



POLICY STATEMENT

Policy Statement 5605

Policy Area: Procurement

Effective Date: **MAY 11 2011**

Approved: _____

Adrienne Poteat, Deputy Director

Agency Cell Phones

I. COVERAGE

This Policy Statement and its appended procedures apply to all Court Services and Offender Supervision Agency (“CSOSA” or “Agency”) employees and contractors, (hereafter, referred to as “employees”), excluding the Pretrial Services Agency.

II. BACKGROUND

The Agency has determined that use of a cell phone or smartphone (hereinafter referred to as cell phones unless otherwise stated) will contribute to the overall effectiveness of business communication and increase the safety of staff while away from their offices. Cell phones provide mobile voice and/or data communication services (e.g., email, internet access). The additional communication costs of Agency cell phones is significant; therefore issuance and use of this equipment is limited to specific staff whose programmatic responsibilities require these devices for effective job performance. The CSOSA Office of Procurement (Procurement) administers cell phones and the Office of Information Technology (OIT) administers smartphones. This Policy Statement is intended to provide cell phone usage procedures for employees.

III. POLICY

Agency cell phones are issued to employees for the purpose of conducting official Agency business. Cell phones and all cell phone features shall be used in accordance with this policy, Policy Statement (PS) 2001 Personal Use of Information Technology Resources and any Operational Instructions issued pursuant to this policy. This includes voice, text, data and camera capabilities. The cell phone should be used when a phone land-line (stationary desk phone) and/or computer is not available or practical. Examples of official Agency business use include: contacting an offender while in the field or phoning a supervisor while in the field, coordinating a meeting with a colleague while traveling between Agency offices, or checking work voice mail or email while on official travel or in training.

Employees are allowed limited, de minimis personal use of cell phones. This personal use must not: 1) result in the loss of work productivity, 2) interfere with official duties, 3) result in additional expense to the government, or 4) violate the CSOSA Standards of Employee Conduct.

Agency cell phones may be issued to employees whose responsibilities include frequent work communication while on travel and/or away from their permanent workstation, or where landline telephone service is not available.

Requests for cell phones must be made from an Associate Director or higher to the Director of Procurement. Requests for smartphones must be made from an Associate Director or higher to the Agency Director. The Agency Director will communicate approved smartphone requests to OIT. Cell phones may be denied based on Agency funds availability, determined lack of need or an employee's prior misuse of Agency resources.

Cell phones are official government property. Employees are responsible for proper safeguarding of their assigned cell phone device. Employees must reimburse the Agency if improper or negligent care leads to damage or loss of a cell phone.

The use of Agency cell phones to place calls while driving is generally prohibited. However, CSOSA issued cell phones are equipped with a built in hands-free device that must be used for mobile voice calls in critical and time sensitive situations. Examples of critical and time sensitive situations include but are not limited to, being late for a court hearing or an offender situation requiring an immediate response. The use of Agency cell phones to text message, check email or browse the internet while driving is strongly prohibited.

CSOSA employees with cell phones are not authorized to make any changes to their Agency cell phone service or account. Procurement or OIT are the only authorized agents to make any changes to the Agency cell phone accounts or services with the cell phone service provider.

Unauthorized or inappropriate use of Agency cell phones may result in: 1) loss of use of cell phones, 2) disciplinary or adverse action, or 3) being held personally liable for any costs associated with the inappropriate use.

Employees separating from the Agency must return their cell phone to Procurement (cell phones) or OIT (Smartphones). Failure of a separating employee to return an assigned cell phone device may result in a deduction from the employee's final paycheck.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities.

1. 5 C.F.R. § 2635.101 (b) (9), Basic Obligation of Public Service
2. 5 C.F.R. § 2635.704, Use of Government Property
3. 5 C.F.R. § 550.1104, Pay Administration
4. 31 U.S.C. 3716(a), Administrative Offset

5. 50 D.C. Code § 50-1731.04, Distracted Driving Safety Act of 2004

B. Supersedures.

1. “Agency Cell Phones”, dated July 19, 2005, signed by Paul Quander, Jr., Director

C. Procedural References.

1. “Standards of Employee Conduct”, dated August 30, 1999, signed by John A. Carver, Trustee
2. Federal Acquisition Regulations, Subpart 4.600, Record Requirements
3. CSOSA Policy 5401, Use of Agency Vehicles, revised August 2008
4. CSOSA Policy 2001, Personal Use of Information technology Resources, June 22, 2004

D. Attachments.

Appendix A – Definitions

Appendix B – General Procedures

Appendix C – Cell Phone Procedures Memorandum, signed by Director, Office of Procurement

Appendix D – Smartphone Property Receipt

APPENDIX A

DEFINITIONS

Agency Cell Phone: A cell/mobile phone assigned to a CSOSA employee for the performance of official Agency business.

