

**DIRECTIVE NUMBER 200-03-03**

**DATE:** February 15, 2013

**TO:** All Components of the Department of Labor

**FROM:** Lana Gordon, Secretary of Labor

**SUBJECT:** Use of Cellular Phones

1. Purpose: To establish Department policy, effective immediately, regarding use of state cellular phones and personal cellular phone used for state business.
2. Reference: Governors Executive Order 03-20
3. Procedure: The following policies will pertain to employee use of state cellular phones or personnel cellular phone used for state business.

**State of Kansas  
Cellular Phone Policy  
Cellular Phones Provided by State of Kansas**

**General**

1. Cellular phones are provided to improve customer service and to enhance business efficiencies. Cellular phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct state business.
2. Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using cellular phones while operating such vehicles and equipment.
3. Possessing a cellular phone is a privilege and all employees are expected to use them responsibly. The state will seek reimbursement for any additional charges resulting from personal calls. Misuse of a state cellular phone may result in its revocation and possible disciplinary action against the employee pursuant to K.S.A. 75-2949.
4. If the cellular phone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized. No employee may approve his/her own cellular service plan.

**Billing Statements and Reconciliation**

5. Each state cellular phone will receive a copy of their statement for all charges.

6. The user must review the billing accuracy.
7. Monthly statements must be attached to the voucher and retained for a period of time consistent with record retention policies.

### **Personal Use**

More than *de minimis* personal use of a state-provided cellular phone without written authorization by the employees' agency head is not allowed. When personal calls/minutes cause the monthly plan minutes to be exceeded, reimbursement for those minutes must be made to the state. Additionally, all long distance and roaming charges incurred for personal calls (even if under the plan limit) must be reimbursed to the state. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.

### **Violation**

Employees violating this policy may be subject to disciplinary action in accordance with the provisions of K.S.A. 75-2949, including but not limited to, K.S.A. 75-2949e(a)(3) "careless, negligent or improper use of state property," or K.S.A. 75-2949f(1) "refusal to accept a reasonable and proper assignment from an authorized supervisor."

## **State of Kansas Personal Cellular Phone Policy**

The following policy shall be in effect for the use of employee personal cellular phones in order to promote a safe working environment and to limit the liability of the State due to the use of personal cellular phones in non-work related situations. State employees may carry personal cellular phones with them while on state time or while operating state equipment, but are subject to the following restrictions:

8. Excessive use of a personal cellular phone for personal business during duty hours is considered outside the employees' scope of employment.
9. Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using personal cellular phones while operating such vehicles and equipment.
10. The State assumes no liability for loss or damage to employees' personal cellular phones carried in state vehicles or left on state property. Employees assume the risk of loss or damage to personal cellular phones carried by employees during working hours.
11. When authorized in writing by the agency head or designee, the cost of using a personal cellular phone for official business may be reimbursed to the employee. Having a personal cellular phone is a choice the employee makes, and if the cellular phone is used for business purposes, any

reimbursement will be for reasonable costs in excess of the base plan plus any additional fees such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instance will the employee be reimbursed more than the monthly cost to the employee. Any request for reimbursement must include a copy of the phone statement showing the charges for which the employee is seeking reimbursement along with information stating the purpose of the call and party called. Any request for reimbursement must be submitted thirty (30) days from the date of the phone statement. If it appears to the agency head or his designee, that reimbursement for business use of a personal cellular phone exceeds the cost to the Department that would be incurred by providing a state-provided phone, the agency head or his designee, may at his option, withdraw authorization for reimbursement of a personal cellular phone, and offer the employee the use of a state-provided cellular phone, subject to the provisions of Executive Order 03-20, relating to use of state-provided cellular phones.

12. Employees are not permitted to receive a monthly allowance from a state agency for the use of a cellular phone.
13. The violation of any provision of this policy may result in possible disciplinary action pursuant to K.S.A. 75-2949, including but not limited to, K.S.A. 75-2949e(a)(3) "careless endangerment of the lives or property of others, or both," or K.S.A. 75-2949f(1) "refusal to accept a reasonable and proper assignment from an authorized supervisor."

4. Action Required. Inform all staff of the contents of this Directive.
5. Inquiries. Dawn Palmberg, Chief Financial Officer, (785)296-5000 x2551.

Lana Gordon, Secretary of Labor  
*Signature on file*

Rescissions: None	Expiration Date: Continuous
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