

COUNTY OF HENDRY, STATE OF FLORIDA

RESOLUTION NO. 2019 - 94

RECORDED IN RESOLUTION BOOK XXXII, PAGE 301

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, ADOPTING AN AMENDED MOBILE DEVICE MANAGEMENT POLICY FOR HENDRY COUNTY.

WHEREAS, on January 14, 2014, by Resolution No. 2014-08, the Board of County Commissioners adopted a mobile device management policy governing the use of mobile communication devices by County employees; and

WHEREAS, on October 14, 2014, by Resolution No. 2014-87, the Board of County Commissioners adopted an amended mobile device management policy; and

WHEREAS, the Board wishes to amend the policy.

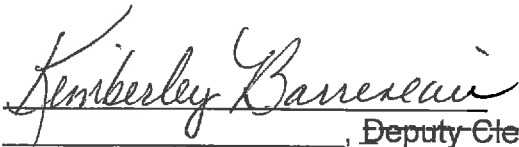
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, that:

The Board hereby adopts the Mobile Device Management Policy in the form attached hereto and authorizes the County Administrator or designee to administer this policy.

Duly considered and adopted by the Board of County Commissioners of Hendry County, Florida, this 12th day of November, 2019.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

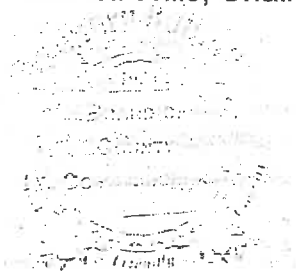
ATTEST:


_____, Deputy Clerk

Kimberley Barrineau, Ad Interim
Clerk of Circuit Court



Mitchell Wills, Chairman



MOBILE DEVICE MANAGEMENT POLICY

Purpose:

To specify the circumstances under which mobile communication devices will be provided to County employees, when a monetary allowance for personal mobile communication devices will be provided to County employees, and the terms and conditions governing use of County-issued and personal mobile communication devices.

1. Declarations

- 1.1 For certain employees who regularly work in the field or who need to be accessible after hours for voice communications, the County will provide a mobile phone with only voice capability.
- 1.2 For employees who need voice, e-mail and internet access outside of the office, subject to the provisions of Section 1.3, the County will provide a stipend to the employee to secure his/her own mobile device, with the amount based upon what it would cost the County to provide the employee with a mobile device with voice and data capability.
- 1.3 Employees who need a mobile device with greater data capabilities than a smart phone provides, may be provided with a County-issued mobile device with a data plan and, if appropriate, a County-issued mobile phone with only voice capability or a stipend for a personal mobile device with voice and data capability.
- 1.4 All employees shall manage their mobile devices (whether County-issued or personal) so that Florida Statutes Chapter 119 (the Public Records Law) is complied with in all respects.
- 1.5 County Commissioners may opt for a County-issued voice-only device or receive a stipend for a personal mobile device with voice and data capability. County Commissioners may also have a standard County-issued tablet with a data plan or may receive a stipend for a data plan at the standard County rate for a tablet owned personally by the Commissioner. County Commissioners shall abide by the restrictions and requirements set forth herein for use of County-issued or personal mobile devices.

2. Mobile devices with voice-only capability

- 2.1 The County Administrator, with input from Department Directors, shall determine which employees need mobile voice capability. Generally, this would include employees who (a) regularly work in the field and need to be accessible for voice communications or (b) who need to be accessible after hours for voice communications. Employees who need voice and internet access are addressed in Sections 3 and 4 below. Employees

who are out of the office during much of the work day, but are usually in the company of another employee who has mobile voice capability or who do not need to regularly place or receive phone calls for work purposes, will not be provided with mobile voice capability. Employees who need mobile voice capability will be provided a County-issued cell phone with no texting capability or internet access.

- 2.2 Employees possessing a County-issued phone are expected to have their phone turned on during work hours (unless on approved leave) and to answer calls or return messages promptly. Non-exempt employees shall not place work-related calls outside of work hours unless directed to do so by their supervisor and shall report to their supervisor any time spent receiving or making phone calls outside of work hours. Employees shall surrender a County-issued phone immediately upon request from management or Human Resources staff.
 - 2.3 Employees may use the phone for very limited personal purposes. Generally, absent unusual circumstances that are justified by the employee, personal use shall not exceed 30 minutes per month. Employees shall be required to sign off on the monthly statement for the phone assigned to them and identify any personal calls. Employees shall pay the County 20 cents per minute for unjustified personal use in excess of 30 minutes per month.
3. Stipends for personal mobile devices with voice and data capability
 - 3.1 The County Administrator, with input from Department Directors, shall determine which employees need mobile voice and data capability. Generally, this would include employees who the County would benefit from having access to County e-mail and/or access to the internet for work-related purposes when they are outside of the office. The number of employees meeting this standard shall be very limited. Employees who are determined to need such access will be provided a flat monthly stipend to offset at least a portion of the cost for the employee to secure his or her own personal mobile device with voice and data capability. The amount of the stipend shall be based upon how much it would cost the County to provide the employee with a County-issued mobile device with voice and data capability. The County Administrator in consultation with the Director of Information Technology shall determine the appropriate amount of this stipend annually and the stipend provided to employees shall be adjusted accordingly.
 - 3.2 Employees provided a stipend for a personal mobile device shall use the applicable work-related e-mail system for all work-related e-mails (e.g., most County employees use the County e-mail system, Extension Service employees use the University of Florida e-mail system). E-mails may be

sent or received on the employee's personal e-mail account only in the event the work-related e-mail system is not accessible, and the employee shall promptly forward to his/her work-related e-mail account any e-mails sent or received from his/her personal e-mail account for records retention purposes.

