EMPLOYEES TELECOMMUNICATIONS EQUIPMENT AND USE POLICY

The Middletown Public Schools recognizes that the use of any telecommunication device (cellular phones, telephones, and other communication devices) may be appropriate to provide for the effective and efficient operation of the School district and to help ensure safety and security of people and property while on school district property or engaged in school sponsored activities. It also recognizes both the need and legal requirement to implement a policy that will support the safety and security of all. The Middletown Public Schools also recognizes the need for employees to support appropriate use of any telecommunications device whether they are issued by the school district or owned by the employee. (Throughout this policy the terms telecommunication device, cellular phone, smart phone, blackberry, etc. may be used in place of one another.)

PROGRAM

The Middletown Public Schools provides a variety of communications equipment for the purpose of conducting its business including FAX machines, cellular phones, telephones, and pagers. Middletown Public Schools recognizes that from time to time employees may have a need to use telephones and other telecommunications equipment for personal reasons during work hours. Such use of district equipment is permitted so long as, in the judgment of the district, it does not unreasonably interfere with the employee's job duties or cause undue expense to the district. Middletown Public Schools-provided cellular phones are issued to an employee for business use. Business is any use in the course of performing specific job-related duties on behalf and for the benefit of the Middletown Public Schools. Because of the difficulty in separating business from personal calls, it is recognized and permissible for the employee to use the district-provided cellular phone for a responsible amount of personal time. Cell phones are issued to an employee for the purpose of facilitating the District’s business, any ability to use said phone for personal use is not considered a benefit of employment and as such may be withdrawn at any time. Nothing in this policy shall be construed to grant any employee the right or entitlement to possess or use a District cell phone.

Middletown Public Schools, in its sole discretion, will assign cellular phones to employees whose jobs require the use of a cellular phone. The type of phone (two way, cellular or data) to be issued to an employee will be determined by the Superintendent or his/her designee based upon the employee's position in the district and whether the responsibilities of that position require the use of such equipment. Employees who are assigned cellular phones or smartphones (which have Internet and data capacity) may be billed a monthly fee as determined by the Superintendent of Schools or his/her designee for significant overuse of personal cellular phone use. Middletown Public Schools will review telephone bills and employees may be billed for excessive use.

Some employees may choose to use their own personal cellular phone for district business. In those instances, the district will NOT pay employees for the use of the employees’ personal phone.
The violation of this policy may result in discipline including discharge.

PROVISIONS

The provision of a cellular phone is dependent upon your role within the district; if you feel that one is required and has not been provided please take the matter up with your supervisor.

Cellular phones may be provided to staff whose duties include the following criteria:

• Duties are of an itinerant nature or there is a genuine need to be easily and immediately contactable by telephone during and outside of normal working hours.
• Duties include a significant element of on-call working where the individual may be called upon to return to work to carry out tasks outside of normal working hours or in the case of emergencies.

Central Administration is responsible for approving, issuing, monitoring and retrieving cellular phones. Monthly usage statements will be sent to these administrators for review.

STAFF RESPONSIBILITIES

Employees are required to take good care of the cellular phone and take all reasonable precautions to ensure that the device is not damaged, lost or stolen. In the event that the device is stolen, staff will be expected to report the theft to the police within 24 hours. In addition to this they should also inform their supervisor, the MPS Facilities Department, and the MPS IT Department via a work order.

Staff leaving the district must return their mobile phone to the Facilities Department. Supervisors will be responsible for making sure that this has been done as part of the normal exit criteria for staff and returning of district property.

LOST OR DAMAGED CELL PHONES AND ACCESSORIES

Cellular phones and accessories in need of repair should be returned to the Facilities Department who will return them to the supplier for repair or replacement. It should be noted that manufacturers’ warranties do not normally cover damage caused by misuse or neglect and that the cost of such repairs will be the responsibility of the user.

Lost Mobile phones and accessories will be replaced at a direct cost to the user.

CELLULAR PHONES AND DRIVING

All staff members that have a cellular phone must abide by all local and state laws governing the usage of these devices while driving. An employee who uses a district-supplied device and/or a district-supplied vehicle is prohibited from using a cellular phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or district-related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to the district, our students; our vendors; volunteer activities, meetings, or civic
responsibilities performed for or attended in the name of the District; or any other District or personally related activities not named here while driving.

**PERSONAL CELLULAR PHONE OR SIMILAR DEVICE USE FOR BUSINESS**

The district prohibits employee use of personal or district issued cellular phones, either hands on or hands free, or similar devices, for business purposes related in any way to the district, while driving. This prohibition of cellular phone or similar device use while driving includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to your employment; the district; our students; our vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the district; or any other district related activities not named here while driving. You may not use your cellular phone or similar device to receive or place calls, text messages, surf the Internet, check phone messages, or receive or respond to email while driving if you are in any way doing activities that are related to your employment.