De Minimis Personal Use: Minimal use of the cell phone for personal reasons, such as contacting a family member, doctor, or friend, on an irregular basis (e.g., 2-3 times per week) for a short (e.g., 2-3 minutes) conversation.

Gross Negligence: A lack of diligence or care and/or a conscious, voluntary act or omission in reckless disregard of a legal duty and or Agency policy. Negligence is gross if reasonable precautions to protect against harm could have been taken but were not exercised.

Government Property: Any form of real or personal property in which the Government has an ownership, leasehold, or other property interest. This term includes cell phones and other telecommunications equipment and services.

Official Agency Business: Use of the cell phone in the performance of official government duties.

Reckless Conduct: Much more than mere negligence; it is a gross deviation from what a reasonable person would do. Recklessness describes conduct whereby the employee does not desire harmful consequences but nonetheless foresees the possibility and consciously takes the risk.

Smartphone: A mobile phone device that provides advanced capabilities beyond a typical mobile phone. Smartphones run complete operating system software that provides a standardized interface and platform for application developers.

APPENDIX B

GENERAL PROCEDURES

A. Requesting an Agency Cell Phone

To request an Agency cell phone, the respective Associate Director must submit a written request (e-mail or memo) to the Director, Office of Procurement. To request an Agency smartphone, the respective Associate Director must submit a written request (e-mail or memo) to the Agency Director. In both cases, the request must contain the designated employee's name, position, office location, and the reason a cell phone is needed for job performance. If the smartphone request is approved, the Agency Director will inform OIT. Procurement and OIT will arrange for issuance of the approved cell phones and smartphones, respectively, to the employee. Associate Directors may appeal cell phone requests denied by the Director of Procurement to the Associate Director, Management and Administration.

B. Issuance of Agency Cell Phones

OIT is responsible for administering all Agency smartphones and Procurement is responsible for administering all Agency cell phones. Procurement and OIT will notify an Office of Facilities Property Specialist via email to the Facilities Helpdesk when a shipment of cell phones is received. The Facilities Property Specialist will ensure all new cell phones are properly recorded in the Agency Property Management System prior to issuance.

A list of smartphones issued will be maintained by the IT Customer Support Manager. Updated lists will be provided monthly to the OIT Inventory Control Specialist and the Facilities Property Specialists when changes occur. The list will contain the smartphone "ESN" number; unit status (issued, turned in, discontinued) and the employee's name.

Procurement or OIT will notify the employee approved to receive a cell phone when the device is ready for pick-up. Cell phones will not be issued to alternate employees or sent via interoffice mail. The cell phone will be issued to the approved employee with a battery, wall charger, case and instruction manual. The employee will be issued copies of this Policy Statement and any Operational Instructions pursuant to this policy for his or her records. The employee will be required to sign the Cell Phone Procedures Memorandum for receipt of the phone and accessories, and certify that he/she has received, read, and understands this Policy Statement. If employment is interrupted by sick or annual leave, for a period of 3 weeks or more, employees or their supervisors must notify OIT (smartphones) or Procurement (cell phones) so that phone service can be suspended while the employee is not on official duty.

C. Personal Use

De Minimis and Emergency Use

Employees are permitted *de minimis* personal use only of the Agency cell phone, except in cases of a personal emergency, in which case extended use is temporarily permitted. An example of a personal emergency would be vehicle mechanical problems or concerns for his/her personal safety. All calls made for emergency reasons must be documented in writing and retained by the employee for potential future inquiry. Excessive personal use of an Agency cell phone is making daily or regular calls for any reason to family members or friends under non-emergency circumstances.

