



POLICY STATEMENT

Policy Statement 5605

Policy Area: Procurement

Effective Date: JUL 19 2005

Approved: *Paul A. Quander, Jr.*
Paul A. Quander, Jr., 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 will contribute to the overall effectiveness of business communication and increase the safety of staff while away from their offices. The additional communication costs of Agency cell phones, however, is significant; therefore issuance and use of this equipment is limited by budgetary constraints to specific program requirements that best address the accomplishment of the Agency’s mission. This Policy Statement is intended to provide cell phone procedures for employees.

III. POLICY

Agency cell phones, which are defined as government property, are issued for the purpose of conducting official Agency business and shall be used in accordance with this policy and any Operational Instructions pursuant to this policy issued by the Director of the Office of Procurement. If the employee pays for a second phone line, the phone may be used for other legitimate purposes. Under those circumstances, the Agency’s line shall be used for official business only. The cell phone should be used when a land-line (stationary desk phone) is not available or practical. Examples of business use include: contacting an offender while in the field; phoning a supervisor while in the field; coordinating a meeting with a colleague while traveling between Agency offices; or checking one’s work voice mail while on official travel or in training.

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

In accordance with the Title 50, D.C. Code, Distracted Driving Safety Act of 2004, CSOSA issued mobile phones are equipped with a hands-free device. Staff must use the hands-free device with their mobile phones, at all times while driving. In addition, staff must limit any mobile calls made

while driving to those situations which are critical and time sensitive. Examples of critical and time sensitive situations include, but are not limited to, arriving late for a court hearing or an offender situation requiring an immediate response.

CSOSA employees are not authorized to make any changes to their Agency cell phone service or account. Only the Office of Procurement is authorized to make changes to the Agency cell phone accounts or services with the cell phone provider. Employees with an alternate line, for which they are personally financially responsible, are authorized to make changes to their personal line.

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

B. Supersedures.

1. “Agency Cellular Telephones”, dated April 25, 2000, signed by Monty Wilkinson, Deputy Director.

C. Procedural References.

1. “Standards of Employee Conduct”, dated 8-30-1999, signed by John A. Carver, Trustee
2. Federal Acquisition Regulations, Subpart 4.600, Record Requirements

D. Attachments.

Appendix A – Definitions

Appendix B – General Procedures

Appendix C – Government Employee – 2nd Line / Pre Application

Appendix D – “Cell Phone Procedures” dated March 30, 2004, signed by Director, Office of Procurement

APPENDIX A

DEFINITIONS

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

Alternate Line: A second line to the Agency cell phone added by the employee for the employee's personal use. This alternate line is billed directly to the employee's home address and any payment for use thereof is the full responsibility of the employee. Upon the employee's separation from the Agency, or transfer to an Agency position that does not require cell phone use, the employee must arrange for immediate cancellation of this alternate line.

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 for a short conversation.

Gross Negligence: A lack of slight diligence or care or a conscious, voluntary act or omission in reckless disregard of a legal duty and or agency policy." Negligence is gross if the precautions to be taken against harm are very simple but 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 telephones and other telecommunications equipment and services.

Official Agency Business: Use of the 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 actor does not desire harmful consequences but nonetheless foresees the possibility and consciously takes the risk."

APPENDIX B

GENERAL PROCEDURES

A. Requesting an Agency Cell Phone

To request an Agency cell phone, the respective Associate Director will submit a written request (e-mail or memo) to the Director, Office of Procurement. The request must contain the designated employee's name, position, office location, and the reason a cell phone is needed for job performance. If approved, the Director of Procurement will arrange for issuance of the cell phone to the employee. If the justification is not adequate, the Director of Procurement will refer the request to the Associate Director for Management and Administration for review and approval/disapproval.