**TELECOMMUNICATIONS USE**

1. Employees understand that the district cellular phones are property of the district, and are therefore revocable at any time.
2. A district-owned cellular phone is considered public property and subject to the public records law and to release upon appropriate request. Users of a district-owned cellular phone waive any legal expectation of privacy in its usage. Cellular phone/blackberry/android device usage statements are subject to district audit.
3. A personal-owned cellular phone that is configured to provide access to a district assigned email account is also considered public property and subject to public records law and release upon appropriate request. Text messages sent to and from a personal cellular phone with respect to district business is also considered public property and subject to public record law and release upon appropriate request.
4. Employees are subject to discipline for violating acceptable use procedures and guidelines as described in this agreement, the Computer & Internet Acceptable Use Policy and the District Code of Ethics. Use of cellular phones in violation of School Committee policies, administrative regulations, and/or state/federal laws will result in discipline, up to and including dismissal, and referral to law enforcement officials, as appropriate.
5. Employees must agree to abide by all State and Federal Laws around use of cellular phones at all times, including while driving.
6. Central Administration is responsible for approving, issuing, monitoring and retrieving cellular phones and Android devices. Monthly usage statements will be sent to these administrators for review.
7. Central Administration is responsible for approving the use of the cellular phone outside the roaming area, including international locations.
8. Costs, including purchase of cellular phone or Android device, accessories, batteries and monthly service charges, are to be paid out of the district’s budget.
9. Employees issued a cellular phone are responsible for its safekeeping at all times. Defective, lost or stolen cellular phones are to be reported immediately to the Facilities Department (Android and Blackberry users will also notify the Technology Department through a work order). Reckless or irresponsible use of school district equipment,
resulting in loss or damage may result in the employee having to reimburse the school district for any associated costs of replacement or repair.

10. Charges for business calls on personal cellular phones are not eligible for reimbursement.

11. Cellular devices that are not being used will be deactivated and will need to be returned to the Facilities Department.

12. Employees may possess and use cellular phones during the school day as outlined in this policy. Cellular phones shall be used in a manner that does not disrupt instruction and should not be used during instructional time, school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.

13. Use of a cellular phone, district owned or otherwise, is expressly prohibited during the operation of any company vehicle. Violation of this rule may be grounds for dismissal. Driving while texting and/or talking on the phone is incredibly dangerous, even in your own personal vehicle.

14. School bus drivers and school bus monitors are prohibited from using any communication device while operating the bus except in the case of an emergency, or to call for assistance, after the vehicle has been stopped.

15. Cellular phones are not to be used for conversations involving confidential information. Personal or district cellular phones should never be used to transmit school related confidential information either verbally or written.

16. No sensitive, proprietary or confidential information is to be stored on cellular phone at any time. In the event a district provided cellular phone is lost, stolen or misplaced, the Technology Department should be notified immediately via a work order (regardless of time of day) so that appropriate steps can be taken to remotely trigger the timely deletion of all contact and calendar information contained on the cellular phone. In the event a personal cellular phone that has the school district webmail configured on it, is lost, stolen or misplaced, the Technology Department should be notified immediately via a work order (regardless of time of day) so that appropriate steps can be taken to remotely trigger the timely deletion of all contact and calendar information contained on the cellular phone.

17. School district-provided cellular phones devices are NOT to be loaned to others.

18. Cellular phones and any other school district issued communication equipment issued for employees are to be made available for annual inventory and inspection. Employees must physically produce the cellular phone or any other school district issued communication equipment when requested to do so.

19. Employees are prohibited from installing unapproved and unauthorized software on district provided cellular phones. Employees shall refrain from downloading additional software and services, including distinctive ring tones, games and other messaging services, to district provided cellular phones. Only district and educational related software will be approved for download.

20. Employees are prohibited from connecting, docking or otherwise synchronize any unapproved cellular phone, whether owned personally by the employee or provided by the district, with any business computer, laptop, server, system or network, without the prior written consent of the Technology Department.

21. Personal calls are to be kept to a minimum during business hours, and must never disrupt the work of the employee or those around him/her.
22. Employee personal cellular phones and other personal devices with Internet access should not be used by or shared with the students of the district. These devices are not filtered and do not meet the requirements of the Children’s Internet Protection Act (CIPA).

23. Employees must avoid loud or distracting ringtones, and should instead keep their phones on silent or vibrate whenever possible.

24. We recognize that most cellular phones these have cameras and camcorders, but taking pictures while at work is discouraged unless it is being done to ensure the safety and security of people and/or facility. Be advised that a video or photograph of students is considered a student record as defined by Federal and State law. The use of the camera or video capability portion of any cell phone is subject to the District’s policy on photographing students.

RIGHT TO TERMINATE

The District reserves the right to terminate the cellular phone under any of the following conditions:
• Use of the cellular phone in any manner contrary to local, state or federal laws constitutes misuse.
• The employee’s job title, duties, or responsibilities change and they are no longer eligible for a cellular phone in accordance with the provisions of this policy.
• Employee misconduct or misuse of the phone.
• If there is insufficient budget in the designated fund to meet the cost of providing cellular phones.
• If a district decision results in the need to end or change the cellular phone contract, the district will pay the costs of any associated fees. If a personal decision by the employee or employee misconduct or misuse of the phone results in the need to end or change the cellular phone contract, the employee will pay the costs of any associated fees.

Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination. Any misuse of a cell phone or violation of this policy will be subject to appropriate discipline.

First Reading – August 23, 2012