



**PERSONNEL COMMITTEE**

**May 1, 2014 – 11:30 A.M.**

**Personnel Committee Members**

**Ira Steingart, Chair  
Kitty Vetter, Vice Chair  
Kathy LaBuda  
Jonathan Rouis  
Cindy Kurpil Gieger**

**AGENDA**

**REPORTS:**

1. Human Rights – Monthly Report

**DEPARTMENTS:**

1. Personnel
2. Risk Management and Insurance

**DISCUSSION:**

1. Cell Phone Policy

**RESOLUTIONS:**

1. To appoint Janet M. Young as Commissioner of Management and Budget.

**PUBLIC COMMENT:**

**COUNTY OF SULLIVAN  
CELLULAR TELEPHONE/WIRELESS NETWORK DEVICE POLICY**

**I. Introduction**

This policy governs the purchase or lease, assignment, maintenance and use of County owned/paid for cellular telephones and other wireless network devices intended for use with Sullivan County's networked resources. In addition, it governs the use of personal cellular telephones on County property and/or while conducting County business.

**II. Purchasing or Leasing of County Cellular Telephones/Wireless Devices**

Whenever a department head wishes to obtain a new, or replace an existing, cellular telephone/device for a County employee, regardless of the cost of the device, a *Sullivan County Cell Phone Request Form* must be completed and forwarded to the County Manager. A copy of this form is attached to this policy as Exhibit 1. Department Heads may not deal directly with cell phone vendors.

All new hardware, software and/or related components that provide wired and/or wireless connectivity and services to the Sullivan County networked resources will be managed by Sullivan County's Management Information Systems (MIS) Department. The installation and/or use of hardware, software and/or related components not approved by MIS is not allowed.

This policy is complementary to any previously implemented policies dealing specifically with network access, wireless access and remote access to the Sullivan County network, including, but not limited to the Sullivan County Internet/Email Use Policy dated January 9, 2002.

**III. Assignment of County Cellular Telephones**

**A. Eligibility for County Cellular Telephone**

1. Discretion of County. The determination of who shall be eligible for assignment of a County cellular telephone shall rest solely with the County Manager. The assignment of a County cellular telephone to an employee shall not create any continuing obligation on the part of the County to provide a County cellular telephone in the future.
2. Criteria for Eligibility. Any Department Head who considers the assignment of a County cellular telephone/wireless network device to any of his/her departmental staff shall consider the following criteria to determine whether such an assignment is appropriate:
  - a. The staff member must spend a significant amount of time working away from an accessible line telephone;
  - b. There is a regular business need for the staff member to have the cellular telephone during these periods of time in order to make or receive calls;
  - c. The value of having the cellular telephone/wireless network device must outweigh

the costs, both monetary and administrative, of the telephone; and

d. For wireless network devices, justification of the device must address the off-duty use of the device by hourly staff and the overtime regulations concerning that use.

- B. Assignments of County Cellular Telephones. Before a County cellular telephone is provided to an employee, the Department Head, or his/her designee, shall review this policy with the employee, provide a copy to him/her, and have the employee initial and sign a Cellular Telephone Use Agreement. (For those employees who already possess a County cellular telephone on the effective date of this policy, the Department Head shall take these actions within thirty days of the implementation of the policy.) Additionally, each Department Head shall retain the original agreement in the employee's personnel file, send a copy to the County Director of Purchasing, and may provide a copy to the employee. A copy of the agreement is attached to this policy as Exhibit 2.
- C. Return of County Cellular Telephone. Any employee who has been assigned a County cellular telephone shall return such promptly upon a request from his/her Department Head or the County Manager or upon termination of employment. In addition, such employees may be required to produce an assigned County cellular telephone for inspection at any time, upon request.

#### **IV. Maintenance and Use of County Cellular Telephones/Wireless Devices with Cellular Functions**

- A. Maintenance of County Cellular Telephones/Wireless Devices. Any employee who is assigned a County cellular telephone shall exercise reasonable and prudent care to keep such telephone in good working order and protect it from damage and/or theft. If the employee has mismanaged the device and/or not used prudent judgment, he/she may be responsible for the replacement of such a device should it become damaged.
- B. Use of County Cellular Telephones/Wireless Devices
1. Generally. County cellular telephones/wireless devices are provided to employees as a tool to carry out the business of Sullivan County when other communications options are not reasonably available. They are not provided for the personal benefit or use of employees.
  2. Personal Use. County cellular telephones/wireless devices are not intended for the personal use of employees. Personal use of such telephones shall be limited to infrequent, incidental and emergency use only. Any employee who engages in personal use of a County cellular telephone shall report such use to his/her Department head within two business days of such use and shall be responsible for any charges to the County associated with the personal use.

