

# City-Owned Mobile Communication Device (MCD) Policy

**Scope: CITYWIDE**

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**Regulatory References**

California Vehicle Code Sections 23123 and 23123.5.

## I. POLICY STATEMENT

- I. It is the policy of the City of Sacramento, a municipal corporation of the state of California, (City) that all City-owned mobile communication devices (MCDs) are used for official City business and in a safe, cost effective manner consistent with applicable laws and regulations.

## II. POLICY

### I. Purpose

- a. MCDs are issued to support and improve City business operations and customer service. This document establishes policies and procedures regarding the administration and overall management of MCDs and related services, including acquisition, appropriate use, and support.

### 2. Definitions

- a. As used in this policy:
  - i. “City-owned or operated mobile communication devices” or MCDs means wireless electronic devices used for voice and data communications and accessing the internet. MCDs include, but are not limited to, mobile phones, smart phones, tablets, air cards, and associated accessories. For the purposes of this policy, laptop computers are not considered an MCD.
  - ii. “City’s Network” means the hardware and software resources of an entire network that enables connectivity, communication, operations and management of an enterprise network that supports voice and data communications, and information systems.
  - iii. “Defamatory” has the same meaning as in California Civil Code section 44.
  - iv. “Department” means a subdivision or unit of the City with budgetary and supervisory responsibility for MCDs and related service plans.
  - v. “City’s Information Technology Department” or “IT Department” or “IT” means the City’s Information Technology Department.
  - vi. “Incidental personal needs” means the use of MCDs for occasional personal or private needs, unrelated to city business, by a user under certain restrictions.
  - vii. “Learning Management System” or “LMS” means a software system for the administration, documentation, tracking, reporting and delivery of educational courses, policies, training programs, or learning and development programs.

- viii. “Plan optimization reports” or “optimization reports” mean reports issued by MCD service providers to align users with an appropriate service plan.
- ix. “Service charge” means a fee assessed against subscribers to pay for usage of MCDs.
- x. “Service plan” means a package of wireless communication services (e.g., voice, data, and text) offered by wireless service providers for MCDs.
- xi. “Service plan overages” means additional charges that are incurred when an MCD is used in excess of the established wireless service plan.
- xii. “Service provider” means a company that provides subscribers with access to service plans.
- xiii. “Subscriber” means the city and its departments.
- xiv. “Telecommunications Billing Systems” mean an enterprise application software designed to support the telecommunications ordering and billing processes.
- xv. “Usage controls” mean the ability to block, limit, or restrict certain activities or functions on MCDs.
- xvi. “Usage reports” mean MCD service plan reports documenting a user’s mobile activities, usage, and service charges.
- xvii. “Users” or “end users” mean City employees, administrators, contractors, volunteers, temporary employees, student interns, or any other person who uses MCDs.
- xviii. “Wi-fi environment” or “wi-fi” means any physical location that provides wireless connection to the internet.

### 3. **Applicability**

- a. This policy applies to all end users.

### 4. **Responsibilities**

- a. The City’s Chief Information Officer or designee (CIO) is responsible for the implementation of this policy. Such responsibility includes, at a minimum:
  - i. Authority to manage and enforce this policy;
  - ii. Establishing operating procedures and guidelines governing the management and administration of MCDs;

