

STATE OF COLORADO

Department of Military & Veterans Affairs

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TITLE:	Cell Phones
EFFECTIVE DATE:	November 1, 2022
APPLICABILITY:	All DMVA State Personnel and Supervisors of DMVA State Personnel
PROPONENT:	Resource Director / Purchasing Office
POLICY MEMO NUMBER:	DMVA PM 22-003
REFERENCE:	State Controller Policy, Cell Phones, Date Nov 4, 2020
SUPERCEDES:	Cellular Phones, Dated: August 1, 2010

1. Background: This policy is to help ensure that State-owned cell phone use is for legitimate DMVA business, serves a public purpose and that personal use is limited. While this policy is intended to deal with the issues of cell phone use, it is recognized that wide ranges of cellular-based devices are available; therefore, the same tenants of this policy apply to other mobile data devices unless specifically stated.

2. Purpose: DMVA provided cellular phones are intended for routine conduct of business or for any emergency.

A. In order to qualify for a DMVA/State-owned cell phone, both of the following criteria shall be met and validated by the supervisor:

i. **Nature of the work** – Nature of work is critical to the operation of the agency and requires:

- a) substantial travel, and therefore, limits the ability to use the employee's office phone, or other available office phones, or
- b) the employee to respond immediately, or
- c) the employee to be available outside of normal office hours.

ii. **De minimis personal use** – The employee uses the cell phone primarily for conducting State business. The employee may use the State-owned cell phone for personal use provided all the following criteria are met:

- a) the employee's personal use of the State-owned cell phone is infrequent and short in duration, and
 - b) the personal use of the State-owned cell phone does not result in additional charges to the State, and
 - c) the personal use of the State-owned cell phone does not count as work time.
- B. DMVA purchased plans may include multimedia, text or data plans with supervisory approval. Cell phones with camera/video or audio will not be used for any non-business-related purpose or in any inappropriate manner. Consent must be obtained from any individual being photographed.
- C. To preclude employees from having to carry two cell phones, DMVA purchased cell phones may be used for incidental personal use. However, personal use, whether for outgoing or incoming calls, must be reimbursed for overage charges that would not have otherwise been accrued due to personal calls.
- D. The permitted incidental use of DMVA purchased cell phones does not negate the responsibility of the user to conduct themselves appropriately during business hours. All personal calls will be marked by the user regardless of whether reimbursement is required. The time, duration and frequency of personal calls during business hours may justify corrective and/or disciplinary action regardless of incurred expense.

1. Procedures:

- A. Supervisors must request the phone for an employee using Appendix A below.
- B. Employees authorized a phone must sign for the phone and sign the attached agreement (Appendix B.) and must return the phone to the DMVA Purchasing Office immediately upon request.
- C. Abuse of this policy may result in the following disciplinary actions:
 - i. return of State-owned cell phone,
 - ii. reimbursement to the State of Colorado for use and/or replacement of the State-owned cell phone, and/or
 - iii. corrective or disciplinary action.
 - iv. Legal action including seizure and garnishment.

Official:



Brigadier General Laura Clellan
The Adjutant General
Executive Director

Distribution: DMVA Employees and Supervisors
DMVA Website



Appendix A.

Department of Military & Veterans Affairs Cell Phone Request

I request that a State-owned cell phone be issued to _____.

I hereby certify that the nature of work is critical to the operation of the agency and requires one or more of the following:

1. substantial travel which limits the ability to use the employee’s office phone or other office phones,
or
2. the employee to respond immediately, or
3. the employee to be available outside of normal office hours.
4. other requirements established by the employee’s agency include: _____

I will use the cell phone primarily for conducting State business. My personal use of the State-owned cell phone is infrequent and short in duration.

I understand that as the supervisor of this employee, it is my responsibility to ensure this employee utilizes this State-owned cell phone in a manner consistent with the Office of the State Controller policy entitled “Cell Phones” and the Department and Employee Cell Phone Agreement.

Supervisor (printed)

Appointing Authority (printed)

Supervisor Signature

Appointing Authority Signature

Date

Date



Appendix B.

Department of Military & Veterans Affairs and Employee Cell Phone Agreement

By signing below I understand and agree to all the conditions of issuance of a State-owned cell phone.

1. I agree to abide by the terms of the Office of the State Controller policy entitled "Cell Phones."
2. I understand that only de minimis personal use of a State-issued cell phone is permitted as noted in the Cell Phone Policy. De minimis means that personal use of my cell phone is infrequent and short in duration.
3. I understand and agree that I will not use the State-owned cell phone in an unsafe manner while operating a motor vehicle or other equipment provided by the Department. I will also apply the same required safety considerations for using a State-owned cell phone while operating my personal vehicle on State business as are required when operating a State vehicle.
4. I understand and agree that I will not use the State-owned cell phone for any purpose that would violate any Federal or State law, rule, or regulation.
5. I understand and agree that if I lose or damage the State-owned cell phone, I am responsible for paying for its replacement at its current cost unless sufficient evidence is provided that the phone was stolen, damaged, or lost outside my control. I am not responsible for unintentional damages incurred during the normal course of work for the State of Colorado. The Department's Executive Director may make exceptions.
6. For an employee-owned cell phone and State-owned cell phone, I acknowledge that cell phone bills and other documents are public records as defined by the Colorado Open Records Act, Colorado Revised Statute Title 24, Article 72.
7. I understand that I must return the State-owned cell phone to my Department's Human Resources Office immediately upon request or termination of my employment with the agency. I will reimburse the State for the current cost of a similar cell phone if I fail to return the State-owned cell phone upon request by my Department or termination. 8. I understand and agree that in the event I do not adhere to any part of this agreement I may be subject to termination of access to the State cell phone, reimbursement to my Department, and/or other corrective or disciplinary action.

Agreed to this ____ day of _____, 20__ by:

Employee (printed)

Employee Signature