Minnesota Department of Corrections

Policy:	**104.470**	**Title:**	**Mobile Communications Devices**
Issue Date:	**7/19/16**		
Effective Date:	**8/2/16**		

AUTHORITY: Minnesota Management and Budget and Department of Administration Statewide Policy 0807-04
Mobile Device Usage and Agreement Policy
State HR/LR Policy and Procedure #1423, Appropriate Use of Electronic Communication and Technology
Minn. Stat. §43A.38, subd. 4

PURPOSE: To comply with state statutes, policies, and procedures regarding the acquisition and use of mobile communication devices.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

DEFINITIONS:
Mobile communication device - any device using airwaves rather than land-based lines for the transmission of communications. Mobile communication devices may be either portable or attached to a vehicle and include such examples as, cellular phones, pagers, laptops, notebooks, and tablets.

POLICY: Employee use of mobile communication devices is a privilege constituting the acceptance of responsibilities and obligations that are subject to state government policies and federal, state, and local laws. Employee use of mobile communication devices must be legal, ethical, and respectful of intellectual property, ownership of data, and systems security mechanisms. Employees may be subject to limitations on their use of mobile communication devices as determined by the appointing authority based on business need. Limited and reasonable incidental employee personal use that does not result in any additional costs or loss of time or resources is permitted. This policy excludes public safety and/or DOC radio equipment.

PROCEDURES:

A. General mobile device rules

1. The department complies with the rules for mobile communication devices issued by Minnesota Management and Budget, the Department of Administration, and MN.IT Services.

2. The department may purchase mobile communication devices to assign to employees whose positions require they be readily available when not at their assigned work locations and when communication needs may not be met by the use of conventional telephone land-based lines or other means of communication.
   a) State-purchased mobile communications devices are intended to be used by state employees to conduct official state business and are made available to employees in positions where the associated benefits justify the additional operating costs.
   b) To ensure proper usage and cost-effectiveness, the supervisor must regularly monitor usage and costs of mobile communications devices.
   c) Whenever frequency of use does not justify individual assignment, the sharing of mobile communication devices is encouraged to reduce costs.

d) Employees who are eligible for mobile communication devices typically have job duties with the following requirements:
   (1) Employees need to be available to respond 24 hours a day, seven days a week.
   (2) Employees need to be listed as an emergency contact (e.g., duties require them to be contacted anywhere and/or at any time).
   (3) Employees have job duties that require them to be away from the office/workstation at least 30 percent of the time and they retain the need for access to phone services, work calendar, emails, notes, documents, et cetera in order to enhance and maintain productivity during the work day.

3. Approval for any mobile communication device is at the discretion of DOC and the responsibility of the user's direct manager/supervisor.
   a) Approval is discretionary and is not a right or benefit of employment.
   b) The manager/supervisor must use the following guidelines for evaluating if an employee needs a mobile communication device:
      (1) There is a justifiable business requirement for having mobile access to the department information.
      (2) The user agrees to comply with policies defined here and in related policy documents.
      (3) The user device satisfies the policy conditions.

4. The supervisor is responsible for determining the correct mobile communication device appropriate to the employee's level of business needs.

5. The use of state-owned mobile communication devices is intended for state business.

6. Employees are expected to use mobile communication devices responsibly and in accordance with this policy and any applicable work rules. Personal use of a mobile device may result in revocation of the mobile device assignment and possible disciplinary action.

7. Managers and supervisors are responsible for ensuring the appropriate use of all mobile communication devices through training, supervising, coaching and taking disciplinary action when necessary.

B. Cellular phones (cell phones)
   1. The supervisor, with assistance from agency buyers, selects a plan appropriate to the employee's level of business calls based upon review of monthly calls.
      a) Supervisors must review cell phone needs and plans on an annual basis.
      b) Upon request, facility and central office financial services staff assists the supervisor in determining whether the plans are economical and appropriate for current needs.

