

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2020-02**

**“A BY-LAW TO ADOPT A CELLPHONE POLICY”**

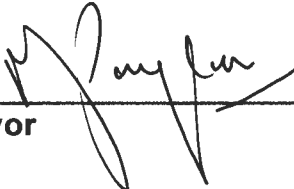
**WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to adopt a cellphone policy for staff;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. That the Cellphone Policy, as described in Schedule “A” attached hereto and forming part of this by-law, is adopted.
2. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27<sup>th</sup> day of January, 2020.

Read a third and final time, passed, signed and sealed in open Council this 27<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy Clerk

## **Schedule "A"**

### **Cell Phone Policy**

#### **Purpose:**

This policy has been designed to establish uniform guidelines for the purchase, use and payment of cellular (cell) phones and other personal communication devices to specific employees if it is deemed necessary to support Township of Edwardsburgh Cardinal business. It will also establish reimbursement procedures for individuals who use personally owned handheld mobile communication devices for business use on behalf of the Township.

#### **Scope:**

This policy shall apply to all employees of the Township of Edwardsburgh Cardinal who are authorized to use municipally owned mobile communication devices or are reimbursed for the business use of personal communication devices.

#### **Definitions:**

**Cell Phone** is a phone that can make and receive telephone calls over a radio link while moving around a wide geographic area. It does so by connecting to a cellular network provided by a mobile phone operator. Cell phones support a wide variety of other services such as text messaging, email and internet access.

**Community Control Group (CCG)** is the group that is responsible for the direction and control of the overall emergency response within the community.

**Employee** is any person employed with the Township of Edwardsburgh/Cardinal, including any union or non-union, regular or temporary, full-time, part-time, seasonal or casual staff member, including students, contract employees or paid work placements.

**Personal Calls** are defined as personal calls of minimal duration and frequency that are essential to allowing employee to continue working, and cannot be made at another time or from a different telephone. Examples of personal calls are calls to arrange for unscheduled or immediate care of a dependent, a family situation, a personal emergency, to alert others of an unexpected delay due to change in work or travel schedule, etc.

**Personal Communication Devices** are defined as commercial wireless devices, such as cellular phones, mobile email devices, pagers, personal digital assistants and other similar devices.

**Senior Management Team (SMT)** is comprised of the CAO and managers of each department.

**Taxable Benefit** is a benefit that Canada Revenue Agency CRA considers taxable and must be included in an employee's T4.

**Township** means The Corporation for the Township of Edwardsburgh Cardinal.

#### **Guiding Principles:**

The Township of Edwardsburgh Cardinal will reimburse employees for use of personal cell phone resources where they are required in order to further the business of the Township.

Employees who are required to have the use of a cell phone as part of their duties may have a device and plan provided to them by the Township. In order to avoid employees being required to carry two cell phones, the Township-issued phone may be utilized for limited personal use. In such cases the employee will be assessed a taxable benefit, and may be required to reimburse the Township where personal usage exceeds expected limits.

**1. Criteria for Issuing Cell Phones:**

- a. The eligibility of an employee for access to a cellular device is at the discretion of the Department Manager, who may request a cell phone to be issued to an individual department staff member in the following situations:
  - i. The nature of the work assigned limits the ability to use the office or other departmental phones as a matter of safety.
  - ii. The nature of the work requires a timely flow of information in the form of text and verbal communication.
  - iii. The nature of the work assigned requires the individual to be reasonably available outside of normal working hours.
  - iv. The nature of the work assigned is critical to the operation of the Township and immediate and timely response is required.
  - v. All Members of the CCG or SMT
- b. Requests for cell phones are made by submitting a completed Cellular Phone Service Request Form to the Treasurer that includes the funding sources for all related costs. The CAO shall have final approval of the issuance of cell phones to employees.
- c. A Department Manager may request a cell phone for departmental use to be shared among several staff members within the department and where cell phone support is essential to Township operations.

**2. Service Provider:**

- a. The Township obtains cell phone service and phones using a vendor. Agreements provide discounted pricing and provide a wide range of service plans to meet the needs of Township departments.
- b. Service provider agreements will be reviewed on a regular basis, as deemed appropriate by the Treasurer.
- c. In the case of a requirement to procure a new service provider, this process shall be completed in accordance with the Township's Procurement Policy.

**3. New Device Activations, Transfers or De-activations:**

- a. The Cellular Phone Service Request Form is required for all new cell phone activations and accessories.
- b. In every instance where a new activation is requested, or where transfers, de-activation or other changes to plans are requested, the Facility Manager will contact the service provider to activate the new service and/or approved changes.

**4. Service Plan Changes:**

- a. In all cases, the most economical service plan that meets the individual business needs must be chosen.
- b. The Cellular Phone Service Request Form is required for all existing service plan changes.
- c. Upgrades/replacement of devices shall occur in accordance with the terms of the current carrier contract.
- d. Generally, only basic plan costs will be covered by the Township. If an employee requests additional services such as a data plan, the employee will be required to reimburse the Township for this service. Department Managers must approve any upgrades from basic service plans. For employees whose work necessitates access to a data plan, no reimbursement will be required. The CAO shall have final approval of the issuance of access to data plans to employees.

