

<b>POLICY:-</b>	
Policy Title:	Mobile Telephone Policy
File Reference:	F10/618-07
Date Policy was adopted by Council initially:	18 December 2008
Resolution Number:	404/08
Other Review Dates:	15 July 2010, 20 October 2011 and 17 April 2014, 16 March 2017 and 16 July 2020
Resolution Number:	272/10, 411/11, 96/14 and 60/17
Current Policy adopted by Council:	16 July 2020
Resolution Number:	117/20
Next Policy Review Date:	2023

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

<b>RESPONSIBILITY:-</b>	
Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	Consultative Committee
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

## **OBJECTIVE**

This policy is to establish guidelines for Council officials in the provision and usage of Council owned mobile telephones, smart phones, tablets, or similar types of mobile electronic communications equipment.

Council officials include the elected Mayor, Council senior management, Council employees provided with mobile telephones where necessary for use in undertaking Council services, and appropriately delegated Rural Fire Service employees.

## **PURPOSE**

- Establish guidelines to identify those staff who will be granted access to the use of a Council owned mobile telephone;
- Identify the “standard” of mobile telephone that will be issued to those who have been granted access to the use of a Council mobile telephone;
- Define the permitted use of Council’s mobile telephones while using this technology to improve the delivery of Council services; and,
- Outline the procedures for payment and reimbursement of mobile telephone accounts.

## **POLICY STATEMENT**

All Council employees have a responsibility to be ethical and efficient in their official use of Council property and resources. Part 8.13, of the Upper Lachlan Shire Council Code of Conduct outlines responsibilities in relation to the use of Council resources.

The General Manager and Departmental Directors are responsible to ensure the continued understanding of the policy and its protocols by relevant Council staff.

Mobile telephones are public resources provided to staff for business purposes and all staff have a responsibility for the equipment safety and to ensure their proper use. The misuse of Council resources will not be tolerated and where necessary disciplinary action against an individual will be undertaken for use of the mobile telephone in an improper or fraudulent manner.

This policy also covers the use of personal mobile phones during working hours.

### **1. Provision of Council’s mobile telephones and accessories**

#### **1.1 Entitlement**

Entitlement to a Council mobile telephone shall be based upon the following criteria:-

- The elected Mayor, General Manager, and Department Directors and Managers of the Council shall be provided with an iPhone, or equivalent smart phone device, with data plans in a shared data billing pooled plan in Council’s name.

- Where the use of a mobile telephone is a requirement of a position within Council, i.e. positions which involve significant travel away from the office on behalf of the Council in fulfilling normal working requirements, and there is a need to be in regular contact with work related persons and / or WH&S requirement due to operating in remote localities.
- Where the position involves regular after-hours and / or call-out duties, and there is an identified need for a mobile telephone.
- Any other positions as approved by the General Manager.

## **1.2 Approval**

The provision of any Council mobile telephone to staff is subject to the approval of the General Manager. Upon approval, the "Employee Acknowledgement" form is to be completed and sent to the Director of Finance and Administration to update the Council telephone database.

## **1.3 Ownership**

The mobile telephone and associated accessories that have been issued by Council will at all times remain in the ownership of Council. If a Council employee resigns, retires or their employment is terminated for any reason that employee is required as part of the exit interview to return the mobile telephone and accessories to Council.

Council issued mobile telephones are not the personal property of staff or officials and may be reassigned to another individual if directed by the General Manager. Any personal information stored on the Council mobile phone handsets, such as personal telephone numbers, will not be grounds for refusal to transfer the mobile phone.