- iii. Monitoring MCD usage, and conducting monthly service plan usage audits and quarterly data and voice plan optimization reviews;
  - iv. Assisting departments with establishing new and managing existing MCD services;
  - v. Providing monthly service usage and billing reports to departments;
  - vi. Coordinating with departments to provide and analyze usage data to resolve potential MCD misconduct;
  - vii. Providing technical support to end users;
  - viii. Coordinating appropriate usage controls for MCDs with service providers and departments;
  - ix. Managing service plans;
  - x. Assisting departments with monitoring monthly usage reports and/or analyzing optimization reports as needed; and
  - xi. Coordinating any other work necessary for the implementation of this policy.
- b. Charter Officers or Department Heads, or designee shall be responsible for:
- i. Ensuring that end users receive a copy of this policy and use MCDs in accordance with this policy;
  - ii. Reviewing service plans and optimization and usage reports;
  - iii. Reviewing and approving monthly service charges along with related usage reports;
    - (1) This review process ensures: 1) monitoring use of MCDs, and 2) ensures end users have the most cost-effective service plans to meet business needs. If, during this process, the department determines that an end user has handled an MCD in a manner that is inconsistent with this policy, such determination shall be immediately reported to the IT Department via email or phone.
  - iv. Submitting change requests to the IT Department for proposed changes or updates (e.g., add additional MCDs or new users, remove existing users, upgrades, selection and initiation of service plans or changes to service plans) through the IT Request Form (<http://itforms.cityofsacramento.org>);
  - v. Determining which usage controls should be applied for MCDs assigned to that department and coordinating with the IT Department for usage control implementation;

- vi. Providing hands free equipment for MCDs or otherwise assisting end users as may be required for MCD use or safe operation of City vehicles; and
  - vii. Ensuring that end users are not receiving both a technology allowance and a city issued cellular phone;
- c. End users shall be responsible for:
- i. Using MCDs for City-business only, unless for incidental personal needs as provided in section (10) below;
  - ii. Not using MCDs while operating a vehicle, unless the MCD is used in a manner that it is designed and configured to allow hands-free listening and talking and it is used in that hands-free, voice-operated mode as specified in California Vehicle Code sections 23123 and 23123.5;
  - iii. Complying with all federal, state, and local laws, regulations, or policies and procedures governing use of MCDs;
  - iv. Downloading or purchasing only applicable City-business related applications and not downloading games, music, ringtones, and non-City-business related applications on MCDs;
  - v. Only using City email accounts on MCDs;
  - vi. Not making international calls unless such calls has been pre-approved by end user's supervisor;
  - vii. Securing MCDs against unauthorized use by using appropriate passwords;
  - viii. Only using a secure wi-fi environment when the cellular network is not available, (e.g., City wi-fi, City guest wi-fi, a password only accessible personal home wi-fi, City issued mobile wi-fi/hotspot);
  - ix. Protecting MCDs from loss, damage, or theft; and
  - x. Reviewing and acknowledging this policy via the City's LMS.
- d. Mobile Device Liaison ("MDL") shall be responsible for:
- i. Processing change requests submitted as described in section (b)(iv) above;
  - ii. Updating and maintaining MCD inventory; and
  - iii. Updating and maintaining the City's telecommunication billing system for all MCDs.

## 5. MCD Use Restrictions

- a. MCDs and related services shall be provided to users that have a work-related need for such device and services and do not have a technology allowance. As such, the City expects appropriate and responsible use of MCDs. MCDs shall remain the sole property of the City.

**6. City's Reservation of Rights.**

- a. MCDs are City property. As such, the City hereby reserves its right to:
  - i. Investigate, monitor, inspect, retrieve, track and locate, and read any communication or data composed, transmitted, or received through voice/data services, online connections and/or stored on City servers or other City property, without further notice to users, to the maximum extent permissible by law as well as the end user's applicable labor agreement;
  - ii. Disable, deactivate, and/or terminate the end user's access to MCDs for any reason; and
  - iii. Disable or deactivate an end user's access to the City's network.

**7. Public Records / No Expectation of Privacy**

- a. Content stored on MCDs is subject to the California Public Records Act and the City's Records Retention Policy, unless otherwise exempted.
- b. There is no reasonable expectation of privacy when using MCDs. The City has the right to review all records related to MCDs including, but not limited to: billings, text messages, and internet usage logs. Users should further be aware that all records are subject to disclosure under the California Public Records Act (as described above).

**8. MCD Content**

- a. MCDs shall not be used for or contain any material that may reasonably be considered offensive, harassing, defamatory, or threatening. MCDs shall not be used to access or engage in any internal or external communications that refer to violence, racism, sexism, drugs, illegal conduct, pornography, gambling, betting, abusive language, profanity, or other subjects that would be offensive to a reasonable person.

