

KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS****CELLULAR PHONES**

The Kern County Superintendent of Schools Office understands that cellular phones and other mobile communications devices are an efficient and important method of conducting office business and can help to ensure the safety and security of staff, students, and others, as well as helping to protect office property.

The Superintendent or designee shall determine, in accordance with administrative regulation, whether an employee needs a cellular phone and/or other mobile communications device in order to perform his/her job responsibilities. See policy SP 4290 for the policy governing the acceptable purposes for which office cellular phone and other electronic devices may be used.

CELLULAR PHONE USE PROHIBITIONS

These prohibitions apply to any employee driving any motor vehicle while in the performance of his or her duties including, but not limited to, the employee's personal vehicle. In addition, these prohibitions apply to any employee driving any office vehicle whether or not the employee is on or off duty. However, these prohibitions do not apply in emergency situations including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity.

No employee, regardless of age, shall text-message while driving.

An employee age 18 or older shall not drive a motor vehicle while using a cellular phone unless that phone is specifically designed and configured to allow hands-free listening and talking and is used in that manner while driving. (Veh. Code § 23123.)

An employee age 18 or older shall not drive a school bus or transit vehicle while using a cellular phone. (Veh. Code § 23125.)

An employee under the age of 18 years shall not drive a motor vehicle while using a cellular phone, even if equipped with a hands-free device, or while using a mobile service device. The term "mobile service device" includes, but is not limited to, a broadband personal communication device, specialized mobile radio device, handheld device or laptop computer with mobile data access, pager, and two-way messaging device.

CELLULAR PHONE REIMBURSEMENT

The office may provide cellular phones or other mobile communications devices for use by employees for Office-related business.

The Superintendent or designee shall determine if an employee requires a cellular phone or other mobile communications device for the efficient performance of his/her job responsibilities. Factors that will be considered include, but are not limited to, whether the employee's job responsibilities require:

1. An ability to communicate frequently and access to an office telephone is not readily available.
2. An ability to communicate immediately to ensure the safety of office staff and students, or the security of office property.
3. An ability to be accessible due to frequent travel or work outside of the office.

The Superintendent or designee shall develop a uniform system for identifying employee cellular phone or mobile communications device needs and the most cost effective method of providing necessary equipment to employees. He/she shall also develop a system for monitoring employee use and reimbursement of costs.

If an employee misuses the cellular phone or other mobile communications device, he/she shall be responsible for fees or charges associated with cancellation of the service contract.

If the Superintendent or designee determines that an employee no longer needs a cellular phone or other mobile communications device to perform his/her job responsibilities, any fees or charges associated with cancellation of the service contract shall be the responsibility of the office.

DOCUMENTATION OF PERSONAL USE AND OFFICE AUDITING OF RECORDS

When an employee has been provided the use of an office-owned device, he/she shall identify the personal calls on the monthly bill and shall reimburse the office for the cost of the personal calls (26 CFR 1.132-5) as per office procedures.

In order to satisfy Internal Revenue Service documentation and substantiation requirements regarding taxable income, the Superintendent or designee shall establish a system which requires

the employee to maintain documentation distinguishing personal and business charges as well as a system for the office to audit the employee's bills to confirm proper business usage.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

Management Resources:

WEB SITES

Internal Revenue Service: <http://www.irs.gov>

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