## **1.4 Care, Safety, Responsibility and Maintenance of mobile telephones and accessories**

- The approved user of the mobile telephone is responsible for the asset and its use, including use by others and for what purpose it is used.
- Mobile telephones and accessories are to be maintained in a reasonable condition. It is the responsibility of the approved user to ensure that the mobile telephone and accessories are kept in good working order, not exposed to water, solvents or any other material which is likely to cause damage to the equipment.
- Mobile telephones must be kept in a secure / safe location at all times and must never be left unattended (e.g. left unattended in cars). If a mobile telephone is stolen or lost the approved user must report the theft or loss immediately to Council's Director of Finance and Administration. The approved user will be responsible for all calls made until the mobile telephone is reported stolen and/or lost as required above.
- Limited personal use is permissible but abuse of this privilege may result in the withdrawal of a mobile telephone from a user or other disciplinary action. Exceptional circumstances and emergencies can be exempted.

## **2. Standard of mobile telephones**

### **2.1 Mobile Telephone Standard and Considerations**

The standard of mobile telephone issued to an approved user will be determined by the following criteria:-

- All purchases of mobile telephones will be made by the Finance and Administration Department, coordinated by Council's IT Systems Support Officer.
- A telephone allowance shall not be paid where a Council mobile telephone is the primary means of contact.
- The mobile telephone required must facilitate the employee in carrying out their duties whilst away from the office.

The standard of mobile telephone issued to the approved user is subject to the approval of the General Manager.

## **3. Permitted use of mobile telephones**

### **3.1 Mobile Telephone Agreement**

Approved users will be required to sign the agreement at the end of this policy acknowledging:-

- They have received and read this Policy;
- They will comply with the requirements of this Policy;
- The mobile telephone numbers and accessories allocated to them;
- Accepting responsibility for the equipment; and
- Acknowledging that the equipment will be returned upon termination of their relationship with Council.

Should the approved user not comply with any clause of this agreement or policy, Council reserves the right to revoke the approved users' entitlement to a Council mobile telephone and associated accessories.

A copy of this signed agreement will be retained on file within Council's records management system on the employee's personnel file.

### **3.2 Use of Mobile Telephones**

The approved user shall not lend the mobile telephone to any other employee of Council or lend to any person who is not an employee of Council without the prior approval of their Departmental Manager and/or Director.

The approved user must abide by all Federal, State and Local laws and regulations when using a Council mobile telephone including those that apply to use of mobile telephones in motor vehicles. The use of mobile telephones whilst driving may be an offence in certain circumstances as outlined under the NSW and Australian Road Rules, therefore the individual and not the Council will be responsible for any fines incurred by Council staff caught and fined for these offence.

If a hands free functionality is available in Council motor vehicles the blue tooth functionality should be activated to link to the mobile telephone device.



Approved users of Council mobile phones must ensure their mobile telephone is at all times in operation during business hours.

### **Conditions of Usage**

- The mobile telephone device may be used for web browsing for work related activities.
- The use and access to 'streaming' Internet sites on the mobile telephone is not allowed. These sites may include sites; i.e. live streaming apps, gambling sites.
- Council staff may not use and access social media or social networking sites for personal use during working hours; i.e. Facebook, Pinterest, and MySpace.
- Mobile telephones are not to be used to conduct business or secondary employment for personal financial gain.
- For all smart devices the users are responsible for backing up the device, failure to do so may result in a loss of data.
- Upon staff resignation or return of a device all PIN and security passwords for that device are to be provided to Council.

### **3.3 Private or Personal Use of Mobile Telephones**

The approved user may make limited private or personal mobile telephone calls on a needs basis only or an emergency.

If there are excessive personal calls or excessive duration of calls the authorised user will be responsible for the payment of all costs associated with making these calls of a private or personal nature.

For the purpose of this policy, private or personal mobile telephone calls will include (but are not limited to):-

- Those calls made during the standard business hours of the approved user that are not relevant to the approved user fulfilling their obligations to Council; and
- All calls made outside of the standard business hours of the approved user (unless authorised by the 'approved user's' Director and/or Manager as being a business related call).

## **4. Payment and Reimbursement Procedures**

### **4.1 Payment of Council's Monthly Mobile Telephone Account**

Upon receipt of Council's monthly mobile telephone account, Council will be responsible for making the necessary payments to the service provider within the payment terms as stated on the tax invoice.

