

REQUEST FOR CHANGES TO THE STATE ADMINISTRATIVE MANUAL (SAM)

Agency Code: 080

Department: Administration

Division (if applicable): Budget and Planning

Appointing authority: Julia Teska

Agency contact (name, phone and e-mail): Mike Torvinen, 684-0226, mjtorvinen@admin.nv.gov

Budget Division Analyst (name, phone and e-mail): Statewide SAM Policy – Affects all Budget Analysts

Proposed BOE date: May 2014

Proposed effective date: Upon Approval

1. Reason/purpose for requested change:

This is a proposed change to the Cellular Telephone policy in SAM 1616. The current policy is based upon cellular service plans that are out of date and obsolete.

2. Explain how the recommended change(s) will benefit agencies or create consistencies or efficiencies, etc. (provide examples if applicable):

This recommended change recognizes the current technology and the fact many employees have their own personal devices upon which they can access email and other parts of the State's IT infrastructure while not at their workstation. The proposed SAM change dictates that each Department director establish a cellular telephone, tablet, or other mobile device policy based upon their respective Department's needs. The policy recognizes current trends referred to as Bring Your Own Device or BYOD policies being implemented both in the public and private sector. The policy addresses IT security issues and issues regarding the record of the devices use potentially being public records subject to discovery.

3. Will recommended change have a fiscal impact (if yes, explain):

The proposed revision provides 3 different methods of paying for the cellular telephone/tablet/mobile device; the state pays the entire cost, the state pays an employee a stipend to use the employee's personal device, or the employee voluntarily uses their personal device and receives no reimbursement. For state fiscal years ending June 30, 2014 and June 30, 2015, statewide, the budgeted cell phone costs are \$1.7 million per year. The proposed changes are intended to both update the current policy which is woefully outdated and hopefully see a reduction in State costs for the technology.

- Existing and recommended language in SAM (*blue bold italics* is new language being proposed and ~~red strikethrough~~ is deleted language being proposed). (**please provide requested change as an attachment**):

See attached

BOARD OF EXAMINERS APPROVAL DATE: _____
(for BOE use only)

1616 Cellular Telephones

~~Personal phone calls are not to be placed or received from State-owned cellular telephones except in an emergency. When personal calls are placed, the employee will reimburse the State within five working days of receipt of the bill from the Division for all costs associated with the personal telephone call.~~

~~The State will reimburse employees for the cost of all State business calls placed from their personal cellular telephone. The State will not reimburse any portion of the monthly service charges associated with personal cellular telephones nor will the State accept any fiscal or legal liability for a personal cellular telephone used for business. Agencies may develop policies limiting or prohibiting employees from making business calls on personal cellular telephones.~~

1616 Cellular Telephones /Tablets/Mobile Devices

Each department of the State of Nevada must develop a cellular telephone, portable tablet, or other mobile device policy that meets the department's specific needs regarding the necessary use of such devices for work-related activities while operating within budget authority, addressing the potential legal issues regarding access to the record of the devices' use, and being compliant with the State's personnel rules associated with requiring employees to be available for contact after their regular working hours. The departmental policy must fully address security issues and must specifically identify criteria to determine eligibility to receive a cellular telephone, portable tablet, or other mobile device at state expense or a stipend for the use of a personal device. There must be a compelling reason directly related to efficiencies to be gained and the employee's job duties and responsibilities that necessitates a cellular telephone, tablet, or other mobile device for business purposes.

There are 3 acceptable methods to provide for employee use of a cell phone, tablet, or other mobile device:

- 1. State issued device – the agency provides the employee with an approved State device pursuant to the state contract for such services and pays the monthly charges directly to the service provider. The device remains the property of the State and the employee must comply with all policies regarding personal use of state devices. If the employee's personal use of the device results in additional costs to the State, the employee must reimburse the State for such charges at least monthly. Agencies must take care to choose the appropriate plan level for the needed use for State purposes. This may include prepaid phones that only include voice services. Upon separation from the agency that issued the device, the employee shall return the device. Departmental policy must include acknowledgement of receipt of device and terms and conditions of use that should be retained in employee file.*

2. *Stipend paid by State for employee using personal device for State purposes – the State pays an employee a monthly stipend to use their personal device to conduct State business. The base plan cost is understood to include cellular telephone, internet, and/or data services. The stipend amount will remain the same regardless of the amount of State business conducted on the personal device. The employee is responsible for contracting with a service provider, paying for any initial plan charges, the cost of the device, and paying the monthly bills. The State is not responsible for any penalties should the employee terminate the contract with the service provider. Because the cellular telephone, tablet or other mobile device is owned personally by the employee, the employee may use the device for both personal and business purposes as needed. Use of the device in any manner contrary to local, state or federal laws will constitute misuse and will result in immediate termination of the stipend. The stipend will be taxable income to the employee and will be reported on their W-2, Wage and Tax Statement. The stipend amount will be established by each Department director when they develop the policy for their respective Department.*
3. *Employee voluntarily uses personal device to conduct State business without compensation.*

Employees must be aware that it is possible the record of use for any device used for State business, could be considered a public record.

Regardless of the reimbursement method used, each employee using a device for State business or connected to the State's IT infrastructure must sign an "Acceptable Use Agreement" and an "Agreement for Use of a Mobile Device." The respective Department policy must be attached to each "Acceptable Use Agreement" and "Agreement for Use of a Mobile Device" and shall be retained in the employee's file.

An agency may rescind a state issued device or stipend at any time if the business necessity or budget authority no longer exists.

Employees are expected to comply with all applicable laws regarding the use of cellular devices while operating a motor vehicle. Each department policy shall include a reference to SAM 1320.