D. Proper Care and Repair

The Agency cell phone and its accessories are defined as official government property. Therefore, employees are responsible for proper care of the phones and accessories. Proper care means that the cell phones and accessories are maintained in the condition in which they were issued, absent normal wear. Employees are encouraged to save the box in which the phone and accessories were provided. Upon separation from CSOSA or reassignment to a new position within CSOSA that does not require an Agency cell phone; the device and accessories must be returned immediately to Procurement (cell phones) or OIT (smartphones).

To request repair services for damaged or non-operational phones, the employee must deliver the cell phone to Procurement or smartphones to OIT, with a written description of the problems. The appropriate office will send the device to the contractor for repair as appropriate. If the contractor determines that the cell phone cannot be repaired, a replacement cell phone will be provided. If it is determined the damage was caused by the employee, the the retail cost of the replacement phone as determined by the contractor will be charged to the employee. The employee may appeal payment of this cost by submitting a memorandum of explanation to the Office of the General Counsel (with a copy to the Directors of Procurement or OIT within five workdays of notification of the charge.

E. Cell Phone Damage or Loss

Employees are responsible for proper care and safeguarding of the cell phone. Employees assigned cell phones should maintain the phone on their person at all times during duty hours or, if the cell phone is not in use, maintain the cell phone out of sight in a secure (locked) desk drawer or file cabinet. If an employee is charging the cell phone at his/her desk, the cell phone shall not be left unattended without proper safeguards against loss or theft. At all times, the employee must safeguard the cell phone against loss or theft.

If the Agency cell phone is lost or stolen, the employee must immediately contact the phone service provider to cancel the service. The employee must also notify Procurement within 24 hours or the next business day. For lost or stolen smartphones the employee must immediately contact the CSOSA IT Call Center on 202.220.5377 to report the loss. After a unit is reported lost or stolen, OIT must remotely erase all data from the phone and notify the service provider to discontinue service on that unit. (OIT may, without notice, disable any smartphone's access to the Agency's network at any time it is determined that the smartphone puts the Agency's systems, data, users or clients at risk.)

In both cases, within three (3) business days of the loss or theft, the employee must complete a Report of Survey and submit it through his or her chain of command to the Office of Facilities

Property Specialist with a copy to the Directors of Procurement (cell phones) or OIT (smartphones). The Report of Survey must explain the circumstances of the loss or theft in a complete and concise manner. Procurement/OIT will not issue a replacement cell phone without a supervisory approved Report of Survey.

The Directors of Procurement (cell phones) or OIT (smartphones) will review each instance of a lost or stolen cell phone to determine whether the loss of the device was a result of gross negligence or reckless conduct on the part of the employee. This determination is based solely on the information contained in the Report of Survey and the procedures expressed in this policy statement. If gross negligence or reckless conduct is determined, the employee will be required to reimburse the Agency the replacement cost of the phone. As stated, the replacement cost will be determined by the contractor. If the employee is determined to be responsible for the lost or theft, the Directors of Procurement or OIT will notify the employee in writing, with copies to the Office of Financial Management, the employee's respective Associate Director, or in the case of Community Supervision Services (CSS), Branch Chief. Employees may appeal the decision by submitting a written appeal to the Office of the General Counsel within five workdays of receipt of notification.

If the employee is determined to not be responsible for the loss, Procurement or OIT will order a replacement phone at no cost to the employee, contingent upon the respective Associate Director's approval.

If an Agency cell phone is damaged or inoperable it must be returned to Procurement with a memorandum of explanation as to what happened to the device or what is no longer functioning. If deemed appropriate by the Director of Procurement, a replacement cell phone will be issued.

Requests for smartphone repair or replacement must be submitted to the IT Customer Support Unit. Employees should contact that unit on (202) 220-5377 for instructions on how to turn in the smartphone and get a replacement.

Procurement and OIT will provide the Office of Facilities a biweekly list of all phones returned due to damage or reported lost or stolen. The Facilities Property Specialist will update the Agency Property Management System accordingly. Procurement and OIT will also maintain a record of all replacement, lost or stolen phones, and the circumstances of each, and present a summary of this record to senior staff upon request.

