



## City of Fort Bragg

### Administrative Regulation No. W-2

#### WIRELESS COMMUNICATIONS DEVICES (WCD)

##### (CELL PHONE/SMARTPHONE/PDA)

#### I. OBJECTIVE

California Vehicle Code Section 23123 prohibits all drivers from using a handheld wireless telephone while operating a motor vehicle unless using a "hands-free device." Vehicle Code Section 23123.5 further prohibits all drivers from using an electronic wireless communications device to write, send, or read a text-based communication. The objective of this Administrative Regulation is to implement policy to comply with these new laws, which became effective July 1, 2008, and January 1, 2009. This Administrative Regulation will further define the City issued and personal general WCD usage policy.

#### II. PROCEDURES

1. Employees making or receiving telephone calls while on-the-job on handheld wireless telephones (cell phones) shall not do so while driving unless equipped with a hands-free device. Should an employee need to make or receive a telephone call while driving a City owned vehicle or his/her personal vehicle while on-the-job, he/she shall cautiously pull to the side of the road, in a safe location, to do so if his/her cell phone is not equipped with a hands-free device.
2. Cell phones equipped with a "hands-free" device may be used in the hands-free mode while driving.
3. Employees shall not drive while using a WCD to write, send, or read a text-based communication.
4. WCD's issued to an employee by the City are primarily for work-related communications. The employee acknowledges that he/she has no expectation of privacy in the use of or in the material content contained within such WCD and the employee expressly agrees that the City may at any time retrieve, audit and disclose the contents of all communications originating from or received by a City owned WCD including, but not limited to e-mails, voicemails and text messages.
5. Use of a personal WCD for personal conversations is restricted to non-duty time, such as breaks, lunch, etc. Supervisors have the authority to restrict or prohibit use of WCD's at any time on-the-job when they believe such situations and use may create a distraction or safety hazard to the employee, coworkers, contractors, the general public and City or private property.
6. Employees in possession of a City issued WCD are expected to protect the equipment from loss, damage, or theft. If loss, damage, or theft occurs, the employee must report it within 48 hours to their supervisor or manager. Upon resignation, termination of employment or at any time the job related need for a WCD is no longer required, or at the request of the department head, the employee must produce the phone for return and/or inspection. An employee who is unable to present the WCD in good working condition within 24 hours shall bear the full cost of the replacement or repair of the City owned WCD.

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III. RESPONSIBILITY

1. It is the responsibility of each employee to follow the procedures outlined in the Administrative Regulation.
2. Any employee who is charged with a traffic violation resulting from the use of their personal or City issued WCD while driving on-the-job shall be solely responsible to the extent allowed under the law for all liabilities that result from such actions.
3. Employees who use WCD's provided by the City agree that they have no reasonable expectation of privacy or confidentiality with respect to their usage or in the content materials contained within those devices. As a condition for the use of City issued WCD, the employee agrees that the WCD is issued for work related activities only and, that the City may, at any time without prior notification to the employee, review, audit, and disclose text messages, e-mails, and voicemails originating from or received by City owned WCD.

Approved by City Manager	<u>Winda Ruffing</u> (Signature)	<u>10-27-2009</u> (Date)
Made a part of the City's Administrative Regulations binder and distributed to all City staff		<u>12/10/2009</u> (Date)