### **4.2 Costs to be borne by Council**

Council will be responsible for the payment of costs associated with:-

- Monthly access and equipment charges (as set out in signed Business Plan with a telecommunications service provider).
- Business related telephone calls.
- The servicing and maintenance of the equipment.
- Replacement purchase of and upgrade to mobile telephone and equipment.

#### **4.3 Costs to be borne by the Approved User**

The approved user will be required to pay the telephone call charges for all calls which fall within the definition of “private or personal calls” (as defined in 3.3 above) and are deemed excessive by the General Manager.

#### **4.4 Payment by the Approved User**

The approved user is required to make the necessary payments to Council for private or personal phone calls within 30 days of receiving a copy of their mobile telephone account.

#### **4.5 Reviews of Telephone account usage**

Council's Finance and Administration Department will perform reviews on a regular basis on individual mobile telephone accounts to ensure that this policy is being adhered to. Council reserves the right to recover any amounts payable to Council through the approved user making incorrect assessments of private or personal mobile telephone calls.

Council will reserve the right to monitor the usage patterns of all mobile telephones to ensure private and personal calls, duration of calls, SMS, MMS and interstate calls are kept to a minimum and international calls are prohibited.

The Council mobile telephone resource is to be used in a proper manner in accordance with Council's policies and procedures. Any inconsistencies, of a possible fraudulent nature, that are detected, will be immediately reported to the General Manager and the Police if deemed appropriate.

### **5. Termination or surrender of mobile telephone**

Council may terminate the availability of the mobile telephone, providing thirty (30) days notice to the authorised user from the General Manager.

Council will terminate the availability of the mobile telephone immediately upon detection of misuse or fraudulent behaviour of the authorised user. The authorised user must surrender the mobile telephone to Council.

Council will revoke the availability and use of a mobile telephone because of misuse or serious abuse of usage as listed below:-

- Conducting business other than Council business, (i.e. secondary employment) without the approval of the General Manager.
- Promotion of a personal or commercial benefit.
- Violation of a copyright.
- Sending and/or disclosing of inappropriate content (i.e. illegal, immoral, offensive or obscene material, pornographic, erotic images, racist or religious based material).
- Sending of viruses or other destructive content.
- Using and/or sending material that uses offensive language.
- Sending, disclosing, using and/or distributing personal information or confidential information held by Council.
- Sending, disclosing and/or distributing slanderous and/or defamatory material.
- Sending messages, emails or texts or use of social media platform as a form of harassment, bullying or threatening behaviour.

- Lending the mobile telephone to a third party is strictly prohibited.
- Make disparaging or any adverse comment about Council, any policy or decision of Council or any of Council's related employees, contractors and other Councillors.
- Any act that contravenes a law or is a criminal offence.
- Any act that may have a negative impact to Council.

## **6. Use of Mobile phones on a Worksite**

While Council recognises the convenience that mobile phones provide, Council also recognises that we have a duty of care to ensure a safe workplace at all times. As such Council provides clear guidelines about when and where both, Council issued mobile phones and private mobile phones, may be used.

- Mobile phones are not to be used in the vicinity of any moving plant. There has already been a fatality on a worksite from this situation, you are to remove yourself to a safe area when either making or receiving a call. (E.g. outside plant operation zone).
- Unless you have a specific need to be contacted on a private mobile phone during work hours (e.g. supervisor requires you to have it on or sickness in the family) you must request your supervisors permission, otherwise they must be turned off, placed in the employees esky and any messages received can be retrieved at morning tea or lunch time.
- Should someone wish to contact you urgently they should be given either the office/depot number, who can then pass on a message to you.
- Council is not responsible for the loss, damage, repair or cost associated with replacement of private mobile phones.

The mobile phone number of all staff is not to be given to members of the general public by Council staff or a third party.