**9. Recordings**

- a. MCDs shall not be used to record or eavesdrop on any conversation(s) without the knowledge and consent of all parties to the call, except as permitted by law.

**10. Use of MCDs for Incidental Personal Needs Restriction**

- a. MCDs are not for personal benefit and should not be used as a primary mode of personal communication; and
- b. MCDs may be used for incidental personal needs and such use does not:
  - i. Result in or subject the City to service plan overages or liability;
    - (I) End user(s) shall reimburse the City for service plan overages or other liability that may arise from incidental personal needs use. Such determination shall be made by the City's Human Resources Department, Labor Relations Division to ensure impartiality and consistency.
  - ii. Involve the expenditure of a significant amount of time away from end user's job duties;
  - iii. Pose additional risk to the security or reliability of MCDs (e.g., visiting unsecure websites that may contain malware, visiting inappropriate websites, taking or storing inappropriate photos, or making international calling); and
  - iv. Conflict with the intent or requirements of any City policy and/or applicable law.

#### **II. MCD Use Outside of Working Hours**

- a. Use of MCDs to conduct City business is subject to the overtime/standby rules of the end user's applicable labor agreement and related City policies. Assignment of an MCD does not imply or provide consent for overtime work or obligate the end user to respond if not on official duty.

## I. PROCEDURES

### 1. Establishing New or Changing Existing MCD Accounts

- a. Departments shall provide a copy of this policy to the end user and assist end user with completing the User Acknowledgement Form (<https://forms.cityofsacramento.org/f/ITAdminUserAcknowmobiledevice>), which acknowledges the guidelines of use as well as outlines what is considered misuse and the resulting consequences of such actions.
- b. Departments shall determine the type of MCD device and service plan needed based upon the end user's job duties and requirements. Once that determination is made, departments shall fill out the IT Request Form (<http://itforms.cityofsacramento.org/>).
- c. Upon receipt of the MCD, the IT Department shall record specific information regarding the MCD including device type, model number, serial or device number and assign a unique asset tag number and log it in the City's IT Helpdesk system. IT staff shall also enter MCD device information (e.g., phone numbers, serial/IMEI, name of end user, Department ID codes, date of activation, MCD description, and anticipated cost) into the City's MCD billing information system.
- d. The IT Department shall then activate and test MCD devices before deployment to the end user(s).
- e. Departments shall receive monthly MCD billings from the IT Department for review prior to payment processing.

### 2. Lost or Stolen MCD

- a. In the event an MCD is lost, stolen, suspected of being compromised or is compromised (e.g., through virus or malware), the end user or end user's supervisor/manager should immediately notify the IT Department that the MCD is no longer secure. The IT Department shall take immediate steps to wipe and disconnect the lost/stolen MCD from all City services.

### 3. End User Separation

- a. When an end user separates from the City, the end user's supervisor/manager shall immediately notify the IT Department by following the notification procedures outlined in the City's Employee Separation Policy.
- b. End user(s) shall be required to return their assigned MCD or produce an MCD for inspection.

- c. The IT Department shall reset the assigned MCD to factory defaults and disconnect services. If the Department requests reassignment of the MCD, the IT Department shall evaluate the MCD device for continued service or disposition, and the MDL shall coordinate with the Department to transfer the MCD device to a new end user.
- d. The IT Department shall update the City's MCD billing system and the IT Department's Helpdesk asset record to reflect the changes to the MCD.

**SIGNATURES**

Signature:   
[Susana Alcala Wood \(Jul 7, 2020 19:29 PDT\)](#)

Title: City Attorney

Signature:   
[Jorge Oseguera \(Jan 20, 2021 16:22 PST\)](#)

Title: City Auditor

Signature:   
[Mindy Cuppy \(Mar 11, 2020\)](#)

Title: City Clerk

Signature:   
[Howard Chan \(Mar 13, 2020\)](#)

Title: City Manager

Signature:   
[John P. Colville Jr \(Dec 17, 2020 15:22 PST\)](#)

Title: City Treasurer