B. Issuance of Agency Cell Phones

The Office of Procurement is responsible for the issuance of all Agency cell phones. The Office will notify the employee designated to receive a cell phone when the equipment is ready for pick-up. Cell phones will not be issued via interoffice mail. The phone will be issued with a battery, wall charger, belt clip and instruction manual. The employee will be issued copies of this Policy Statement and any Operational Instructions pursuant to this policy for his/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 extended sick or annual leave, employees or their supervisors must notify the Office of Procurement so that phone service can be suspended while the employee is not on official duty.

C. Personal Use

1. *De Minimis* and Emergency Use

Employees are permitted *de minimis* personal use only of the Agency cell phone, except in cases of an emergency, which is always permitted. An example of an 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. Making daily or regular calls for any reason to family members or friends under non-emergency circumstances is considered excessive personal use.

2. Alternate Line for Personal Use

Employees assigned an Agency cell phone may, at their option, have an alternate telephone number added to the Agency cell phone for their personal use. Employees are authorized to make changes to the service on this line. The cost of this alternate (personal) line is solely the responsibility of the employee. Invoices for use of the alternate line will be billed directly to the employee's home address. The Application/Instruction for adding an alternate line to the Agency cell phone is available on the CSOSA website under Forms - Office of Procurement.

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 cell phone use, the phone and accessories must be returned immediately to the Office of Procurement. The employee has the option to transfer the telephone number of the second personal line to another telephone and service at their own cost.

To request repair services for damaged or non-operational phones, the employee must deliver the cell phone to the Office of Procurement with a written description of the problem(s). The Office of Procurement will send the cell phone to the contractor for repair as appropriate. If the contractor determines the phone cannot be repaired, a replacement cell phone will be provided. If the contractor determines the damage was caused by the employee, by either neglect or improper use, a replacement fee (current market price) will be charged to the employee. The employee may appeal payment of this fee by submitting a memorandum of explanation to the Office of the General Counsel (with a copy to the Director of Procurement) within five workdays of notification of the charge. The Agency shall notify employees when upgrades are required.

E. Cell Phone Damage or Loss

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

If the employee maintains an alternate line on the phone for personal use, the employee must apply the same safeguarding techniques during off-duty hours. At all times, the employee must safeguard the phone against loss or theft.

If the Agency cell phone is lost or stolen, the employee must contact the cell phone contractor to cancel the service within 24 hours. The employee should also notify the Office of Procurement as soon as possible. Within 72 hours of the loss, as appropriate, the employee must document the loss in a written memorandum submitted through his/her chain of command to the Director of Procurement. The memorandum must explain the circumstances of the loss in a complete and concise manner. The Director of Procurement will review each instance on a case-by-case basis to determine whether the loss of the phone 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 memorandum and the procedures expressed in this policy statement. If gross negligence or reckless conduct can be determined, the employee will be required to reimburse the Agency the cost of the phone. The reimbursement cost of a new phone is dependent on the cost of a comparable model used by the Agency. A 25% deduction will be allowed against the replacement cost, based on the age of the phone at the time of loss.

If the employee is determined responsible for the loss or theft of the phone, the Director of Procurement will notify the employee via a written memorandum, with copies to the employee's respective Associate Director, or in the case of Community Supervision Services (CSS), Branch Chief. Employees may appeal any charges assessed to them for replacement by submitting a written appeal to the Office of the General Counsel within five workdays of receipt of notification.

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

The Office of Procurement will maintain a record of all 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 is responsible for monthly cell phone invoice review. Cell phone usage that is significantly above the average number of minutes used by employees in the same position, repeated calls to the same phone number, significant usage before or after regular duty hours or on weekends, and/or long distance calls outside of the metropolitan D.C. area will be analyzed by the Office of Procurement for possible misuse. The Director of Procurement will forward such invoices to the Director, 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, in a written memorandum submitted through his/her chain of command to the Director of Procurement. The Director of Procurement may require reimbursement for

personal 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. The Director of Procurement will report suspected or repeated violations of cell phone policy to the Office of Professional Responsibility for a preliminary investigation of misconduct.

