

Mobile Phones Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	22 May 2018
Author	Systems Administrator
Owner <i>(Relevant director)</i>	Director of Finance & Corporate Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council being elected or as technology / change requires
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

This policy covers all usage by Council employees and councillors of mobile phones (and Smartphones) supplied by Council to ensure correct approval processes are followed for the issue of mobile phones; and to standardise equipment and its usage across Council.

3 Approvals

Title	Date Approved	Signature
Director of Finance & Corporate Services		

4 History

Minute No.	Summary of Changes	New Version Date
3 October 2007	Amended for change to Next G network, and new use of Mobile Phone in Cars laws re Year 1 "P" plate drivers effective 1 July 2007.	3 October 2007
09/04/32	Amended to allow SMS usage and to authorise deduction of Users <u>total</u> phone account if no reply is received within 3 months of a request to identify personal/council related calls and SMS.	8 April 2009
10/02/17	Readopted by Council	15 February 2010
13/09/30	Readopted as per s165(4)	17 September 2013
15/04/15	Amended to include use of Smartphones; and change of names for RTA to RMS and for OH&S to WHS legislation. Links an email and internet user agreement with Smartphone usage.	28 April 2015
16/05/12	Reviewed and updated to reflect responsibility for phones being reassigned to the Systems Administrator. Added clarification that	24 May 2016

	negligence for damage as well as for loss may trigger compensation by user and updated methodology/limits for when personal usage will require reimbursement to the council.	
18/05/20	Dot point added under personal usage to make it clear that Council can recover the cost of excess fees as a result of personal usage. Readopted as per s165(4)	22 May 2018

5 Reason

Council recognises that some employees and councillors require a Council issued mobile phone or Smartphone to fulfil the requirements of their position. The Mayor is also entitled to the issue of a Council mobile phone. Some employees also have personal mobile phones which they may use to make business related calls.

There are State laws governing the use of mobile phones and there are obvious implications in the work place in their use. The circumstances for field staff and office staff may be different and supervisors, employees and councillors must make judgements on appropriate use. This policy seeks to provide direction and assistance in making those judgements.

While neither the WHS Act 2011 nor the WHS Regulation 2011 refers specifically to mobile telephones, Council considers they fall into the broad category of plant which is defined in s4 of the Act as “*machinery, equipment, appliance...*”. Council is of the view that a mobile telephone is an appliance and therefore under the legislation is required to ensure staff are instructed in its safe use.

6 Scope

The councillors’ and employees’ responsibilities relating to the allocation, care and use of mobile phones and Smartphones are included in the policy and agreed to by use of a Mobile Phone Agreement.

The types of phones to be acquired by Council are defined as well as limitations on the functions to be activated.

Safety guidelines and legalities relating to use in motor vehicles are included.

Due to limited coverage in parts of the Cabonne Local Government Area (LGA) the SMS facility has been left active on all phones: in case of an emergency - Telstra has advised that a SMS may work when no call can be made. This facility will either be approved for Council purposes use with private calls paid for by the user or will be treated as all private calls.

7 Associated Legislation

Roads and Maritime Services legislation relating to use of mobile phones.

Work Health and Safety Act (WHS Act) 2011 - s4

8 Definitions

IT – Information Technology

Mobile phone - a portable telephone device that does not require the use of landlines. Phones connect to a wireless communications network which utilise frequencies transmitted by towers. Within this policy the terms “mobile phone” or “phone” refer to either a mobile phone or Smart phone.

Smartphone - is a mobile phone that also performs many of the functions of a computer, typically having a touchscreen interface, Internet access, and an operating system capable of running downloaded applications.

9 Responsibilities

9.1 General Manager

All requests for new and replacement mobile phone or Smartphone service for staff reporting directly to the general manager must be approved by the general manager using the attached Request for Approval form.

The approval form should be completed by the mobile phone service user and approved in the first instance by the manager/director and finally by the general manager

9.2 Directors and Managers

All requests for new and replacement mobile phone service must be approved by the manager and the director/general manager using the above Request for Approval form.

The approval form should be completed by the mobile phone service user and approved in the first instance by the manager and finally by the director/general manager.

9.3 Mayor

The Mayor is entitled to be provided with a mobile phone as per the Payment of Expenses for Mayor and Councillors Policy.