   2. The use of state-owned cell phones and service is intended for state business.
      a) Porting a personal cellular number to a state billing account is prohibited, as is porting a state cellular number to a personal billing account.
      b) Personal use of state-owned cell phones is prohibited, except for incidental personal calls.

c) Incidental personal calls are defined as calls of minimum duration and frequency that are urgent in nature and may not be made at another time or from a different telephone.
d) Examples of incidental personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble.
e) A state cell phone is not to be used for reimbursable non-essential personal phone calls while in overnight travel status.

3. Supervisors are responsible for monthly usage review.
   a) In instances when supervisors become aware the personal use of a state cell phone exceeds incidental amounts, the employee must be advised of this information, and guidance must be given to the employee about limiting personal use of the phone.
   b) In the event the personal calls continue at an excessive rate, the employee must be warned that the personal use of the state cell phone is unacceptable.

4. Employees are expected to use state cell phones responsibly and in accordance with this policy and any applicable work rules. Personal use of a state cell phones in violation of this policy may result in revocation of the cell phone assignment, possible disciplinary action, and reimbursement for personal use.

5. Cell phones and service are purchased in accordance with Department of Administration policies and rules. The telephone numbers assigned to cell phones must not be published as the department is charged for both incoming and outgoing calls.

6. For safety reasons, employees must not use a cell phone, except in a hands-free mode, while operating a motor vehicle or equipment while conducting state business, except for the purpose of obtaining or rendering emergency assistance.

7. Employees must acknowledge the receipt and acceptance of the Mobile Communications Devices policy using the Acknowledgement of Receipt form (attached).
   a) Cell phones must be returned to the supervisor when the employee leaves his/her position or is no longer an authorized user.
   b) Supervisors are responsible for notifying financial services when an employee has left a position and turned in a cellular phone.
   c) Cellular telephones assigned as "unit" phones are the responsibility of the unit supervisor.
   d) The supervisor must acknowledge the receipt and acceptance of the Mobile Communications Devices policy using the Acknowledgement of Receipt - Unit Phone form (attached).
   e) A copy of all Acknowledgement of Receipt forms must be submitted to financial services, with the supervisor retaining the original.

8. Once a state cell phone is no longer needed and service has been cancelled, the phone must be sent to central office—office services for shredding.

9. Call detail (time, number called, date, duration) of calls appearing on the state cell phone billing account is public information, except when exempt by statute.

10. State correctional facilities – cell phones inside the secured perimeter
    a) The commissioner, deputy commissioners, assistant commissioners, wardens, superintendents, associate wardens of operations and administration, watch commander, office of special investigations, and Minnesota Correctional Facility-Togo (MCF-TOGO) program directors are approved to carry cell phones into the secure perimeter of a correctional facility.
        (1) As necessary construction project managers/contractors may be approved to carry cell phones into the secure perimeter of a correctional facility.
        (2) Elected officials approved by the commissioner may carry cell phones within the facility.
        (3) Other unique exceptions may be made if approved by the warden of the facility using the Request to Carry a Mobile Device Within Secure Perimeter (attached).
        (4) The warden of the facility may prohibit cell phones in designated areas outside the secure perimeter.
    b) Non-state cell phones may only be authorized within a correctional facility secure perimeter for department-related business purpose.
        (1) Department transportation staff operating the department transportation bus may secure their non-state cell phones within the bus.
        (2) Each facility maintains a list of staff, contractors and visitors approved by the warden to bring a personal or state issued cell phones into the secure perimeter.
        (3) The list must include the approved individual's name, the cellular telephone number, the cell phone service provider, and the customer service phone number to shut off service.
    c) Camera features on cell phones held by non-state employees must not be used inside the secure perimeter. Camera features on cell phones held by state employees may not be used within the secure perimeter unless there is a security emergency or documentation is required for a business reason.
    d) Any cell phone carried into a correctional facility must be password protected and capable of being disabled if lost or stolen.
        (1) It is the responsibility of the person carrying the cell phone to have the necessary information to disable the phone if required.
        (2) Any cell phone lost or stolen inside a correctional facility must be reported immediately to the facility watch commander.