F. Cell Phone Invoice Review

The Office of Procurement (cell phones) and OIT (smart phones) are responsible for administration of Agency cell phones, including COTR functions. COTRs and their designees must carefully review and track cell phone invoices for accuracy and inappropriate cell phone use. COTRs must verify that the name associated with each phone number is an active CSOSA employee with the proper authorization for a cell phone. COTRs shall take prompt corrective action on all inappropriate information on the invoice. COTRs shall not certify overcharges for payment. Cell phone use or charges for an employee that may be inappropriate include abnormally large number of cell phone voice minutes, repeated calls to the same phone number, significant usage before or after regular

duty hours or on weekends, long distance calls outside of the metropolitan DC area, and excessive text messaging and/or data usage.

The Directors of Procurement and OIT will forward any invoices with questionable employee cell phone use to the applicable Associate Director or CSS Branch Chief, (with copies to the Office of the General Counsel) with a request for an explanation from the employee. Within seven workdays of receipt, the employee must explain the usage, highlighting all personal calls and/or text messages, in a written memorandum submitted through his/her chain of command to the either the Directors of Procurement or OIT. CSOSA will seek reimbursement for excessive cell phone use if deemed appropriate. Such reimbursement will be requested in writing to the employee, and the employee may appeal the determination to the Office of the General Counsel within seven workdays of receipt. The Directors of Procurement and OIT will report suspected or repeated violations of the cell phone policy to the Office of Professional Responsibility for a preliminary investigation of misconduct.

G. Low Usage Cell Phones

Procurement and OIT will review vendor invoices and other cell phone reports to identify employees with “zero or limited” usage on their cell phones over a period of time (e.g., two consecutive months). If the employee is not required to perform field work or perform work away from his or her office on a regular basis, Procurement or OIT will forward the employee’s name to the respective Associate Director, or in the case of Community Supervision Services (CSS), the Branch Chief and Deputy Director (when appropriate), requesting justification for the employee to continue cell phone services. Written responses are due back to Procurement or OIT within ten (10) working days. Absent a response with adequate justification, Procurement or OIT will cancel services with the cell phone vendor and retrieve the cell phone device from the employee.

OIT will discontinue service for any unused smartphones and will not maintain new temporary smartphones or retain open accounts that are not assigned to an employee.

H. Operator Assistance Calls

Individuals having the need to seek “operator assistance” must place these calls by calling **1-800-373-3411** for assistance. Procurement and OIT will monitor the usage of “411” direct calls during their contract invoice review. When determined by the review and/or notified by OIT, the Director of Procurement will require reimbursement for these calls if appropriate. Such reimbursement will be requested in writing, and the employee may appeal the determination to the Office of the General Counsel within seven workdays of receipt.

I. Tracking and Storage of Cell Phones

Procurement (cell phones) and OIT (smartphones) are responsible for the tracking and/or storing of all Agency cell phones purchased, issued and/or returned. The offices will maintain these records in accordance with Federal Acquisition Regulations.

J. Text Messaging

Text messaging on an Agency cell phone is restricted to official agency business only. It is considered as cell phone usage and has the same restrictions as making calls.

K. Internet Usage

Browsing the internet on an Agency cell phone is restricted to official agency business only.

K. Use of Cell Phone Camera

The camera on an Agency cell phone is restricted to official agency business only.

Cell phone cameras may be used by CSS to capture changes in the physical appearance of offenders, or for other unusual circumstances or other verification purposes related to the offender to strengthen supervision only.

Cell phone cameras are utilized by the Office of Facilities employees on occasions where a standard digital camera is not readily available and a field condition must be captured to summarize an urgent issue which may relate to building management emergency, space or logistics planning effort, or property accountability. A standard digital camera should be utilized whenever possible.

L. Separation from CSOSA

When an employee voluntarily separates from the Agency, all CSOSA issued cell phones must be returned to the Offices of Procurement (cell phones) and OIT (smartphones) with the requisite signatures on the Employee Clearance Form. Failure to complete this form may result in a delay of the employee's final paycheck.

When an employee is involuntarily separated, their immediate supervisor must collect cell phones and smartphones and ensure the items are returned to the appropriate office as indicated on the Employee Clearance Form.