9.4 Employees / Councillors

When the request for a mobile phone or Smartphone service has been approved the form is to be forwarded to the IT section. The IT section will place all phone orders and distribute same to the respective user when goods are received.

Upon receipt of a mobile phone and / or Smartphones the IT section will record the phone & serial number on this form and on the Mobile Phone register before issuing the phone and the Mobile Phone Agreement Form to the approved user.

10 Related Documents

Document Name	Document Location
Cabonne Council's HACC Policies and Procedures Policy re Mobile Phones.	Policy Register
Payment of Expenses for Mayor and Councillors Policy	Policy Register

11 Policy Statement

Mobile Phone Use Agreement

- Mobile phones and Smartphones are issued to members of staff to assist them in the performance of their duties based on their job description. A mobile phone will be provided to allow contact between staff members or staff and customers and will only be issued if it is considered necessary to operate effectively in the position. For example, if the employee's duties require them to spend time away from their work location and/or that they be contactable outside normal hours of work.
- Directors shall decide on whether an employee should have access to a council provided mobile phone or Smartphone. Directors should also note that the expenditure for phones is to be met from their budget.

- If minimal usage is likely and the staff employee possesses their own mobile phone, the director may elect to ask if the employee wishes to use their personal phone for a period of time to gauge usage. Council will reimburse work related calls where the calls are identified on the employee's phone bill. If the call usage grows in excess of \$10.00 per month, the director may consider provision of a council phone.
- Council will have a 'loan' phone available for employees to use in times when they may have council business that requires a mobile phone e.g. attendance at a conference. The 'loan' phone will be administered by the IT section and will be done so on a first in first served basis.
- Each employee and councillor issued with a mobile phone or Smartphone must enter into a Mobile Phone Agreement (See Appendix 1) with the council acknowledging they:
 - Have received and read the Mobile Phone policy
 - Have entered into an email and internet user agreement
 - They will comply with the requirements of this policy
 - Agree with the serial numbers of equipment issued to them
 - Accept responsibility for the equipment
 - Acknowledge the requirement to reimburse Council for personal calls as required by the Mobile Phone policy
 - Authorise Council to deduct the TOTAL mobile phone account for any account a copy of which has been provided for the purposes of determining reimbursement of personal calls for, consistent with the process agreed to with the consultative committee, which has not been returned within 3 months No adjustment will be allowed once deducted.
 - Acknowledge that the equipment remains at all times the property of the council and will be returned upon termination of employment or when requested by the general manager or director.
 - Will return the mobile phone or Smartphone to the IT section when requested during periods of extended absence such as Long Service Leave, Maternity, Paternity and period of Annual Leave greater than 10 days.
 - Will compensate the council for the value of costs for loss or damage to a phone or accessory where deemed to be due to negligence and authorise deduction from the user's pay or councillor's allowance.
- All eligible employees and councillors will be issued with a specifically selected mobile phone, advised as suitable for this area after consultation with the telecommunications supplier (Telstra) and best suited to the activities of staff. This will also allow maximum flexibility by users in vehicles with hands free kits and aids in purchasing. Exception to this may only occur with the approval of a director. Ideally the mobile phone fleet will be limited to one model of phone.
- Eligible staff will be issued with a Smartphone determined as most suitable by the IT section.
- The IT section will record all relevant details in a register prior to delivery to the user. This includes serial number, make and model number, ex and current user and division.
- Smartphones will be enrolled into a Mobile Device Management System (MDM) by the IT section. The MDM records all installed applications, storage space used, the location of the device (to be used exclusively when a device is reported lost or stolen, no history is kept); enforces security features, device settings (such as WiFi settings, locations settings etc.); remotely wipes or disables Smartphones (including all personal data) and filters internet usage.

Use of Mobile Phones

General

- Mobile phones are primarily an out of office communication tool. In circumstances where a fixed phone is available to make outgoing calls, then the fixed phone should be used in preference to the mobile phone.
- Upon being issued a mobile phone, the approved user shall set up their message bank with the following standard greeting:

“Hello, this is (your name), Council’s (your position). I cannot take your call at the moment, but please leave a message after the tone and I will get back to you as soon as possible. If your call is urgent, please call Council’s switchboard on 02 6392 3200”.
- Designated “on-call” staff issued with mobile phones must be contactable 24 hours a day 7 days a week. Other staff issued with mobile phones must be contactable during normal working hours and should leave their phones switched on wherever possible outside of normal working hours.
- It is common courtesy to switch mobile phones off before entering a meeting. The council understands that extenuating circumstances may exist that require you to leave your mobile phone switched on during meetings. If this is the case, please advise the convenor that your mobile phone will be switched on. Under no circumstances should a user allow a mobile phone to ring during a council or committee meeting.