11. Use of personal cell phones
    a) For employees who are not in the Managers or Commissioners Plan.
        (1) Use of personal cell phones for state business must be minimized to limit reimbursement requests from employees at phone rates that are less economical than the state's contracted rates.
        (2) In the event an employee uses his/her personal cell phone to conduct state business and makes a reimbursement claim, only actual verifiable costs attributable to the state business call are reimbursed by submitting an employee expense report through his/her supervisor.
            (a) Actual verifiable costs are costs separately identified for each state call in excess of the standard monthly service fee.
            (b) Costs related to personal ownership of a cellular telephone, including maintenance or repair, are not eligible for department reimbursement.

(3) Employees bringing a personal cell phone into the secured perimeter of a facility must acknowledge the receipt and acceptance of the Mobile Communications Devices policy using the Acknowledgement of Receipt form (attached).

b) For employees in the Managers or Commissioner Plan

(1) With authorization, a manager or supervisor may be authorized to use their personal cell phone for state business in lieu of having a state paid cell phone. Employees must request access for state communications by completing a User Acknowledgment and Agreement document (attached).

(2) Conditions of using an employee owned phone are detailed in the Managers and Commissioners Usage, Policy, and Agreement for Mobile Devices document referenced in this policy and include such examples as:

(a) User acceptance that a personal device may be remotely wiped (i.e. erasing all data and applications, including personal information) or accessed for legitimate business purposes by the State of Minnesota.

(b) User understanding that he/she is solely responsible for backing up any personal content on the device.

(c) User must maintain a device compatible with the DOC's published technical specifications, which is updated every two years and keep the device in good working order. If the device falls out of compliance, it may be blocked from access until it is in good working order and meets minimum requirements.

(d) User acknowledgement that the State of Minnesota is in no way responsible for damaged, lost or stolen personal devices while the user is performing state business.

(e) User agreement to allow IT to load manageability software on their personal device.

(f) Users must provide access to their device upon demand for necessary business purposes.

(g) User agrees not to share the device with other individuals or family members, due to the business use of the device.

(h) User is responsible for bringing or sending the cell phone to IT and handing over necessary access codes when notified the device has been selected for a physical inventory or is needed for e-discovery purposes.

(3) MN.IT staff at DOC provides support and guidance for the installation and connection to DOC and/or MN.IT Services infrastructure and network resources. All other support related issues must be directed to the mobile device service provider.

(4) Upon authorization, employees using their personal device request the appropriate allowance through the State's payroll system.

(a) Employees must use earn code MDA and enter the appropriate allowance amount on their timesheet each pay period to receive payment.

(b) The amount the employee receives is an allowance, not reimbursement and is taxable.

(c) Employees are limited to reimbursement for one device.

(5) The dollar amount of the cell phone allowance is:

(a) Voice only - $7.00 per pay period

(b) Data only - $9.00 per pay period

(c) Voice/Data - $16.00 per pay period

(6) Unusual charges for business use may be submitted for expense reimbursement at the discretion of the CFO or designee. Examples include expenses for valid travel situations or excessive business use during any one charge period.

(7) Nonexempt employees using a cell phone to conduct work related business outside of work hours must track and record work time and be appropriately compensated for it.

(8) If the device is lost or stolen, the employee must notify the State of Minnesota Help Desk or DOC Help Desk within one hour, or as soon as practical after noticing the device is missing (temporary or permanent).

(a) The State of Minnesota MN.IT Services locks the device and e-mail on the device is deleted.

(b) Users must not cancel any individual services on their device until after the remote wipe of the device is complete.

(9) Authorization requests must be submitted to MN.IT Services email administrators at DOC. MN.IT staffs maintain the original authorization and send one copy to the respective finance payroll office of the employee to authorize the allowance and amount.

C. Laptops, tablets, notebook computers (mobile device)

1. The supervisor, with assistance from agency buyers and MNIT Services, selects the mobile device appropriate to the employee's level of business needs.

