

# FISCAL ACCOUNTABILITY RULES

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## RULE 10.9 – WIRELESS COMMUNICATION DEVICES

### Purpose

The City and County of Denver recognizes that employees, appointees, and elected officials may need to utilize a City supplied, or a personally owned, wireless communication device (WCD) for City business. The purpose of this rule is to establish a citywide rule governing the use of a City supplied, or a personally owned, WCD when used as a business solution to conduct City business.

Agencies/Departments shall read this rule in conjunction with, and comply with, the associated [Technology Services Wireless Communication Device Support Policy](#) to ensure compliance and understanding.

All records pertaining to official City business maintained or kept on any device may be subject to an open records request.

### Definitions

**Wireless communication devices (WCD)** – cell phones, Blackberries, Smartphones, wireless personal digital assistants (PDAs), pagers, etc.

**User** – employee, appointee, or elected official

### Rule

1. Agency/Department managers will determine the necessity of using a City supplied, or a personally owned, WCD as a business solution to conduct city business.
2. Agency/Department managers and the User will use the [Wireless Communication Device Option Form](#) to choose the option that will best meet the needs of the agency/department and the User.
  - a. **Option 1 – City Supplied Wireless Communication Device with Reasonable Personal Usage**

A WCD will be issued to the User and will be considered a requirement of employment. The assignment of the City WCD shall be for the convenience of the City. The User may use the WCD for reasonable personal use.

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### **RULE 10.9 – WIRELESS COMMUNICATION DEVICES, CONTINUED**

#### **b. Option 2 – Stipend for Personally Owned Wireless Communication Device**

This option provides a stipend to the User who utilizes their personally owned WCD as a business solution in whole or in part to conduct City business. This stipend provides the User with compensation to help defray the cost of a WCD plan. The monthly maximum stipend amount is established by Technology Services.

With this option the User may choose the WCD and the service plan he or she wishes to use. The User must pay for the WCD. The City will not reimburse the User for any cost of the WCD beyond the monthly stipend. Should the User leave his/her position with the agency/department the stipend shall cease effective upon the date of separation. Should the agency/department manager determine that the stipend is no longer necessary for its business operations, he/she shall terminate the stipend.

The stipend compensation received by the User is taxable income, is subject to withholdings, and will be reported as taxable income on the User's W-2. Stipends do not constitute an increase in base pay, and will not be included in any calculations utilizing base pay, including but not limited to, the calculation of percentage increases to base pay due to annual salary increases, job promotions or salary reclassifications, or retirement contributions.

#### **c. Option 3 – User Owned Device – No Stipend**

Upon approval by the agency/department manager, the User may use his/her own personal WCD to set-up and connect to the City's servers. The City is not responsible for support of the User's WCD. The User is responsible for complying with any contract entered into with the WCD service provider including payment of all expenses incurred, including, but not limited to, long distance, roaming fees, early termination fees, and taxes.

- 3.** Agency/Department managers shall annually audit WCD usage under **Options 1** and **2** to ensure compliance with this rule.

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### **RULE 10.9 – WIRELESS COMMUNICATION DEVICES, CONTINUED**

4. By May 1st of each year, Technology Services will notify each agency/department manager of Users that use a City owned, or a personally owned, WCD as a business solution to conduct City business, by Option type. Agency/Department managers shall review the list and certify that the need still exists for each User and report any updates to Technology Services by June 1st of each year.
  
5. Any suspected misuse that violates this policy will be investigated and appropriate corrective action taken.

#### Procedures and Forms

**Technology Services** is responsible for any procedures and forms associated with this rule.