G. Tracking and Storage of Cell Phones

The Office of Procurement is responsible for the tracking and/or storage of all Agency cell phones purchased, issued, and/or returned. This office will maintain these records in accordance with Federal Acquisition Regulations.

H. Violation of Cell Phone Policy

Violation of Agency cell phone policy may be grounds for disciplinary action, including termination for misconduct.

APPENDIX C

Government Employee – 2nd Line Pre Application

NEXTEL Application
Second Line Personal

Date: _____

SSN: _____

DOB: _____

Full Name: _____

Home Address: _____

Home Phone #: _____

Work Phone #: _____

NEXTEL Phone #: _____

Private ID #: _____

Please choose a service rate plan for your second line:

Option 1: \$25.00 per month, includes 250 free minutes, \$0.10 for additional minutes

Option 2: \$10.00 per month NO minutes included, \$0.25 per minute

Option 3: \$50.00 per month, includes 500 free minutes & long distance

Please FAX completed form to Lisa Pearce (301)-808-7347

NEXTEL Customer Service 1-800-390-7545

APPENDIX D
Cell Phone Procedures Memorandum



**Court Services and Offender Supervision Agency
for the District of Columbia**

*Management and Administration
Procurement Management Staff*

MEMORANDUM

To: Employee Name:
Cell Phone:

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

Subject: Cell Phone Procedures

Date: March 30, 2004

Based on your assigned work duties, you have been issued a Nextel cell phone for official Government use. Therefore, your careful review and signature of this memorandum is requested as certification that you understand and agree to comply with all the rules and procedures governing use of this cell phone. The rules and procedures stated within this document are based on CSOSA Administrative Policy 00-01, dated April 12, 2000 and CSS Administrative Operating Procedures, dated July 31, 2000.

Please return this memo with your signature within five working days of receipt to:

Office of Procurement, Attn: Chris Young, 633 Indiana Avenue, Suite 880

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 land-line 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 land-line phones are readily available.
4. When calling other Agency employees on their cell phones, the "direct connect" feature should be used whenever possible.
5. You are not permitted to use the cell phone for personal use, except for *de minimis* (minimal

633 Indiana Avenue, NW, Suite 880, Washington, DC 20004-2902
Voice: (202) 220-5710; Fax: (202) 220-5711

& 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.

6. However, as an amendment to Item #5 above, you may use the phone for personal use if you add a second (personal) line to your phone, use this second line to make personal calls, and provide payment for these calls, which will be billed to your home address. Failure to comply with this procedure, may result in temporary suspension of your cell phone and/or retention in the official invoice file.

Review of Cell Phone Bills

Nextel will submit monthly cell phone bills 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 Branch Chief for further review.

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., e-mail is not acceptable) 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, possible disciplinary action, and/or retention in the official invoice file.

On occasion and at any given time, the Director of Procurement may perform a random audit on your cell phone usage prior to receiving the Nextel bill.

Reporting Cell Phone Loss

- Step 1: If your phone is lost or stolen, you must immediately contact the Nextel Customer Service at 1-800-390-7545, and request that your phone line be disconnected.**
- Step 2: Within 24 hours, you must notify Ms. Sheryl Wallace of the Procurement Office by phone (202) 220-5471, or e-mail, that your phone is lost or stolen and that the phone has been disconnected.
- Step 3: Within 72 hours, you must submit a written memorandum addressed to the Director of Procurement, Tammie Crank, through your supervisor, Branch Chief, and Associate Director of CSS, 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 market price. The determination

will be based on consideration of the explanation provided in your memorandum 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 memorandum 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 out to CSOSA.

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, Mr. Young will ship it to Nextel for repair. The repair process is a minimum of two weeks. Mr. Young **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) 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 hip holster 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 incur costs for 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, hip holster, 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 (e.g., 3 weeks or more), you must report your situation to the Office of Procurement so that your phone service can be suspended while you are not on official duty.

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 proper usage, I will contact the Office of Procurement for clarification.

Signature: _____ **Date:** _____

Printed Name: _____

Branch/Team Identifier: _____