

ORDINANCE No. 2021- 09

AN ORDINANCE ESTABLISHING
THE COUNTY OWNED CELL PHONE AND STIPEND POLICY
WITHIN SAN JUAN COUNTY

WHEREAS, the Board of San Juan County Commissioners has determined a need to adopt rules and regulations for use of County Cell Phones or Cell Phone stipend payment; and

WHEREAS, Utah Code Annotated § 17-33-3 formulates the process for Counties to establish a personnel system administered in a manner that will provide for the effective implementation of the following principles: (3) training of employees as needed to assure high quality performance; and

WHEREAS, adopting a Cell Phone Use and Stipend Policy will aid in compliance with adopted San Juan County Policy.

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY ORDAINS AS FOLLOWS:

Section 1: SEVERABILITY: If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof. To this end the provision and sections of this ordinance are declared to be severable.


Section 2: EFFECTIVE DATE: This ordinance shall take effect, fifteen (15) days after the enactment, and after depositing a copy in the Clerk/Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated § 17-53-208

PASSED AND APPROVED on this 21 day of September 2021.



Willie Grayeyes, Chair
Board of San Juan County Commissioners

Attest:



San Juan County Clerk/Auditor

San Juan County Owned Cell Phone and Stipend Policy

Eligible employees (below) may receive a cell phone stipend from the County for business-related costs incurred when using their personal cell phones. Except for a limited number of positions, the County will not own cell phones for the use of individual employees.

1) ELIGIBILITY

- a) An employee may be eligible for the stipend if at least one of the following criteria is met, as determined by the employee's Department Head or Elected Official:
 - i) Employee frequently uses cell phone for work related purposes;
 - ii) The job function of the employee requires him/her to have wireless data and internet access while away from the office; and/or
 - iii) The employee is designated as a "first responder" to emergencies.

2) OVERSIGHT, APPROVAL & FUNDING

- a) Department Heads/Elected Officials are responsible for determining employee cell phone needs and assessing continued eligibility for the cell phone stipend by setting stipend amount of either \$20 or \$ 50.
- b) County Administrator is responsible for approving eligible employees.
- c) Once approved, the employee will be eligible to receive the stipend automatically each month
- d) Stipends are funded by the eligible employee's department.

3) EMPLOYEES RIGHTS & RESPONSIBILITIES

- a) The eligible employee is responsible for purchasing a cell phone and establishing and maintaining service with the cell phone service provider of his/her choice. The cell phone contract is in the name of the eligible employee, who is solely responsible for all payments to the service provider;
- b) To the extent allowed by law, the stipend provided is not considered taxable income;
- c) Comply with all Federal, State, Local laws regarding record retention (e.g. GRAMA requirements) as well as County policy, including those pertaining to data security acceptable use and email;
- d) The eligible employee can use the phone for both business and personal purposes, as needed;
- e) If the employee terminates their cell phone service plan at any point, s/he must notify his/her supervisor within 5 business days to terminate the stipend;
- f) The County does not accept any liability for claims, charges or disputes between the cell phone service provider and the eligible employee;
- g) Employee must delete all County data from the cell phone when employment with County is severed, except when required to maintain the data in compliance with a litigation hold notice.

4) CANCELLATION OR REDUCTION OF CELL PHONE STIPEND

- a) Any stipend will immediately cease or be reduced if:
 - i) An employee's employment with the County terminates;
 - ii) An employee is no longer eligible for the stipend;
 - iii) The eligible employee no longer has a cell phone or cell phone service plan;
 - iv) The County decides to eliminate or reduce the stipend or the eligible employee's Department Head or Elected Official determines to reduce the amount of the stipend; or
 - v) The eligible employee uses the cell phone in any manner contrary to local, state, or federal laws or county policy.

5) COUNTY OWNED CELL PHONES – Executive Administrative staff and Elected Official may choose to have a County owned cell phone issued to them, instead of receiving a stipend.

- a) County owned cell phones are intended to be used for County business only, usage is subject to review by

- b) County Owned cell phones will only be upgraded/replaced at County expense once every three (3) years.
 - i) If the County owned cell phone is lost/broken prior to the three (3) year replacement, employee/elected official will be responsible for the cost of the replacement.