Mobile phones are not to be used for:

- the delivery of offensive or objectionable communications;
- unlawful activities;
- commercial purposes not under the auspices of Council;
- personal financial gain;
- any other unauthorised use (e.g. activity which may be a breach of the Code of Conduct, etc.).

Offences of this nature will result in disciplinary action or possible summary dismissal.

- The mobile phone is the property and remains the property of Cabonne Council and must not be lent to any other council employee without the approval of their manager or to any person other than a council employee without the prior approval of a director.

Facilities Supported

The following functions are supported:

- STD and mobile calls
- Voice mail
- Emails for selected Users
- SMS
- mobile data internet access (Smartphones only)

The following functions will be blocked unless the director or general manager approves of usage:

- Premium SMS
- MMS
- Directory assistance calls
- International Calls
- Downloaded ring tones
- 1900, 1902, 0055 and other high cost calls
- Foxtel

- Any other subscription-based functions

The following facilities require suitable justification:

- Internet and email capability
- Connection to computers
- SMS for Council purposes use

Personal Use

- Mobile phones are provided for business use, however staff are able to make personal calls and send SMS messages on the proviso that the cost of such calls are reimbursed to the council, consistent with the process agreed to with the consultative committee.
- Where the monthly phone bill is less than or equal to \$20 no review of personal calls and texts will be undertaken. If the bill exceeds \$20 it will be forwarded to the user to identify personal usage. If personal calls and texts exceed \$20 the caller will be issued with an invoice requiring reimbursement to the council.
- The council reserves the right to recover costs associated with personal use.
- Where mobile data has been activated Council reserves the right to recover the costs for any excess data fees incurred as a result of personal usage.
- In instances when a copy of the user's mobile phone account has been provided during the initial 3 months and no reply has been received, the council will deduct the total cost of that month's account from the user's pay or councillor's allowance. No adjustment will be allowed once the deduction has been made.
- For the purpose of this policy, private calls /texts will include (but is not limited to) those that are not relevant to the approved user fulfilling their obligations to Council.

While Driving a Motor Vehicle/Operating Equipment

- While your vehicle is moving or stationary (but not parked), drivers may only use a mobile phone to make or receive a call or use the audio playing function if:
 - the mobile phone is secured in a fixed mounting; or
 - the mobile phone is connected to a vehicle by Bluetooth connection; or
 - the mobile phone does not require you to touch or manipulate the phone in any way.
- All other functions including texting, video messaging, online chatting, reading preview messages and emailing are prohibited.
- While your vehicle is moving or stationary (but not parked), drivers must not hold a mobile phone in their hands other than to pass the phone to a passenger
- ALL mobile phone use is banned for Learner, P1 drivers and provisional motorcycle riders – this applies to all use, **including** hands-free sets, phones set to speaker or loudspeaker, while driving or while your vehicle is stopped, but not parked.
- P2 drivers may use mobile phones for calls and audio only. The phone must be securely mounted, or you must use an automated audio device. Touching a phone (e.g. text or video functions) is against the law.
- All traffic infringements incurred by a member of staff while using a mobile phone are the responsibility of the mobile phone user and Council accepts no responsibility whatsoever.

- Wherever it is likely that a mobile phone will need to be used in a Council motor vehicle, the vehicle will be fitted with a hands-free mobile phone kit, when the vehicle does not have Bluetooth facilities.

Electro-Magnetic Radiation (EMR)

- While the potential hazard for EMR has been established with regard to the radio network frequencies used by mobile telephones and at the power used to transmit the signal, the research is unclear. Reference can be made to the Australian Standard AS/NZ2772(int.):1998: Radio Fields – Maximum Exposure Levels – 3kHz to 300GHz.
- In light of the uncertainty surrounding the safety of mobile telephones, the following procedures apply:

Minimise use

- keep calls as short as possible
- limit exposure to one side of the head by rotating use of device
- use hands-free device whenever possible
- monitor the use of devices

Monitoring of Use

- Council has the right to monitor and log any matter relating to the use of a mobile phone. Monitoring of the mobile phone accounts is undertaken on a monthly basis as a means of ensuring compliance with this policy and to identify any irregularities.
- Council's general manager may authorise an audit on individual mobile telephone accounts to ensure that this policy is being adhered to. Council reserves the right to recover any amounts due to the council through the approved user making incorrect assessments of private or personal mobile telephone accounts.

