



State Provided Cellular Phone Policy: Employees should keep in mind their surroundings when speaking on cell phones especially when discussing confidential, privileged or otherwise sensitive matters.

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. Employees are responsible for operating 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. Employees shall not read, write, or send written communication while operating a vehicle. Possessing a cellular phone is a privilege and all employees are expected to use them responsibly.

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.”

There is no expectation of privacy regarding any information or contents on state provided cellular phones. Cellular phones may be confiscated or revoked at the discretion of the Appointing Authority.

State Provided Cellular Phone: Exempt Employees: Exempt employees who are assigned a state provided cellular phone are expected to limit personal use. Exempt employees may carry and use their state provided cellular phone outside normal working hours for business purposes.

State Provided Cellular Phone: Non-exempt Employees: Non-exempt employees who are assigned a state provided cellular phone are expected to limit personal use. Non-exempt employees shall not carry and use their state provided cellular phone outside normal working hours without prior permission by Human Resources.

Personal Cellular Phone for State Work: Personal cellular phone used for state work is subject to search and seizure for investigative purposes as determined by the Appointing Authority. At which time all cellular phone passwords must be provided by the employee, failure to do so may result in disciplinary action up to and including termination.

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 for 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:

- Excessive use of a personal cellular phone for personal business during duty hours is not allowed.
- The State assumes no liability for loss or damage to employees' personal cellular phone carried in state vehicles or left on state property. Employees assume risk of loss or damage to personal cellular phones carried by employees during work hours.
- When authorized in writing by the Secretary of KDADS, 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. The Secretary of KDADS may authorize payment of using a personal cellular phone for official state business retrospectively. In all instances when reimbursement is sought for the use of a personal cell phone for official business, the employee shall submit a completed Travel Expense Detail form DA-121 (under "Other Expense"), a copy of his/her cell phone bill identifying the calls to be reimbursed along with a written explanation verifying that the expense he/she is asking to be paid was incurred for official state business. The amount to be reimbursed will be in accordance with Executive Order 03-08.

Employees are not permitted to receive a monthly allowance from a state agency for the use of a cellular phone.

No employee shall have their personal cellular phone turned on, on their person, in restricted work areas as designated by the Appointing Authority and approved by the Secretary of KDADS or his/her designee. Restricted work area will be defined and posted on official bulletin boards along with this policy. For further clarification please contact Human Resources.

The violation of any provision of this policy may result in possible disciplinary action pursuant to K.S.A. 75-2949 et seq.

Reference: EO 03-08; K.S.A. 75-2949 et seq.; K.S.A 8-15, 111