## **V. Maintenance and Use of Wireless Network Devices**

1. It is the responsibility of any Sullivan County employee who is connecting to the County's network via a wireless network device or service to ensure that all components of his/her wireless connection remain as secure as his/her network access within the office. It is imperative that any wireless connection be utilized appropriately, responsibly, and ethically.
2. Employees using wireless network devices and services for remote wireless access will, without exception, use secure remote access procedures.
3. Prior to initial use or connecting to the County's network, all wireless network device hardware, software and related services must be registered with MIS. No County employees or contractors will make modifications of any kind to County-owned and installed wireless hardware or software without the express approval of MIS.
4. The wireless network device user agrees to immediately report to his/her Department Head and the County's MIS department any incident or suspected incidents of unauthorized access and/or disclosure of County resources, databases, networks, etc.
5. Software should not be downloaded or otherwise loaded and installed on to the wireless network device. The downloading of games and ringtones is strictly prohibited. Only MIS technical staff may carry out the following:
  - a. Operating system upgrades
  - b. Software installation
6. MIS, upon authorization from the County Manager, reserves the right to turn off without notice any wireless access to the network that puts the County's systems, data and users at risk.
7. Wireless devices are the property of Sullivan County and may not be given, loaned or used by anyone other than the employee to whom it is assigned.
8. Report damaged or physically malfunctioning wireless devices to the supervisor.

## **VI. Use of Personal Cellular Telephones for County Business**

- A. Permissive Use. Employees may use personal cellular telephones for County business unless they are prohibited from doing so by their Department Head or the County Manager. Employees shall not be required to utilize a personal cellular telephone for County business.
- B. Reimbursement for Use. Employees shall not be reimbursed for the use of their personal cellular telephone for County business unless there is a contrary provision in an

applicable collective bargaining agreement. If an employee has authorization to receive reimbursement, the employee must submit proof of actual out-of-pocket cost associated with such usage, together with a voucher for payment in accordance with standard County practice in order to receive reimbursement.

## **VII. Use of All Cellular Telephones**

### **A. Applicability of Section**

1. **County Owned/Leased Cellular Telephones.** This section of the policy applies to the usage of County owned or leased cellular telephones at any time and at any location.
2. **Personal Cellular Telephones.** This section of the policy applies to the usage of all other cellular telephones in the possession of an employee at any time the employee is on County property, in a County owned or leased vehicle, on County work time or engaged in County business.

**B. Compliance with Laws.** Employees shall comply with all Federal, State and/or Local laws, rules and regulations governing the use of cellular telephones, including FOIL, e-discovery and criminal prosecution. An employee who is charged with a violation of any such law, rule or regulation will be solely responsible for any liability associated with the violations.

**C. Safe Usage of Cellular Telephones.** Employees shall at all times exercise reasonable care in the use of cellular telephones in order to insure the safety of the employee and others. All employees, other than law enforcement personnel, shall refrain from using cellular telephones while driving a motor vehicle or operating motorized equipment whenever possible.

### **D. Privacy and Confidentiality.**

1. **Privacy.** Employees are not permitted to carry or use cellular telephones that have photographic or any other audio and/or visual recording capabilities into patient care areas, rest rooms, locker rooms or other areas where there is a reasonable expectation of privacy.
2. **Confidentiality.** Employees are advised that cellular telephone communications are not confidential and may be overheard by third parties. Employees must exercise reasonable care to insure that confidential matters are not improperly disclosed through the use of cellular telephones.

**E. Personal Calls on Work Time.** Personal telephone calls, including cellular telephone calls, on paid work time, should be limited to infrequent, incidental and emergency calls only.

## **VIII. Department Head Responsibilities**

In addition to the Department Head obligations discussed in Sections II. and III. of this policy, Department Heads have the following responsibilities under this policy:

- A. Policy Distribution. Each Department Head shall post a copy of this policy in one or more prominent location(s) within the department. In addition, each Department Head shall provide a copy of this policy to all departmental employees who have been assigned a County cellular telephone in accordance with section III.B of this policy.
- B. Compliance.
  - 1. Each Department Head shall take action to enforce this policy, as needed, which may include providing training regarding the terms of this policy, and counseling and/or disciplining employees who are not complying with the policy.
  - 2. Each Department Head shall monitor all County cellular telephone bills relating to departmental usage to insure that usage is appropriate and compliant with this policy.
- C. Cell-Free Zones. Each Department Head may establish areas within the department in which cellular telephones will not be permitted. These areas may be limited to specified areas or encompass the entire physical area of the department. If such cell-free zones are established, the Department Head will communicate this fact to departmental employees, and others as needed.

## **IX. Policy Violations**

Violations of this policy may result in disciplinary action, up to and including termination of employment, and/or civil and criminal action, if appropriate.

