

# NEW CASTLE COUNTY

## PERSONNEL POLICY

<b>NUMBER</b>	5.13
<b>PAGE</b>	1 of 2
<b>DATE</b>	07/19/18

**SUBJECT:** MOBILE COMMUNICATION DEVICES

**APPROVED:**



**OBJECTIVE:** To establish a uniform policy for the distribution and usage of County supplied Mobile Communication Devices and related services and equipment for New Castle County employees.

**SCOPE:** This policy addresses the distribution, use, and safety of New Castle County issued mobile communication devices. Further, this policy addresses the use of mobile communication devices while operating a New Castle County vehicle, regardless of ownership. These devices include, but are not limited to: hand-held cell phones, smartphones, games, iPhones, iPads, two-way communication devices, and laptop/netbook computers.

**ACCEPTABLE USES:** All devices must be used in accordance with all federal, state, and local laws, specifically Delaware Code Title 21, 4176C. This law bans texting, the use of hand-held cell phones, pagers or PDAs while driving. The law makes it a primary offense with a civil penalty to utilize these items while driving in Delaware. Fines or assessments issued to an employee are the sole responsibility of the employee. New Castle County will not reimburse for traffic fines or penalties issued to employees.

Exempted from the Delaware cell phone and driving ban are law enforcement personnel, firefighters, EMS technicians, or other operators of authorized emergency vehicles in the performance of their official duties, as well as anyone dialing 911 to report an emergency. Conducting personal phone calls while operating a departmental vehicle may not qualify public safety personnel for the exemption.

County employees are required to comply with their respective departmental policies, procedures, rules, directives, or general orders when more restrictive than this policy on usage of mobile communication devices. New Castle County Police Division employees must comply with Police DIRECTIVE 41 – Mobile Communication Devices.

This equipment is provided for and intended to be used for business purposes relating to the County in accordance with policies and procedures stated herein and in Personnel Policy 4.06 – Computers and Technology. Personal use of this equipment is permissible, but such usage must be fully in accordance with all

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other aspects of County Policy and not interfere with the County's needs or operations. Per county policy, acceptable use means occasional, non-commercial personal use during working hours or use outside of normal work hours.

This equipment will be maintained under the direct control of the user to whom it is issued. It will be maintained and used in a manner consistent with its function and so that the possibility of damage or loss is minimized. Users will not allow any other person to access, in any manner, their assigned equipment unless that person is specifically authorized. Damage to or loss of these or other components of the equipment caused by negligence or violation of this policy may result in the responsible party being charged for repair or replacement costs.

All County-issued cell phones may be equipped with a GPS or similar software to monitor location of equipment, including date and time. Software system information may be retrieved and examined.

There is increasing evidence that use of handheld and hand-free cell phones while operating a motor vehicle is a highly distracting activity that significantly increases the risk of accident. The safe operation of a motor vehicle includes the driver's total commitment to the task at hand. A driver's primary responsibility is the safe operation of the vehicle and no activity (distraction) should interfere with that responsibility.

**ON-LINE AUTHORIZATION PROCESS:** The Department General Managers are ultimately responsible for approving employee usage in their departments. All cell phone and smartphone requests are processed through the NCC portal with the permission/authorization of the General Manager or his/her designee. The online process supports requests for additions, changes and or deletions to cell phone or smartphone usage. All other mobile communication devices including two-way communication tools will continue to be managed at the departmental level with support from the Department of Administrative Services.

Established: 07/01/05  
Revised: 03/21/11  
Revised: 11/15/11  
Revised: 03/29/12  
Revised: 07/19/18