

GREENWOOD BOARD OF PUBLIC WORKS AND SAFETY

RESOLUTION NO. 24-10

A RESOLUTION REPEALING RESOLUTION NO. 08-05, ENTITLED “ADOPTING A REPLACEMENT WIRELESS (CELLULAR TELEPHONE) COMMUNICATIONS POLICY FOR CITY EMPLOYEES THAT CLARIFIES COMPLIANCE WITH INTERNAL REVENUE CODE REQUIREMENTS” AND ADOPTING A REPLACEMENT CELL PHONE POLICY FOR CITY EMPLOYEES

WHEREAS, the Board of Public Works and Safety of the City of Greenwood (hereinafter “Board”) has acknowledged that the use of wireless forms of communication, such as cellular telephones, is necessary to communicate, conduct City business, and serve the community in an efficient and effective manner; and

WHEREAS, a cell phone policy should be adopted to ensure efficient and effective use of cell telephones by employees, to ensure efficient and effective service to the community, and to ensure compliance with state and federal laws; and

WHEREAS, the Board approved and established such a cell phone policy by adopting Resolution number 08-04, entitled “A Resolution Adopting a Wireless (Cellular Telephone) Communications Policy for City Employees”; and

WHEREAS, the Board subsequently repealed Resolution 08-04 and replaced it with and adopted Resolution 08-05, which clarified the accountable reimbursement plan pursuant to IRS Publication 15:5; and

WHEREAS, the Boards find it necessary to repeal the wireless communication policy adopted by Resolution No. 08-05 and adopt a replacement policy regarding cell phone use by City employees;

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Greenwood, Indiana as follows:

Section 1. City of Greenwood Board of Public Works and Safety Resolution No. 08-05, “Adopting A Replacement Wireless (Cellular Telephone) Communications Policy For City Employees That Clarifies Compliance With Internal Revenue Code Requirements” is hereby repealed.

Section 2. The City of Greenwood Board of Public Works and Safety hereby establish and adopt the following Cell phone policy for the City of Greenwood:

I. PURPOSE

The City of Greenwood finds that it is in the best interest to utilize cell phone technology as an alternate means to contact and connect with City staff. Cell phone technology provides a means to more effectively carry out daily operations of the City. The purpose of this Policy is to provide guidelines and direction regarding the utilization of cell phone for City operations and the administration of a cell phone stipend for personal cell phone used for a business purpose.

II. POLICY

- A. Cell phone utilized by the City of Greenwood staff may occur in one of two ways:
 - i. Those cell phones and cell phone services that are purchased and maintained directly by the City of Greenwood and provided to certain staff for use for business purposes.
 - ii. Those cell phones and services that are purchased and maintained personally by City of Greenwood employees, but used for business purposes for the City of Greenwood.
- B. Personal Cell Phone Use.

Certain City positions, as designated by the Deputy Mayor and the Controller, may require the use of a personal cell phone for legitimate business purposes. These employees may request a cell phone stipend to defray a portion of the expense of the cell phone used for a business purpose. Should an employee elect to receive a stipend, the employee must first complete a "Personal Cell Phone Stipend Certification Form," certifying their personal cell phone is used for the City of Greenwood business purpose. Recipients of the stipend must agree to be reachable by cell phone during normal business hours, unless they have made prior arrangements for times of unavailability.

The monthly stipend rate will be reviewed annually by the Controller. Stipend procedures are as follows:

- i. Submit a copy of your monthly cell phone invoice and signed Statement of Authenticity to your Department Head, who will then forward it to the Controller's Office (Payroll) by the 15th of each month. The invoice must include the following:
 - a. Date of invoice
 - b. Cell phone number
 - c. Employee name
- ii. A maximum of two months of invoices may be submitted at one time.
- iii. Failure to turn in stipend requests in a timely manner may result in denial of stipend. The Department Head and Controller must both approve prior to payment. Once approved, stipend will be issued on the next regular pay check.

The City bears no responsibility to purchase an employee's personal cell phone nor does the City have any responsibility for the maintenance, repair, or replacement of an employee's cell phone should it be lost, damaged, destroyed, or otherwise rendered inoperable while being used for business purposes. Cell phone stipends are considered taxable wages.

C. City-provided cell phones.

City-provided cell phones will be issued by the Deputy Mayor and the Controller and must be used primarily for business purposes, unless the Deputy Mayor approves other uses. Employees with City cell phones must agree to be available by phone at all times, unless prior arrangements for unavailability have been made. All City policies apply. City cell phones are prohibited from being used in any illegal, illicit, or offensive manner, including activities such as harassment or threats. Employees must surrender any City-provided cell phone upon request from their Department Head, Deputy Mayor, or Human Resources at separation of employment. Any damage to a City provided cell phone must be reported to the employee's Department Head and the Deputy Mayor within a reasonable time after the damage occurs.

D. Cell Phones and Public Records.

Employees should be aware that any communications via cell phone, including voicemail messages, emails, texts, and multimedia messages, related to City business may be subject to disclosure under applicable State and Federal public records laws, regardless of whether a City or personal cell phone is used. Employees must use discretion when communicating about City business on personal cell phones and take all reasonable steps to ensure preservation of potential public records on personal cell phones, in accordance with the public information policies adopted by the Board of Public Works and Safety and applicable State and Federal laws.

E. Reimbursement Rate.


The monthly reimbursement rate for a position will be the lesser of \$25.00 or the actual total charges issued by the "Cellular" vendor, to the approved employee. An employee may appeal to the Department Head to have the level of monthly reimbursement increased, per the duties of the position that he or she holds. Any decision concerning an increase in the standard reimbursement rate will be made by the employee's Department Head and the Mayor. The City Controller will review the reimbursement requests and ensure compliance with the Accountable Reimbursement Plan and IRS regulations. The Controller will use IRC 132(e)(1) and IRS Information Letter 2008.0023 to determine *de minimis* use.

PASSED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF GREENWOOD,
INDIANA this 21st day of OCTOBER, 2024, by a vote of 3 ayes, 0 nays.

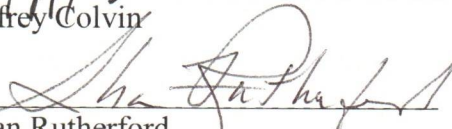
BOARD OF PUBLIC WORKS AND SAFETY



Kevin Hoover



Jeffrey Colvin



Shan Rutherford

ATTEST:



Amanda Leach, Recording Secretary