3.3 Employees provided a stipend for a personal mobile device shall allow the placement of the CellTrust app on their device to preserve text messages. All County-related texting to or from employees receiving a stipend for a personal mobile device shall be done via the mobile number linked to the CellTrust app.

3.4 Employees receiving a stipend are expected to have their device turned on during work hours (unless on approved leave) and to answer calls or return messages promptly. Non-exempt employees shall not place work-related calls or use the data aspects of their device outside of work hours unless directed to do so by their supervisor and shall report to their supervisor any time spent receiving or making phone calls or using the data aspect of their device outside of work hours.

3.5 Work-related information on a personal mobile device for which the employee receives a stipend may be subject to public records or litigation discovery requests and employees receiving a stipend shall provide information to comply with any requests received. Employees receiving information on their personal mobile device that qualifies as confidential under State or Federal law are advised that the information should not be shared with anyone not entitled to the information under the law and, upon separation from employment, shall ensure that all of the information is transferred to the County for records retention and is deleted from their personal mobile device. Employees shall utilize a lock screen with a password to prevent unauthorized access to their device. Other than employees who are emergency medical technicians, paramedics, code enforcement officers, human resources staff, probation officers and certified volunteer firefighters, employees receiving a stipend are advised that their telephone numbers are not confidential and must be produced by the County upon receipt of a public records request therefor.

4. Mobile devices with data plans

4.1 The County Administrator, with input from Department Directors, may determine that certain employees have greater data needs for County business than can be provided by a smart phone. These individuals may be provided with a County-issued mobile device (such as a tablet) with a data plan. Such equipment may only be used for County business and all communications and documents created thereon must be preserved in accordance with the applicable Department of State records retention

schedule. The County Administrator, with input from Department Directors, may also determine that such persons need mobile voice capability for County business, in which case such employees may be provided with a County-issued cell phone with no texting capability or internet access, or the County Administrator may determine that such persons need voice and data capability on a smart phone for County business, in which case such employees may be provided a flat monthly stipend to offset at least a portion of the cost for the employee to secure his or her own personal mobile device with voice and data capability. The Administrator shall limit to very few the number of employees receiving a County-issued mobile device with a data plan and a stipend for a personal mobile device with voice and data capability.

- 4.2 Non-exempt employees shall not use the device outside of work hours unless directed to do so by their supervisor and shall report to their supervisor any time spent using their device outside of work hours. Employees receiving information on the device that qualifies as confidential under State or Federal law are advised that the information should not be shared with anyone not entitled to the information under the law. Employees shall utilize a lock screen with a password to prevent unauthorized access to the device. Employees shall surrender a County-issued mobile device immediately upon request from management or Human Resources staff.

5. Personal mobile devices not paid for by County stipend

Employees who receive a stipend from the County for use of their personal mobile device shall not use the texting function under their personal mobile phone number for work-related communications and, instead, shall only use the County mobile number linked to the CellTrust app. Employees who do not receive a stipend from the County for use of their personal mobile devices may use their devices for work-related purposes only if they use the applicable work-related e-mail system and limit County-related texting to transitory messages. Transitory messages are messages created primarily to communicate information of short-term value. The following are examples of transitory messages:

- The meeting is at 2:00 p.m.
- I won't be attending the meeting.
- The meeting will be held at the County Administration building.

The following are examples of substantive communications that must be preserved in accordance with the applicable Department of State records retention schedule:

- The meeting was purposely scheduled at a time so that Wally could not attend.
- At the meeting, Marvin said that the County needed to change its policy regarding _____.
- Burt got angry at the meeting when he heard that the County was delaying action on the new policy.

Employees may conduct substantive communications by way of texts on a personal mobile device not paid for by County stipend only if e-mail is not available or when a transitory message unintentionally drifts into a substantive subject area. In the event a substantive communication occurs by way of text, the employee shall take a screen-shot picture of the text and send it to his/her work-related e-mail account for retention. The e-mail shall include a subject heading identifying the subject matter so that the e-mail may be retrieved if a public records request is later made for documents regarding that subject matter. If an employee is uncertain whether a communication is transitory or substantive, he or she should consult with the County Attorney's office for guidance.

6. Use of mobile devices while driving

Employees are prohibited from texting or using e-mail or the internet on a mobile device while driving on a work-related assignment. This includes County-issued devices and personal devices, whether the employee receives a stipend therefor or not. If the employee needs to use a mobile device for texting, e-mail or the internet while driving, he or she shall park the vehicle in a safe place prior to using the device.

7. Policy enforcement

All employees shall sign a statement certifying that they were provided with a copy of this policy and agree to comply with the terms hereof. The County Administrator, with the assistance of the Directors of Information Technology and Human Resources, shall enforce the terms of this policy. Employees who violate this policy shall be subject to discipline in accordance with the Human Resources Policy Manual.