**5. Equipment and Purchases:**

- a. Departments should purchase baseline cell phone equipment
- b. Department Managers must obtain approval for any phone model upgrades.
- c. Employees are responsible for the safekeeping and care of the cell phone provided to them.
- d. All cell phones that are used specifically or primarily for business purposes shall be purchased and owned by the Township.
- e. Lost, stolen or malfunctioning devices shall be reported to Department Manager immediately.
- f. Authorized cell phone users are responsible for reimbursing the Municipality for the full costs of damaged, lost, or stolen cell phones and related accessories if they were damaged, lost, or stolen due to user negligence or neglect.
- g. Cell phones shall be returned to the Department Manager when no longer assigned to the individual.
- h. In compliance with the law, the use of a cell phone without an approved headset or hands-free device while operating a vehicle is prohibited (excluding emergency vehicles). The Township shall not take responsibility for any individual contravention of the above. Any fines, tickets, etc. related to use of Township owned cell phone while operating a vehicle is the sole responsibility of the individual.

**6. Charges and Oversight:**

- a. The Facility Manager is responsible for managing all costs related to the cell phones assigned to staff including hardware, accessories, service plans and overages.
- b. The Treasurer may review monthly billing statements from time to time to ensure service plans are appropriate for business use.

**7. Payment and Billing:**

- a. Monthly cellular service invoices are received by the Financial Assistant - Accounts Payable and a detailed spreadsheet is maintained on an annual basis as a means to compare month to month charges and to perform trend analysis.

- b. Cell phone invoices are sent to the Department Managers for usage review and to ensure there are no billing errors.
- c. Billing errors shall be brought to the attention of the Treasurer immediately for review and approval for account billing.

8. **Data Plans:**

- a. Data plans are provided to the members of the Community Control Group, managers and lead hands in each of the departments as part of the basic plan to accommodate email usage.
- b. All other employees who request a data plan will be required to reimburse the municipality the total cost of the plan plus applicable HST.

9. **Personal Use:**

- a. Township cell phones must be used primarily for business use. Occasional or incidental personal use of IT Resources is permitted within reasonable limits, provided it does not conflict with business use of time, impact negatively on other staff, or on technology resources or otherwise adversely affect an individual's performance of work duties and responsibilities. Staff are responsible for exercising good judgment regarding the reasonableness of personal use. It is the employee's responsibility to reimburse any extra costs such as personal long-distance charges. For compliance with CRA regarding personal use of cell phones, a taxable benefit of \$5 will be added to each employee's bi-weekly pay and included on their T4.

10. **Cell Phone Allowance:**

- a. The Township recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cell phone allowance in exchange for use of their personal device, in lieu of providing the employee with a Township-owned cell phone
- b. A cell phone allowance may be provided to employees to compensate for the use of personal cell phones for Township business in lieu of the employee having a Township issued cell phone.
- c. Employees eligible for receiving a cell phone allowance generally include those whose job duties regularly require emergency call back, irregular work hours, or other job-related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties.
- d. Department Managers shall recommend which employees within their department qualify for a cell phone allowance. The CAO shall give final approval on all cell phone allowances.
- e. **Cell Phone Allowance Amount:**
  - i. The standard monthly cell phone allowance shall be \$30.00
  - ii. The monthly cell phone allowance may be adjusted to compensate any employee whose necessary use of a personal cell phone for Township business justifies a greater need for personal cell phone plan minutes. This is conditional on the recommendation of the Department manager and final approval of the CAO.

- iii. Employees who receive a cell phone allowance are not eligible for reimbursement of further cell phone costs
- f. Payment of Cell Phone Allowance
  - i. Approved cell phone allowance will be paid bi-weekly as part of the employee's paycheck and will be subject to all applicable payroll taxes as per CRA rules as it is considered income.
  - ii. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, cost of living increase, etc.
- g. Employees receiving a cell phone allowance must retain an active cell phone contract for their personal cell phone at all times while receiving a cell phone allowance.
- h. Employees receiving a cell phone allowance must provide their Department Manager with their current cell phone number and immediately notify the Department Manager if the number changes.
- i. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty, and respond when called for Township business.
- j. If an employee receiving a cell phone allowance changes their personal cell phone contract, or if the Township terminates the cell phone allowance for any reason, the employee will bear the cost of any fees associated with said changes or cancellation of the personal cell phone contract.

**11. Publication of Cell Phone Numbers:**

- a. Cell phone numbers shall not be published as a matter of public record except for the following individuals:
  - a. CAO
  - b. Department Managers
  - c. On-Call Employees
- b. Cell phone numbers that have not been published as a matter of public record shall be provided to others upon the discretion of users and their immediate supervisors in the interests of keeping Township business moving forward.
- c. Employees who have been using a Township-issued cell phone number for personal use within the policies herein outlined may be eligible to retain the cell phone number in the case of resignation or retirement as an employee in good standing after more than three years' continuous service. The amount owing on the contract for the device must be reimbursed to the Township if the device is retained by the employee.



## New Cellular Phone, Personal Communication Device Request Form

Please fill out this form, obtain appropriate approval and email to the Facilities Manager at [mspencer@twpec.ca](mailto:mspencer@twpec.ca)

Cell Phone User: \_\_\_\_\_

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

Department: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Department G/L Account # \_\_\_\_\_

Choose Device Type (circle one):

Cell Phone      iPhone      Android

Options (circle options):

text messaging      data/internet enabled      email enabled

Department Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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