Care of Mobile Phone

- Mobile phones and accessories are to be maintained in reasonable condition. It is the responsibility of the approved user to ensure that the mobile phone and accessories are kept in good order.
- Mobile phones must be kept in a secure/safe location at all times and must never be left unattended – e.g. in a motor vehicle.

Purchase Procedures

- All requests for a new or replacement mobile phone must be on the Mobile Phone Request Form and approved by the manager and relevant director. (Appendix 2). The Mobile Phone Request Form can be obtained from the IT section or see infoXpert letters and templates / IT.
- In determining a mobile phone application, the manager should take into account the following:
 - The need for the user to be contactable at all times including after hours and weekend contact
 - A requirement for the user to be contactable or to contact suppliers, ratepayers, other staff etc. whilst in the field
 - Work Health & Safety issues such as where a worker may regularly be working remotely or alone
 - Other work needs that may warrant the issue of a mobile

- Once approval for purchase has been granted by the director the Form is to be forwarded to the IT section for processing.
- The standard of mobile telephone issued to an approved user will be consistent to Council's current mobile phone fleet.
- The standard of mobile phone issued is subject to the approval of the director.

Payment of Bills

- The payment of all associated costs of mobile phones (including the purchase, network access, and fees) is the responsibility of the council.
- Council will be responsible for the payment of costs associated with monthly access charges and business related usage.

Non Compliance of this Policy

- Should the approved user not comply with any clause of this policy or of the Mobile Phone Agreement or reasonable direction regarding its use, the council reserves the right to revoke the approved user's entitlement to a council mobile phone and associated accessories and/or take disciplinary action.

Lost/Stolen Mobile Phones and Smartphones

- If a mobile phone is lost or stolen outside business hours you must notify the Systems Administrator immediately. They will contact Telstra to bar outgoing calls until the phone is either found or replaced. Your supervisor must also be notified.
- If a Smartphone is lost or stolen the IT section should be notified immediately. There is capacity to locate the device and if necessary lock and/or delete all data.
- Depending on the circumstances in which the phone was lost, the IT section will arrange for replacement of the mobile phone unless carelessness or negligence on the part of the employee can be shown as the cause of the loss. In these cases, where proven, the employee or councillor may be required to contribute to the replacement cost of the mobile phone.
- If the phone is faulty or broken, you must notify the IT section as soon as possible so that repairs can be carried out or a replacement phone supplied.

Termination/Resignation of Agreed User

- On termination of employment, the employee or councillor must return the phone and accessories to the relevant manager who will in turn return it to the IT section. Any battery chargers or other phone accessories supplied by the council for use with the mobile phone must also be returned.
- If the phone is not returned after termination, the ex-employee or councillor will be charged for the value of the phone / accessories and an administration fee of \$120.00. The old number will be disconnected and removed from the fleet.
- If the staff employee is to be replaced, the manager may hold onto the phone and accessories until the replacement employee arrives *providing* they advise the IT section of the situation and of the change in user details. **Note: A mobile phone Agreement must be signed by the replacement employee.**

Review

- This policy shall be reviewed on a once per term basis or earlier should an issue arise, to ensure that it meets the requirements of legislation and the needs of Council.
- The general manager reserves the right to vary this policy at 24 hours notice.

Guidelines on safe use of mobile phones

- There is concern in the community about claims of adverse health effects associated with mobile phone and mobile phone base stations. The issue of possible health risks has not been determined. There is no clear evidence in the existing scientific literature that the use of a mobile phone poses a long term public health hazard, although the possibility cannot be ruled out.
- In order to make safety your priority please remember the following:
- Do not use a hand held phone whilst operating a motor vehicle or machinery.
- Avoid phone conversations in your car unless necessary.
- Stop in a safe place if you need to make a call or retrieve a message.
- If you must use your mobile in your vehicle use hands free devices and avoid lengthy conversations.
- Dial the phone number when the car is *not in motion*.
- Never take notes whilst driving. Pull off the road or tell the person you will contact them at a later time.

