# 560
# PERSONAL PORTABLE ELECTRONIC DEVICES

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| **Revision Number: 0** | **Effective Date: May 07, 2012** |
| **Revision Date: April 23, 2012** | **Issue Date: May 07, 2012** |
| **Supersedes: 560-Rev.0** | **Approvals:**<br>**HR Director:** _____<br>**Commission:** Darlene R. Burns |

## PURPOSE

The purpose of this policy is to promote a productive work environment and increase employee and public safety. This policy acknowledges that consumer electronic devices are becoming increasingly prevalent in work life and personal life. Such devices present unique challenges when developing policies regarding equipment management and use, government record management and access, employment issues, privacy issues, and workplace efficiency. Many personal electronic devices are capable of more efficiently performing many of the same tasks that have traditionally required desktop or laptop computers. As is the case with other office supplies and equipment, strict prudence shall be incorporated while considering the potential budgetary impact of such devices.

## SCOPE

This policy applies to all County employees.

## CROSS REFERENCES

Use of County Equipment, Policy 530
Safety & County Vehicle Operation, Policy 550
Progressive Discipline, Policy 600

## POLICY AND PROCEDURE

1. DEFINITIONS:

   A. "Personal electronic device" (PED) means any lightweight consumer electronic device that is designed to be portable and to facilitate the creation, collection, transportation, transmission, or availability of digital information, including but not limited to: mobile phones; tablet computers; personal data assistants; digital cameras; mp3 players; any device running iOS, Android, or similar mobile operating system; USB drives; data memory cards.

   B. "Personal electronic device" (PED) does not include: desktop computers; laptop computers; electronic devices that are not designed to be easily transported or carried by an individual on a daily basis.

2. COUNTY-OWNED EQUIPMENT – If a device is purchased with County funds (and is therefore County-owned), it is not subject to this policy; such equipment is subject to Use of County Equipment, Policy 530.

3. USE OF PEDs:

   A. Certain employees may benefit from the use of a PED to conduct essential job functions. In order to justify the use of a PED for work purposes, the affected employee shall consult with the Department Head and/or Elected Official (hereinafter "Supervisor"), in accordance with organizational structure, to establish the ways in which the use of the PED will assist the employee in completing essential job functions or provide direct and measurable benefit to the County. Nothing in this section shall be interpreted as disallowing the Elected Official from unilaterally requiring the use of PEDs.

   B. Factors to consider in determining whether the use of a PED is justified include:

      i. whether the employee has a primary workstation;
      ii. whether the employee regularly performs a significant portion of assigned duties at a location other than the employee's primary workstation;
      iii. whether the use of a PED will significantly increase the efficiency of the employee in completing assigned duties;
      iv. whether the County should purchase equipment similar or identical to the PED and manage that equipment under Policy 530; and
      v. whether the use of a PED creates any risk to the County.

4. ACQUISITION/OWNERSHIP OF PEDs:

   A. If a Supervisor determines that the use of a PED is justified, he or she may authorize the use of PEDs in accordance with one of following three approaches. The Supervisor shall make such a decision based upon the criteria he or she determines are in the best interest of the County.

      i. The Supervisor may purchase a PED for an employee with the County retaining ownership of the PED. Such an arrangement will require the employee to account for use of the device in a similar manner as any use of public property as found in Use of County Equipment Policy 530. Although this policy recognizes that an employee may use county equipment for personal use, such use must be incidental and in accordance with all other established policies. As the owner of the device, the County shall pay for ongoing charges associated with the use or function of the PED (i.e., mobile phone plans, data rates, etc.) and what applications will be allowed on PEDs. Such a determination may differ between departments. Employee communications and activities on County property are not private, and employees should never have an expectation that their messages, files, documents or use of PEDs is or will be kept private.

ii. A Supervisor may determine that the purchase of a PED may be in the best interest of the County yet ownership of such device shall transfer to the individual employee. If the County purchases such a device for an employee, it shall be treated as taxable income. The Supervisor may either reimburse the employee for all or a portion of the purchase price of the PED and/or ongoing charges associated with the use or function of the PED (i.e., mobile phone plans, data rates, etc.) or purchase a device and pay for ongoing charges. In order to qualify for reimbursement, the employee and the Supervisor must complete an official reimbursement request form.

iii. Alternatively, if a County employee desires to make a purchase or purchase a PED upgrade, such employee may independently purchase such a device and the County may reimburse the employee for a portion of the purchase price of the PED and/ or ongoing charges associated with the use or function of the PED (i.e., mobile phone plans, data rates, etc.). In order to qualify for reimbursement, the employee must obtain approval from the supervisor prior to the purchase, and the Supervisor must complete an official reimbursement request form.

B. Factors to consider in determining the expenditure of funds include:

i. how necessary the PED is to the completion of assigned duties;
ii. the percentage of time the PED is used in completing assigned duties in a shift and pay period; and
iii. the amount of any ongoing expense associated with the use of the PED for County purposes.

5. LIMITATIONS:

A. Nothing in this policy prohibits a Supervisor from purchasing, using, and managing electronic devices that assist the Department/Office in fulfilling its government duties, so long as such equipment is managed per Policy 530.

B. Nothing in this policy prevents a Supervisor from restricting or limiting the use of PEDs during work hours and the PEDs access to County-owned network systems. The HR Director and Supervisor reserve the right to request that the employee provide usage reports or other appropriate logs to determine if PED use is appropriate.

6. All electronic devices (whether PED or County-owned) should be turned off or set to "silent" or "vibrate" during meetings, conferences, and other locations where digital notifications may disrupt normal workflow.

7. Employees shall not operate County vehicles or equipment while using any electronic device (whether PED or County-owned), unless such use is in accordance with state and local law. In the event of an accident while performing official County duties, the employee's use of any electronic device shall be considered in the accident review.

8. Employees must be aware that even though PEDs may be the personal property of the employee, certain work-related records, such as emails or documents created and kept on the device may be subject to the Government Records Access and Management Act (GRAMA) or discovery requests. The employee is, without exception, responsible for any and all use and content of the PED.

9. Any PEDs purchased by the County before the effective date of this policy shall be grandfathered in and the Supervisor shall be the sole determiner of which category, under 3.A, applies to the PED.