M. Collection of Monies Owed

When it is determined that an employee is financially indebted to the U.S. Government pursuant to Appendix B, Sections E and F, of this policy, the employee may:

1. Request in writing a written agreement to repay the Government;
2. Request in writing for a payment agreement to pay less than or more than the 15% of disposable income allowed under 5 CFR.1104 ;
3. Pay the Government by check or money order payable to the Court Services and Offender Supervision Agency and submit it directly to the Director of Procurement or OIT. Cash will not be accepted. All reimbursement checks or money orders must be immediately forwarded to the Office of Financial Management who will process the collection.

If there is no written agreement, then in accordance with 5 C.F.R.1104 and 31 U.S.C. 3716(a), CSOSA may deduct up to 15% of the employee's disposable income to satisfy the debt. Prior to reaching any agreement with the employee on the deduction of a lesser amount, her or she may be asked to submit documentation for verify the request.

If an individual retires or resigns, or if his/her employment or period of active duty ends before collection of the amount of indebtedness is completed, deduction shall be made from subsequent payments of any nature due to the individual from the Agency.

APPENDIX C

GENERAL PROCEDURES Cell Phone Procedures Memorandum

MEMORANDUM

To: Employee Name:
Cell Phone:

From: Tammie V. Crank */signed/*
Director, Office of Procurement
Management and Administration

Subject: Cell Phone Procedures

Date:

Based on your assigned work duties, you have been issued a cell phone for official Government use. The agency policy for your use of the cell phone and your responsibility for safeguarding it is described in the attached, Agency Cell Phones Policy Statement 5605, dated xxxx xx, xxxx. Please read the policy carefully and sign this memorandum. Your signature on this memorandum certifies that you understand and agree to comply with all the rules and procedures governing use of this cell phone.

Reporting Cell Phone Loss

- Step 1: **If your phone is lost or stolen, you must immediately contact the Verizon Customer Service to request the suspension of your phone service. The Customer Service telephone number is 1-800-295-1614.**
- Step 2: Within 24 hours, you must notify the Procurement Office by phone (202) 220-5358, or email, that your phone is lost or stolen and that the phone has been disconnected.
- Step 3: Within 72 hours, you must complete a Report of Survey and submit it through your chain of command to the Property Specialist with a copy to the Director of Procurement, explaining the circumstances of the lost or stolen phone.
- Step 4: The Director of Procurement will review your explanation and ascertain whether you must pay for a replacement phone at the retail cost as determined by the contractor. The determination will be based on the explanation provided in the Report of Survey and whether the loss was in part or entirely due to your failure to properly safeguard Government property.

Step 5: The Director of Procurement will respond in writing to your Report of Survey within five workdays either by providing for replacement of your phone at no cost or requesting payment for a replacement phone.

Step 6: If you are directed to pay for a replacement phone, you may appeal this decision by submitting a written appeal to the Office of General Counsel within five workdays of receipt of the decision.

Step 7: To pay the replacement phone fee, you must provide a personal check or money order to the Director of Procurement made payable to CSOSA.

Cell Phone Use

1. The cell phone shall be used for performance of your official Government duties only. For example, you may use this phone to call your office when you are away from your duty location or outside of an Agency office and a landline phone is not available.
2. The cell phone may be used while you are on official Government travel when it is required or necessary to conduct official Government business.
3. You should not use the cell phone when you are located within an Agency office and landline phones are readily available.
4. You are not permitted to use the cell phone for personal use, except for *de minimis* (minimal and infrequent) use or emergency calls. For example, you should not use your official Government line to contact a family member or friend, to schedule a personal appointment, or to chat with an Agency employee about non-work related matters.

While driving, you cannot send or review text messages. Additionally, you must use the hands-free device when placing or receiving phone calls while driving at all times. In addition you must limit any mobile calls made while driving to those situations which are critical and time sensitive.

Review of Cell Phone Bills

Monthly cell phone bills are submitted to the Office of Procurement for review and payment. Due to the volume of each monthly bill, separate billing will not be provided to each individual user. Unusual activity, such as repeated calls to the same number within or outside of the District of Columbia, long duration calls (e.g. over 15 minutes), long distance calls, and calls outside of regular duty hours may be forwarded to the employee's Associate Director or Branch Chief for further review. This includes the usage of text messaging.

