

# **Town of Georgetown, Indiana**

## **Resolution 09-02**

### **A RESOLUTION ACCEPTING A POLICY FOR THE PRIVATE USE OF TOWN ISSUED CELLULAR PHONES**

**WHEREAS**, this Town Council of the Town of Georgetown, Indiana (hereinafter this "Town Council") is the legislative body of the Town of Georgetown, County of Floyd, State of Indiana (the "Town"); and,

**WHEREAS**, this Town Council may issue cellular phone ("cell phones") to various Town employees,

**WHEREAS**, this Town Council wishes to accept a policy that provides guidelines and criteria for the responsible and reasonable use of Town cell phones issued to the Town employees.

#### **NOW, THEREFORE, BE IT RESOLVED BY THIS TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA, AS FOLLOWS:**

SECTION 1: The Town Council shall adopt a written policy for the private use of Town issued cellular phones.

SECTION 2: The article attached to this resolution shall be the written policy for the private use of Town issued cellular phones.

SECTION 3: Supplement and Severability. The approvals and authorizations contained in this resolution are intended to bring all current and former action under a uniform system of authorization. The authorizations herein are supplemental in as much as they duplicate prior authorizations and original in as much as no prior authorization existed, if such is the case. Should any provision set forth herein be found to be void by preemption by statute or Constitution, the remaining provisions shall be several and remain in full force.

SECTION 4: This Resolution shall be in full force and effect from the later of the date of its passage and adoption by this Town Council.

**SO RESOLVED**, by this Town Council this 12 day of January, 2009.

**TOWN OF GEORGETOWN, INDIANA**  
**POLICY FOR THE PRIVATE USE OF TOWN ISSUED CELLULAR PHONES**

Effective the 12 day of Jan, 2009

INTRODUCTION

The Town of Georgetown, Indiana ("Georgetown") may from time-to-time in the discretion of the Town Council issue cellular phones ("cell phones") to various Georgetown employees as deemed necessary by the town council. This Policy governs the use of such cell phones by employees to whom they are issued. This policy provides rules and guidelines for the limited personal use of cell phones by employees. The rules and guidelines are to be strictly construed and followed.

PURPOSE

To provide guidelines and criteria for the responsible and reasonable use of Georgetown cell phones issued to Georgetown employees.

SHORT FORM POLICY

Subject to the provisions of this Policy, Personal use of the Georgetown issued cell phones is permissible if:

1. No more than minimal expense to Georgetown results;
2. It does not interfere with official business;
3. It takes place during the employees' personal versus official time;
4. It is not used to earn outside income or for private gain;
5. It does not involve pornography, or illegal use; and,
6. In the supervisor's judgment:
  - a) It does not adversely affect the performance of official duties by the employee or the employee's organization;
  - b) It is of reasonable duration and frequency;
  - c) It reasonably could not have been made at another time.

Georgetown's policy on personal use of Georgetown issued cell phones now authorizes use of Georgetown issued cell phones to conduct official business, as well as limited personal use.

LIMITED AUTHORIZATION FOR PERSONAL USE

This policy authorizes the limited personal use of cell phones by Georgetown employees in the workplace on an occasional basis provided that the use involves minimal expense to the Government and does not interfere with official business. Occasional personal use of cell phones shall normally take place during the employees' personal time.

## NO OUTSIDE INCOME OR PRIVATE GAIN

Cell phones and official time shall not be used to earn outside income. Employees shall not use telecommunications resources or official time for private gain. Employees shall exercise common sense and good judgment in the personal use of cell phones. Official Government business always takes precedence over the personal use of telecommunications resources.

## PROHIBITED BEHAVIORS

While the occasional use of cell phones in moderation is acceptable, uses not conforming with this order are strictly prohibited. Also, employees are expected to conduct themselves professionally in the workplace and to refrain from using telecommunications resources for activities that are inappropriate or offensive to co-workers or the public, such as the use of sexually explicit materials or remarks that ridicule others on the basis of race, creed, religion, color, sex, handicap, national origin, or sexual orientation. Georgetown equipment should never be used to engage in communications that may be deemed pornographic or involve gambling or promoting hate or violence. Such activity could lead to disciplinary action - - Georgetown has a zero tolerance policy.

## ETHICAL STANDARDS

The following general principles apply to every Georgetown employee and form the basis for the standards contained in this policy. Where a situation is not covered by the standards set forth in this policy, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(2) An employee shall not, except as otherwise expressly permitted, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(3) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(4) Employees shall protect and conserve Georgetown property and shall not use it for other than authorized activities.

(5) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Georgetown duties and responsibilities.

(6) Employees shall adhere to all laws and regulations concerning employment and equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(7) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts

#### NO EXPECTATION OF PRIVACY

Employees have NO EXPECTATION OF PRIVACY in phone calls made or received on Georgetown issued cell phones.

#### LOGGING OR ACCOUNTING FOR PRIVATE USE


All use of Georgetown issued cell phones for private purposes must be logged or accounted for in order to withhold income taxes commensurate with the value of such private use. The private use of cell phones is considered by Georgetown to be a taxable benefit for which all users must pay the appropriate federal, state, and local income taxes. The Georgetown Clerk-Treasurer is responsible for tracking private use and withholding commensurate income taxes.

#### LIMITATIONS OR PROHIBITIONS ON USE

Use of Georgetown cell phones for personal use is a privilege and not a right or any form of compensation for the purpose of wages or employment. To the extent such use may be a taxable benefit according to the Internal Revenue Service Georgetown takes no position. Any and all use of Georgetown cell phones may be limited or prohibited at ANY TIME for ANY REASON. Such prohibition or limitation shall be in the discretion of the director of each department or the Georgetown Chief Executive.


**TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA**

Voting Aye:


  
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**Billy Stewart, President**

Voting Nay:

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**Billy Stewart, President**

  
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**Everett Pullen, Vice President**

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**Karla Perkins, Member**

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**Mike Mills, Member**

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**Mike Mills, Member**

  
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**Aaron Striegel, Member**

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Attested by:

  
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**Douglas Cook, Clerk/Treasurer**