2. Employees must use good judgment when using any state owned mobile device, including Internet access and e-mail use and comply with DOC Policy 103.210 "Electronic Communications".

a) Employees are expected to ensure messages conveyed are appropriate both in the type of message and in tone and content.

b) Incremental personal use of any mobile device must not result in additional costs to the agency.

3. State correctional facilities – mobile devices inside the secured perimeter

a) The commissioner, deputy commissioners, assistant commissioners, wardens, superintendents, associate wardens of operations and administration, office of special investigations, and Minnesota Correctional Facility-Togo (MCF-TOGO) program directors are approved to carry mobile devices into the secure perimeter of a correctional facility.

(1) Other unique exceptions may be made if approved by the warden of the facility using the Request to Carry a Mobile Device Within Secure Perimeter form.

(2) The warden of the facility may prohibit mobile devices in designated areas outside the secure perimeter.

b) Only state owned, and authorized mobile devices may be brought into the facility. Personal devices are considered to be contraband and any employee bringing in a personal device is subject to discipline.

(1) The watch commander of the facility maintains a list of staff approved by the warden to bring a state-owned mobile device into the secure perimeter.

(2) The list must include the approved individual's name, classification and the type of mobile device authorized.

c) Camera features on any mobile device held by non-state employees must not be used inside the secure perimeter. Camera features on state employee mobile devices may not be used within the secure perimeter unless there is a security emergency or documentation is required for a business reason.

d) All mobile devices with cellular data capability carried into a correctional facility must be password protected and capable of being disabled if lost or stolen.

(1) It is the responsibility of the person carrying the mobile device to have the needed information to disable it if required.

(2) Any mobile device lost or stolen inside a correctional facility must be reported immediately to the facility watch commander.

D. Purchase of mobile devices

1. Upon initial purchase, the employee must complete an electronic inter office requisition (EIOR) at the employee's work site detailing the mobile device and service to be purchased. EIOR's are processed in accordance with DOC Policy 104.301, "Purchasing."

2. The vendor must provide the mobile device--in operating condition--and submit an invoice to financial services.

3. The employee or designee receives the mobile device, approves the receiving document(s) by signing them, and forwards all documents to financial services.

4. Cell phones must be received and policy acknowledged as required under Procedure B(7), above.

E. Charges for mobile device usage

1. Each month the employee reviews and verifies the charges on the monthly invoice. The employee must sign the invoice and include the date of review.

2. The employee identifies any personal use of a state cell phone by circling personal calls on the invoice.

3. The employee's supervisor reviews personal use, dates, and signs the invoice, approving the invoice for payment. In the event the supervisor identifies excessive personal use the supervisor should follow procedures in accordance with Policy 103.225, "Employee Investigation and Discipline Administration."

4. The supervisor must sign the invoice and include the date of review, and then must forward the invoice to financial services for processing.

5. Financial services staff processes payment of the total charges to the vendor. Invoices are retained in financial services.

6. Cell phones assigned to a unit and having multiple users only require the supervisor signature designated on the Acknowledgement of Receipt form, not all of the individual users. Supervisors must be alert to potential personal use of the multi-user cellular telephone.

F. Review of cell phone assignments

1. Supervisors must review cell phone needs and plans on an annual basis.

2. Upon request, facility and central office financial services staff assist the supervisor in determining whether the calling plans are appropriate for current needs.

INTERNAL CONTROLS:

A. Acknowledgement of Receipt form is completed and maintained by the supervisor.

B. Invoices showing employee and supervisor approvals are maintained in financial services.

REVIEW: Annually

REFERENCES: Policy 103.210, "Electronic Communications"
Policy 104.461, "Employee Travel and Reimbursement of Expenses"
Policy 103.225, "Employee Investigation and Discipline Administration"
Enterprise Security Portable Computing Device Standard

SUPERSESSION: Policy 104.470, "Cellular Telephones," 3/31/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Request to Carry a Mobile Communication Device within Secure Perimeter (104.470B)
Acknowledgement of Receipt of Cellular Telephone Services and Equipment (104.470A)
Acknowledgement of Receipt - Unit Phone (104.470C)
User Acknowledgment and Agreement (see page 9)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services