

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Fiscal Management
Policy Title : Telecommunications Allowance Policy
Policy number : 500.17
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Date Amended :

Purpose of the Policy

Regional Water Authority (RWA) employees may need to use a cell phone to conduct RWA or SGA business. The purpose of this policy is to establish the RWA's requirements for issuing cellular phones, and allowances for cellular phone usage.

General

If the RWA requires an employee to be generally accessible via cellular telephone to conduct RWA or SGA related business, or a cell phone is needed to conduct RWA or SGA business, the RWA shall provide either:

- An RWA-issued cellular phone and service plan
- A telecommunication allowance

The Executive Director shall determine if an employee needs to be generally accessible or needs cell phone service to conduct RWA or SGA business.

The Executive Director shall have the discretion to provide an allowance to employees or to authorize the purchase of an RWA cell phone and service plan.

The RWA may publish the cellular telephone number to designated individuals and organizations with whom the employee normally conducts RWA-related business.

The California Public Records applies to all information concerning RWA's activities, whether that information is stored on a cellular telephone owned by RWA under an RWA Cell Phone and Service Plan or on one owned by an employee personally for which the employee receives an allowance from RWA under this policy. (See *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.)

RWA Cell Phone and Service Plan

Should the Executive Director authorize an RWA Cell Phone and Service Plan, the RWA will purchase a phone and service plan. RWA pays for the cell phone up to an amount determined by the Executive Director, based on RWA's reasonable business needs, up to \$680. The amount authorized by the Executive Director includes all phone accessories. The employee can opt for a more expensive phone, but is responsible for paying any amount in excess of the amount the Executive Director authorizes. The RWA pays the monthly service fees for this plan. Replacement cell phones may be needed based on factors such as cell phone obsolescence, or job requirements. The Executive Director shall make the determination if a replacement phone is necessary and, if it is necessary, may authorize a replacement.

Upon employment separation, the employee must turn in the RWA cell phone, or at the Executive Director's discretion, the employee may purchase the phone in accordance with the RWA policy regarding surplus property disposal. The employee shall be entitled to keep the cell phone number.

Allowances

The employee can opt to maintain a personal cell phone for which the RWA will reimburse \$50 monthly for usage. With this option, the employee is responsible for maintaining the data line and the RWA takes no responsibility for it. To obtain reimbursement, the employee need only demonstrate he or she is paying for their own personal cellular voice and data plan.

Upon approval of the telecommunications allowance, the employee shall provide and maintain a personal cellular telephone and service that is available to conduct RWA-related business. The employee's personal cellular telephone is subject to inspection by RWA, and potentially others, because, as discussed above, the California Public Records Act applies to all information related to RWA's activities, including any such information that is stored on an employee's personal cellular telephone.

Allowance amounts are considered income subject to State of California and Federal income tax requirements and shall be reported as such by RWA.

Policy Review and Inflation Adjustments

This policy will be reviewed by the Executive Committee at least every three years, or as necessary. The Executive Director will adjust the amount that RWA will pay for a telephone under an RWA Cell Phone and Service Plan, and the monthly usage allowance for employees' use of their own telephones, consistent with market rates for cellular telephones and cellular voice and data plans, as part of RWA's annual budgeting.