A number of accidents have been caused while using fuel bowzers at service stations or depots where mobile telephones allegedly became the source of ignition. Whilst ignition was not proven, staff should ensure safety by the following procedures which apply to all employees and councillors while at service stations, depots, petrol pumps or filling any container with a petroleum product:

- mobile phones are to be switched off and left in the vehicle.
- under no circumstances is a device to be switched on and used while the person is using a petrol bowser.
- if the device is inadvertently left on and rings it is to be **switched off immediately** without being answered.

Approval of Mobile Phone Service

All requests for new and replacement mobile phone service must be approved by the manager and the director/general manager using the Request for Approval form.

The approval form should be completed by the mobile phone service user and approved in the first instance by the manager and finally by the director/general manager.

When the request for a mobile phone service has been approved the form is to be forwarded to the IT section. The IT section will place all mobile phone and Smartphone orders and distribute to the respective user when goods are received.

(Appendix 1) - MOBILE PHONE / SMARTPHONE AGREEMENT

I, _____ (the approved user), acknowledge the following:

1. That I have been made aware of and read the Mobile Phone Policy.
2. That I have entered into an email and internet user agreement.
3. That I have been granted use of a Council mobile phone or Smartphone in accordance with Council’s Mobile Phone Policy.
4. That I will comply with the requirements of the Mobile Phone Policy.
5. That I accept responsibility for the equipment granted to me.
6. That I will reimburse Council for any private and personal calls.
7. That I hereby authorise deduction from my pay / councillor’s fees the TOTAL phone account on any account which I have been given a copy on which to indicate the personal calls/SMS I need to reimburse Council for, if I do not return the account within 3 months. I note that no adjustments will be allowed once deducted.
8. That I hereby authorise deduction from my pay / councillor’s fees any costs deemed to be attributed to negligence resulting in avoidable loss or damage of a mobile phone or Smartphone.
9. That the mobile phone or Smartphone and associated equipment must be returned upon my termination from Council’s employment, when on leave for a period longer than two weeks, or at the direction of the general manager.
10. That Smartphones* are a ‘managed device’. They are enrolled in Council’s Mobile Device Management (MDM) software and must stay enrolled. The MDM records all installed applications, storage space used, the location of the device (to be used exclusively when a device is reported lost or stolen: no history is kept), enforces security features, enforces device settings (such as WiFi settings, locations settings etc.), remotely wipes or disables smartphones (including all personal data) and filters internet usage.
11. That the device phone number and serial numbers of the equipment allocated to me are:

Mobile Phone Number: _____

Mobile Serial Number (HEX) / Or IMEI: _____

Employee (name & signature) Date

Procedure:

- a. Upon receipt of a mobile phone the IT section will record the phone & serial number on this form and the Mobile Phone register before issuing the phone and having the approved user sign this form.
- b. The IT section will record the Smartphone & IMEI number on this form and the MDM before forwarding the phone and this form to the approved user.
- c. The approved user should check the serial numbers and sign the form where shown. The form is to be forwarded to Records staff for registering into the Records system.

*- a “smartphone” is a mobile phone that performs many of the functions of a computer, typically having a touchscreen interface, Internet access, and an operating system capable of running downloaded apps.

(Appendix 2) MOBILE PHONE or SMARTPHONE REQUEST FORM

NEW OR REPLACEMENT MOBILE PHONE or SMARTPHONE

Person requesting service

Department

Job Number

Reason for new or

Replacement* mobile phone:

(*- If Replacement due to lost or stolen provide circumstances of loss)

New or replacement phone?

<input type="checkbox"/>	New
<input type="checkbox"/>	Replacement*

(Provide mobile number if replacement)

Is a car-kit required?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	New	<input type="checkbox"/>	Replacement

New or Replacement?

Please list Accessories required:

Carry Pouch

Hands free ear-piece

High Gain External Aerial

Patch lead

Others (specify)

Manager Approval: (Name, Signature & date)

If lost or damaged phone due to negligence:
is financial compensation by User required?
Refer Mobile Phone policy

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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Director/General Manager approval:
(Signature & date)

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