If your supervisor requests that you provide information or clarification on your usage for a particular billing period, you must provide a written response (i.e., this can be sent as an attached document via email) within five calendar days of the request. The Supervisor will review your response and forward it to the Branch Chief within three calendar days for signature. Ultimately your response will be submitted to the Director of Procurement for further review, referred for possible disciplinary action, and/or retention in the official invoice file.

The Director of Procurement may perform a random audit (at any given time) on your cell phone usage prior to receiving the Verizon bill.

Cell Phone Damages

Should your cell phone be damaged and require repair, you must hand-deliver the phone to the Office of Procurement (Attn: Chris Young, 633 Indiana Avenue, Suite 880, phone (202) 220-5358, with a written explanation of the damage. Please **do not use** inter-office mail to transmit the phone. If the problem can be repaired, Procurement will ship it to Verizon for repair. The repair process is a minimum of two weeks. Procurement **will notify you via e-mail** when your phone is ready for pick up. You will not be charged for the repair and temporary phones are issued on a case-by-case basis at the discretion of the Director.

If the phone cannot be repaired, a determination will be made whether you should pay for a replacement phone (i.e., if your actions caused the damage to occur) and/or whether a replacement phone will be issued to you at no cost. If there is any question about this determination, the issue will be referred to the Associate Director of Management and Administration for resolution.

Cell Phone Batteries and Accessories

Cell phone batteries, after one or two years of use, may require replacement. If your phone is not operating correctly, and you believe that the battery is the cause, you may request a replacement battery from the Office of Procurement. You will not be charged for a replacement battery.

A cell phone case and wall outlet charger will be provided with each phone. Should you lose this equipment, you must pay for replacement.

The Agency will not procure or provide other accessories, such as a car adapter, for your cell phone. You may obtain such equipment at your own expense.

Government Expense

Your cell phone is provided for your official use while you are employed with the Agency. Should you resign from the Agency, or your employment is otherwise terminated, you must return the cell phone, cell phone case and wall outlet charger to the Office of Procurement prior to your last day of employment. **(NOTE: Employees are encouraged to save the original box in which the phone was issued and the instruction manual for future use.)**

If your employment is interrupted by extended sick or annual leave, for a period of 3 weeks or more, you must report your situation to the Office of Procurement. Your phone service may be suspended while you are not on official duty.

Employee Acknowledgement

My signature below certifies that I have read the above rules and procedures and agree to abide by these rules and procedures. I understand that if I violate these rules or procedures, I may be referred to the Office of Professional Responsibility for a misconduct investigation and/or held fiscally responsible for my actions. If I have any questions regarding any aspect of these procedures, I will contact the Office of Procurement for clarification.

Signature: _____ **Date:** _____

Printed Name: _____

Branch/Team Identifier: _____



APPENDIX D

Smartphone Property Receipt

Recipient's Name: _____

Recipient's Team/Office and Address: _____

Office Phone#: _____

Smartphone Telephone #: _____ ESN: _____

ISSUANCE

I _____ (Recipient's Name Printed), understand that:

- **I am responsible for this equipment.**
- **If damage or loss occurs due to abuse or negligence while this equipment is in my care, I may be charged for the repair or replacement of the equipment. Frequent occurrences may result in disciplinary action.**
- **If the smartphone is lost or stolen, I will immediately call the CSOSA IT Call Center at (202) 220-5377 to report the loss.**
- **If the smartphone is lost or stolen, I understand that I must also complete section 1 of the Report of Survey form, located on the CSOSA Intranet: Forms/Facilities Forms. (This must be signed by the user and the supervisor before a replacement phone is issued. The completed Report of Survey, with original signatures, should be sent to the Property Management Specialist, Facilities Satellite Office, 300 Indiana Ave., NW, Room 2077.)**
- **It is my responsibility to return this equipment to the Office of Information Technology before I leave the Agency.**

Signature of Recipient: _____ Date: _____

IT Inventory Signature: _____ Date issued: _____

After the smartphone is issued and signed for, the end user should receive a copy of the property pass. The original must be provided to the OIT Inventory Control Specialist, OIT, 633 Indiana Avenue, NW, Room 756.

Smartphone Return Use Only

User Signature: _____ Date: _____

Inventory Management Signature: _____ Date: _____

Comments (Required if equipment is damaged): _____