Unless it is an emergency, calls for customer service are to be recorded in CRM and allocated through the CRM system.

It is the responsibility of the Works Superintendents and Managers to ensure that they not only comply with these guidelines but also actively enforce that all personnel on a worksite, including contractors or visitors, adhere to these guidelines.

If a breach of this policy occurs Council will take appropriate action in accordance with its Disciplinary Policy, Code of Conduct, and the Local Government (State) Award.



## **7. Mobile Phones at Meetings and Training Courses**

In accordance with Council Code of Meeting Practice, and as a matter of courtesy to the convener, all mobile phones are to be turned off or in an emergency placed on vibrate or silent prior to the commencement of any meeting, conference and training course.

## **8. Technical Support**

The Information Technology section of the Finance and Administration Department is responsible for the management of mobile telephones.

## **9. Council Responsibilities**

Council will be responsible for the payment of mobile telephone device expenses associated with:-

- The purchase of all mobile telephones and similar devices;
- Payment of monthly data plan and equipment charges, and review of the same;
- The servicing and maintenance of the equipment; and
- Repairs to the equipment.

## **10. Council Record Keeping**

All information created, sent and received from the mobile telephone by Council staff, in an official capacity, is a Council record and is to be managed in accordance with the State Records Act. All information stored on a device is deemed to be business of the Council and individuals must not destroy, alter or dispose of Council information or records unless authorised to do so by the General Manager in accordance with Part 8.21 of the Upper Lachlan Shire Council Code of Conduct.

## **11. Related Legislation and Council Policy and Procedures**

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- State Records Act 1998;
- Local Government (State) Award 2020;
- Anti Discrimination Act 1977;
- Fair Work Act 2009;
- Industrial Relations / Workplace Surveillance Act 2005;
- Privacy and Personal Information Protection Act 1998;
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011;
- Motor Traffic Act 1909 and NSW and Australian Road Rules;
- Road Transport Act 2013;
- Government Information (Public Access) Act 2009;
- Internal Control and Procedures Manual;
- Code of Conduct for Councillors, staff and delegates of Council;
- Code of Business Practice;
- Code of Meeting Practice;
- Complaints Management Policy;
- Social Media Policy;
- Service Delivery Policy;



- Fraud and Corruption Prevention Policy;
- iPad Policy;
- Internet and Email Policy;
- Disciplinary Policy;
- Records Management Policy; and
- Information Technology Strategic Plan.

## **12. Variation**

Council reserves the right to vary or revoke this policy and delegates authority to the General Manager to administer the procedures contained in this policy.



## EMPLOYEE ACKNOWLEDGEMENT

I ..... (The "Approved User")  
acknowledge the following:-

1. That I have received and read a copy of Council's "Mobile Telephone Policy".
2. That I have been granted use of a Council mobile telephone in accordance with Council's Mobile Telephone Policy.
3. That I will comply with the requirements of this Policy.
4. That I accept responsibility for the equipment granted to me.
5. That I will reimburse Council for all excessive private and personal calls made on the Council mobile telephone in accordance with provisions in this Policy.
6. That the mobile telephone and associated equipment must be returned upon my termination from Council's employ, my leaving my current position or at the direction of the Council General Manager and / or my Director within specified minimum timeframe outlined in this Policy.
7. The mobile telephone number and other equipment allocated to me are:-
  - a) Mobile telephone number .....
  - b) IMEI Number .....
  - c) Phone Serial Number .....
  - d) PIN Lock Number / Password .....
8. The maximum data usage allowed on the device per month is 2 GB. Reminders at various stages of use will be sent as a SMS to your device by the telecommunications supplier.
9. International calls are not permitted unless prior approval is obtained from Council's General Manager.
10. No unauthorised Applications (App) are to be installed on the device.

Signed: (Employee) \_\_\_\_\_ Date: \_\_\_\_\_

Approved: (General Manager) \_\_\_\_\_ Date: \_\_\_\_\_