City Department(s) will notify all employees potentially in possession of the requested information. The City employee is required to immediately search for the requested

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<sup>1</sup> Page 21, OVERTIME Section(C), of the Memorandum of Understanding between the City and the Signal Hill Employees Association, provides that prior supervisor approval is required to work overtime. Section 16(A) of the Memorandum of Understanding between the City and the Signal Hill Police Officers' Association provides that an employee may work overtime upon direction from a proper authority to do so.

information in their City-issued or personal ECD. The City employee must confirm in writing to the Department Director, or if the employee is a Director, to the City Clerk, that the employee conducted the search and whether responsive records were located. If responsive records were located, the City employee must provide all responsive records to the Department Director, or if the employee is a Director, to the City Clerk.

## **VII. REIMBURSEMENT PROCESS**

- a. Employees who conduct City business on their personal cell phones and are eligible based on the job criteria noted above, may apply for a cellular phone allowance.
- b. Employee must submit the Cellular Phone Allowance Request Form to their Department Head. Upon Department Head approval, the form will be reviewed by Human Resources and the Finance Departments.
- c. If approved, a monthly allowance of \$30.00 will be provided to the employee for the use of their personal cellular phone for City-related business.

## **VIII. SAFE DRIVING POLICY**

- a. The use of cell phones or other ECDs while driving is restricted by California law to use in a hands-free manner, such as speaker phone or voice commands, but never while holding the device. Employees are permitted to use ECDs in accordance with State law but are encouraged to safely stop driving when engaging in extended communications.
- b. Under no circumstances may a driver take notes, send a text message, or initiate a call using their hands while driving a vehicle during the course of business or on City time.
- c. City employees who are charged with traffic violations resulting from the use of electronic devices (whether personal or City-issued) while driving will be solely responsible for all liabilities that result from such actions.

## **IX. MINIMAL USE FOR PERSONAL REASONS IN EMERGENCIES**

Use of a City-issued ECD for personal reasons shall be kept to a minimum, and only used in emergencies.

## **X. CONFIDENTIALITY AND PROFESSIONALISM**

- a. Wireless communications may not be secure; therefore, employees should use discretion in relaying confidential information.
- b. All communication via ECDs should be professional in nature and should not violate any other City policy.

- c. Disciplinary action, up to and including termination, may be imposed on employees responsible for abuse, improper use, or neglect of a City-issued ECD, as well as failure to follow any portion of this policy.

## **XI. SECURITY PRECAUTIONS**

- a. Reasonable precautions should be taken to prevent equipment theft and vandalism of City-issued ECDs.
- b. Employees are responsible for their ECD's security code to prevent access to confidential information. Any suspected access to City communications or business on an ECD must be immediately reported to IT; this includes suspected viruses or other unauthorized access, or loss of a device.
- c. Employees are required to set an idle timeout that will automatically lock the City-issued ECD or a personal ECD used for City business when not in use to prevent unauthorized access to the device.

## **XII. MOBILE DEVICE MANAGEMENT**

All City-issued ECD will be managed by a Mobile Device Management (MDM) software used by the Information Technology consultants for the management and administration of communication devices owned by the City; software is installed prior to issuance of the device.

## **XIII. REPORTING LOSS OR DAMAGE**

- a. Employees are responsible for the security of a City-issued ECDs.
- b. If a City-issued ECD is damaged or lost, the employee's immediate supervisor and/or Department Director shall be notified immediately.
- c. In case of theft, the Police Department shall be notified.
- d. If a City-issued device is lost/stolen, the Information Technology consultants may wipe and completely erase all data from the device to prevent unauthorized access to City data and systems that are accessed from the device.
- e. If an employee's personal ECD which has been used for City business is lost or stolen, the employee must notify the Information Technology consultants immediately, so that the City can assess the risk of any confidential City information being improperly accessed. The employee is required to assist the City in minimizing any risk that confidential City information will be accessed.

## **XIV. ECD ASSIGNMENTS**

ECDs are assigned to specific individuals based on City business needs as determined by their Department Director.

Employees will be required to return any City-issued ECD at the time of separation from employment with the City or upon the request of the employee's Department Director or Human Resources.

#### **XV. REVIEW AND ACKNOWLEDGEMENT**

- a. This policy will be reviewed regularly to ensure its effectiveness and relevance.
- b. All employees who use City-issued ECD, their personal ECD for City business, or seek reimbursement under this policy must acknowledge their review, understanding, and acceptance of this policy in writing.

**City of Signal Hill**  
**Electronic Communication Devices Use Policy Acknowledgement**

By adhering to this comprehensive Electronic Communication Devices Use Policy, City government employees can contribute to the efficient and secure operation of City business while protecting sensitive information and complying with relevant laws.

I acknowledge and understand the terms and conditions of the Electronic Communication Devices Use Policy.

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Employee Signature

Date: \_\_\_\_\_



## CITY OF SIGNAL HILL CELLULAR PHONE ALLOWANCE REQUEST FORM

The City provides a cellular phone allowance for qualifying employees, in accordance with City of Signal Hill Electronic Communication Device Use Policy. To request an allowance, please complete the form and submit to your Department Head.

Employee: \_\_\_\_\_

Department and Job Title: \_\_\_\_\_

Program Account Number: \_\_\_\_\_

Employee may qualify for a cellular phone allowance under the following criteria:

- A significant percentage of the workday is spent out of the office, and the employee is required to maintain contact with his/her office throughout the day, and a City issued cellular phone is not available.
- Mobile communication is necessary due to job responsibilities including, but not limited to, oversight of multiple sites, supervision of field personnel, coordination of special events, and/ or safety related services.
- Immediate communication with the employee may be required when the employee is out of the office for any reason.

I agree that the cell phone stipend amount of \$\_\_\_\_\_ is reasonable to cover my City business use.

I understand that if my job responsibilities change and I no longer meet the cellular phone allowance criteria, my cellular phone allowance will be discontinued.

Employee Signature: \_\_\_\_\_

Department Director Approval: \_\_\_\_\_

City Manager Approval: \_\_\_\_\_

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### HUMAN RESOURCES USE ONLY

Cellular Phone Allowance effective date: \_\_\_\_\_

Human Resources Manager Signature: \_\_\_\_\_