

## RULE 10.9 – MOBILE DEVICE

Adopted Date: 03/11/2009

Revised Date: 06/04/2018

### PURPOSE

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The City and County of Denver (city) recognizes that an individual may need to set-up and connect to the city's network and/or perform city business, with either a city provided mobile device, or a bring your own device. The city provides financial and non-financial options for a User to conduct city business on a mobile device.

This rule, and the associated [Mobile Device Procedure](#), shall be read in conjunction with all applicable provisions of the following Executive Orders and Technology Services Policies to ensure compliance and understanding:

- [Executive Order 16 – Use of Electronic Communication Devices and Services](#)
- [Executive Order 143, Memo B – City and County of Denver Records Management Program](#)
- [Technology Services Policy – Mobile Device Management](#)

All information, records, or correspondence pertaining to city business maintained or kept on any mobile device may be subject to review at any time by the city and may be subject to an open records request.

Laptops and Windows tablets are excluded from this rule as they utilize a desktop operating system and the security controls available for laptops and Windows tablets differ greatly than those available for mobile devices.

### DEFINITIONS

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**Bring Your Own Device (BYOD)** – A mobile device and/or tablet not purchased by the city and used to conduct city business and connect to the city's network.

**City Provided Device** – A mobile device purchased with any of the city's funding sources.

**Mobile Device** – A wireless, portable device that allows a User to access data and information from the city's network using an iOS, Android, or Blackberry operating system. Devices with a mobile operating system (OS), but not limited to: iOS, Android OS, or Blackberry OS, are considered a mobile device for the purpose of this fiscal accountability rule.

**Standard Mobile Phone** – A mobile device with cellular capabilities to talk, text, and access the Internet with limited capabilities.

**Tablet** – A wireless, portable flat-panel personal computer with a touchscreen interface and a mobile operating system.

**User** – An officer, employee, appointee, elected official, contractor, or contingent worker who utilizes a city supplied mobile device or a BYOD to connect to the city's network.

## RULES

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1. Executive directors and agency heads shall use the [Mobile Device Option Form](#) to document a User's authorization to set-up and connect to the city's network to conduct city business.
2. Executive directors and agency heads shall create internal policies and procedures that address which employees are approved to set-up and connect to the city's network and which **Option** they are provided based on department or agency business needs.
  - A. The internal policy and/or procedure may be more restrictive, but not more generous than this fiscal accountability rule and the associated procedure, as long as the more restrictive internal policy and/or procedure is consistently applied.
  - B. The internal policy and/or procedure shall be reviewed at least annually to ensure compliance with this fiscal accountability rule.
  - C. The [Mobile Device Option Form](#) shall be signed by every User approved to set-up and connect to the city's network to conduct city business. Users who have not submitted the Mobile Device Option Form and received authorization shall not set-up and connect to the city's network.
3. Executive directors and agency heads shall use the [Mobile Device Option Form](#) to document and approve a User's business need for a mobile device and select the **Option** that best meets the business need of the department or agency.

**A. Option 1 – City Supplied Mobile Device with Reasonable Personal Usage (Excluding City Supplied Tablets)**

The city shall supply a User a business need mobile device (excluding city supplied tablets) to use as a tool to conduct city business based on a department or agency's internal policy and/or procedure.

- a. The value of the city supplied mobile device shall not be treated as a taxable income to the User.
- b. The User may use the mobile device for reasonable personal use.
- c. **Option 1** shall be terminated when the business need ends.

## B. Option 2 – Stipend for a Bring Your Own Device (Excluding Tablets)

The city provides a business need stipend to a User whose BYOD (excluding tablets) is used and approved to conduct city business based on a department or agency's internal policy and/or procedure. The stipend is to help defray the cost of a mobile device plan. The monthly stipend amount shall be established by Technology Services.

- a. The User may choose the mobile device, wireless carrier, and service plan he or she wishes to use.
- b. The User shall pay the wireless carrier for the device and service plan selected.
- c. The city shall not reimburse the User for any cost beyond the monthly stipend.
- d. Should the User separate from the city or transfer to a different department or agency the stipend shall cease once the date of separation or transfer is processed in the system of record.
- e. **Option 2** shall be terminated when the business need ends.
- f. The stipend shall not be treated as taxable income for a mobile device or a standard mobile phone.
- g. Stipends do not constitute an increase in the User's 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 – No Stipend Provided for Bring Your Own Device

Executive directors or agency heads shall authorize a User to set-up and connect a BYOD and/or tablet to the city's network based on business needs.

- a. The User is responsible for complying with any contract entered into with the mobile device service provider including payment of all expenses incurred, including, but not limited to, data overage, equipment, early termination fees, and taxes.
  - b. **Option 3** shall be terminated when the business need ends.
4. Executive directors and agency heads shall annually review every User's mobile device compliance in conjunction with this fiscal accountability rule to ensure appropriate use when connected to the city's network. The review shall confirm the continued necessity of using a city supplied mobile device, or a BYOD as a business tool to conduct city business for every User and discontinue the allowance for those User's under **Options 1** and **2** when the business need is no longer met or when the mobile device service is cancelled.

5. Executive directors and agency heads shall inform non-exempt employees and overtime eligible exempt employees that accessing a city email account or city applications for business purposes, while off-duty, is prohibited without supervisor approval.
  - A. Non-exempt employees and overtime eligible exempt employees who access a city email account on a mobile BYOD must report any off-duty time spent reviewing and/or responding to work related emails to their supervisor immediately so that time can be added to their weekly timecard.
  - B. Off-duty time includes time that non-exempt employees and overtime eligible exempt employees are between shifts, on an unpaid meal break, on paid or unpaid leave, on a paid holiday, or otherwise not on the clock and not expected to perform any work.
  - C. It is not acceptable for any non-exempt or overtime eligible exempt employee to perform work off-duty that is not recorded, as the city is required by law to compensate them for all time worked.
  - D. Any suspected misuse that violates this fiscal accountability rule will be investigated and appropriate corrective action taken.

## AUTHORITY AND ACCOUNTABILITY

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The **Controller's Office** is responsible for this fiscal accountability rule and any procedures, guides, job aids, forms, and one-page summaries associated with this rule.