**SULLIVAN COUNTY CELL PHONE  
REQUEST FORM**

Please check one:     New phone request     Replacement phone request

Department Name: \_\_\_\_\_

Employee to receive the phone: \_\_\_\_\_

Employee's position title: \_\_\_\_\_

Date phone needed: \_\_\_\_\_

Justification – need of phone:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department Head signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Return this form to the County Manager**

Administrative Approval: \_\_\_\_\_

## CELLULAR TELEPHONE USE AGREEMENT

I have received and read a copy of the Sullivan County Cellular Telephone Policy and agree to follow all policies and procedures that are set forth therein.

Initials

I understand and agree that:

\_\_\_\_\_ I shall return the County cellular telephone promptly upon a request of my Department Head or the County Manager or upon termination of employment.

\_\_\_\_\_ I am required to produce the County cellular telephone for inspection at any time, upon request by my Department Head or the County Manager.

\_\_\_\_\_ I must exercise reasonable and prudent care to keep the County cellular phone in good working order and protect it from damage and/or theft.

\_\_\_\_\_ If the County cellular phone is damaged, altered or stolen I shall be liable for its replacement/repair if the damage/alteration/theft is caused by my actions.

\_\_\_\_\_ The County cellular phone is not for my personal use, and if I use it for personal reasons I must report this to my Department Head within two business days and I shall be responsible for any charges to the County associated with the personal use.

\_\_\_\_\_ I shall not make any modifications to the County cellular phone, or its hardware or software, without the express permission of MIS.

\_\_\_\_\_ I shall not download or install any software on the County cellular phone, including games and ringtones.

\_\_\_\_\_ I will immediately report any incident or suspected incidents of unauthorized access and/or disclosure of the County's resources, databases or networks.

\_\_\_\_\_ The County cellular phone is subject to all Federal and State laws and regulations, including FOIL, e-discovery and criminal prosecution.

\_\_\_\_\_ Violations of the Cellular Telephone/Wireless Network Device Policy may subject me to disciplinary action, up to and including discharge from employment.

\_\_\_\_\_ All of the limitations which apply to the use of County computers also apply to the use of County cellular telephones.



\_\_\_\_\_ I acknowledge receipt or possession of the following cellular telephone(s) and any related equipment: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

**Original to employee's personnel file**  
**Copy to County Director of Purchasing**

EXHIBIT 2

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Joshua Potosek, County Manager

**Re:** Request for Consideration of a Resolution: Appoint Janet M. Young as Commissioner of Management and Budget

**Date:** March 20, 2014

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]

To appoint Janet M. Young Commissioner of Management and Budget.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is subject of Resolution mandated? Explain:**

No, however, position is included in County Charter and is currently vacant.  
\_\_\_\_\_

**Does Resolution require expenditure of funds? Yes  No**

**If "Yes, provide the following information:**

Amount to be authorized by Resolution: \$ \_\_\_\_\_

Are funds already budgeted? Yes  No

If "Yes" specify appropriation code(s): A1340-1011, 8001, 8002, 8005, 8006, 8007

If "No", specify proposed source of funds: \_\_\_\_\_

**Estimated Cost Breakdown by Source:**

County	\$ <u>138,458.00</u>	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

**Verified by Budget Office:** 

**Does Resolution request Authority to Enter into a Contract? Yes  No**

If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.

Request for Authority to Enter into Contract with [ \_\_\_\_\_ ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No \_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \_\_\_\_\_

Efforts made to find Less Costly alternative:

\_\_\_\_\_  
\_\_\_\_\_

Efforts made to share costs with another agency or governmental entity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

\_\_\_\_\_ *Not Applicable* \_\_\_\_\_

Person(s) responsible for monitoring contract (Title): \_\_\_\_\_

**Pre-Legislative Approvals:**

A. Director of Purchasing: Nancy Jones Date 4/30/14

B. Management and Budget: \_\_\_\_\_ Date \_\_\_\_\_

C. Law Department: Thomas Coupley Date 4/30/14

D. County Manager: John Bond Date 4/30/14

E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_

**RESOLUTION INTRODUCED BY THE PERSONNEL COMMITTEE TO APPOINT  
JANET M. YOUNG AS COMMISSIONER OF MANAGEMENT AND BUDGET**

**WHEREAS**, the County Manager has recommended the appointment of Janet M. Young for the position of Commissioner of Management and Budget; and

**WHEREAS**, Janet M. Young possesses all of the qualifications required for Commissioner of Management and Budget.

**NOW THEREFORE, BE IT RESOLVED**, that Janet M. Young be appointed Commissioner of Management and Budget effective immediately; and

**BE IT FURTHER RESOLVED**, that the salary for Commissioner of Management and Budget be set at \$92,000.00.