



ADMINISTRATIVE PROCEDURES

Authorized by:

No. 12-01

Original issue: 11/30/2012

Last amended:

Last reviewed: 06/13/2019
without modification

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Mobile Technology

AUTHORITY/BACKGROUND

Pursuant to Administrative Practice 6-13, the M-NCPPC may issue electronic equipment to assist with the accomplishment of M-NCPPC operations and work programs. These Administrative Procedures were issued by the Executive Director on November 30, 2012 to implement Administrative Practice 6-13, Electronic Communications Policy, by providing guidance on the acquisition, assignment, and use of M-NCPPC-issued mobile technology.

REFERENCES

- Administrative Practice 2-15, "Employee Use of M-NCPPC Property"
- Administrative Practice 6-13, "Electronic Communications Policy"
- M-NCPPC Notice 10-01, "Use of Handheld Devices While Operating a Motor Vehicle"

APPLICATION

These Administrative Procedures apply to Merit System and contract employees, volunteers, and appointed officials. In the event that any portion of this Administrative Procedures conflicts with a Collective Bargaining Agreement, the Agreement shall prevail for members of the respective Collective Bargaining unit.

DEFINITIONS

Chief Information Officer (CIO): Position responsible for providing leadership on agency-wide technology programs and initiatives while working in concert with the IT Council and departmental technology representatives.

Chief Technology Officers (CTOs): Technology representatives that head each department's technology office/division. These representatives sit on the CTO Innovation and Collaboration Group (CTO ICG). The CTO ICG is responsible for staying abreast of industry offerings and trends, and contributing proposals and recommendations for this policy and the mobile technology standards.

Employee Personal Property: For the purpose of this policy, any mobile service, equipment or physical asset owned, purchased, leased, or under contract with the employee, and used for M-NCPPC business

IT Council: Working group chaired by the Chief Information Officer and comprised of a departmental Deputy Director or Department Head designee for each of the agency's departments. The IT Council reviews technology standards and policies proposed by the Chief Information Officer before they are submitted to Department Heads for review and/or approval.

M-NCPPC or agency: These terms shall be used to represent the Maryland-National Capital Park and Planning Commission (M-NCPPC) as an organization.

M-NCPPC-Issued Mobile Technology: Any mobile technology owned, purchased, leased, or under contract with the M-NCPPC.

Mobile Technology: Any portable communications equipment/device and related accessories which includes, but is not limited to, mobile telephones, two-way radios, pagers, global positioning systems (GPS), transponders, air cards, personal digital assistants, hand held/mobile computers/tablets; software; and services such as internet/network access, electronic messaging, accessory capabilities (e.g., downloads, video/camera, etc.).

Mobile Technology Coordinator (MTC): An individual designated in each department and responsible for procuring, assigning, monitoring, and managing mobile technology assigned to employees. The Coordinator ensures that the department adheres to agency policies and departmental operating standards.

OVERVIEW/PROCEDURES

This document sets forth requirements for the use of mobile technology which includes any handheld electronic equipment and related software/services/accessories for the operation of cellular and digital wireless phones, personal digital assistants, laptops and tablets, two-way radios, global positioning systems (GPS), transponders, air cards, pagers, any other device with the ability to transmit data, text or voice communications.

To carry out agency business, the M-NCPPC may, at its discretion, authorize the use of mobile technology which includes M-NCPPC-issued devices, authorization of stipends for regular business use of personal devices, or reimbursement of incidental business use of personal devices.

- Devices/services that are issued by the M-NCPPC are intended for business use.
- The assignment of M-NCPPC-issued mobile technology or the authorization of personal devices for business use may be revoked or modified at any time for reasons, which include, but are not limited to, violation of M-NCPPC policy, change in the employee's position/duties/responsibilities, modifications in operational needs, and/or budgetary limitations. Similarly, in all cases, management's decision regarding mobile technology is final.

These Procedures outline Program requirements in the following areas:

- I. Mobile Technology Program Management
- II. Notice and Disclosure of Legal Requirements for All Mobile Technology Utilized for Official Business
- III. Assignment of M-NCPPC-Issued Mobile Technology
- IV. User Responsibilities for M-NCPPC-Issued Mobile Technology
- V. Use of Personal Mobile Technology for M-NCPPC Business

I. Mobile Technology Program Management

Primary responsibilities for administration and oversight of the Mobile Technology Program are outlined below.

A. The Chief Information Officer (CIO) shall:

- Develop recommendations on operational standards for review and consideration by Department Heads. Recommendations shall be developed with input from departmental technology representatives (i.e., IT Council and CTOs), and may include standards for acquisition of equipment and services establishing operational standards, guidance for issuance and use of mobile technology, and general administration of the mobile technology program to implement these Procedures. Recommended standards should provide for:
 - Improved delivery of M-NCPPC services focusing on applicable technology, economies of scale, technical supportability.
 - Effective/efficient oversight of the use of M-NCPPC equipment/services.
 - Compliance with procurement and technology policies.
 - Criteria for the issuance of mobile technology that may be used by departments to and adhere to technology policies. Recommendations shall include standardized forms that will be used by departments to implement these Administrative Procedures. These forms shall include but are not limited to:
 - A Mobile Technology User Agreement Form and Stipend Amount that helps departments determine legitimate business need for issuance of mobile technology. The Form shall outline standard criteria which must be met for the assignment of various technology and provide an opportunity for management to identify other justification that may make it appropriate to assign technology.
 - A Monthly Stipend Form that shall be developed consistent with subsection IV. (B), Use of Personal Mobile Technology for M-NCPPC Business.
 - Adequate protocols in place for adherence to the policy. Policy adherence is accomplished through collaboration with the mobile technology coordinators and through the oversight of Department Heads.

B. Department Heads (or designees) shall:

- Ensure compliance with technology policies and procedures.
- Provide authorization for assignment of agency mobile technology or use of personal devices for business.
- Review and approve recommendations presented by the CIO with respect to standards for acquisition of mobile technology.
- Ensure that departmental equipment/services meet approved acquisition standards.
- Establish a departmental system to track issuance and use of mobile communication devices in compliance with these Administrative Procedures.

C. The Departmental Mobile Technology Coordinator shall:

- Provide daily administration of the mobile technology, including identification of equipment and service(s) which best meet work program needs, acquisition and basic training on equipment use, and, tracking and reporting of inventory.
- Ensure that the Mobile Technology User Agreement Form and Stipend Amount is executed and maintained for all issued technology.

- Work with the user's Division Chief to determine the appropriate technology that supports the business needs of the user's assigned work duties.
- Track and maintain an up-to-date inventory of all issued technology.
- Ensure that the process for issuing, changing or terminating mobile technology is well communicated to his/her respective departments.

D. Division Chiefs shall:

- Determine which employees have a legitimate M-NCPPC need for use of mobile technology, and make such recommendations to the Department Heads using the Mobile Technology User Agreement Form and Stipend Amount. The Form shall be developed and distributed by the CIO (see CIO duties above).
- Work with the department Mobile Technology Coordinator to define requirements for the mobile technology to be assigned to an employee.
- Monitor mobile technology usage, costs and compliance for their respective programs and operations; report violations of policy to respective Department Head for action.
- Conduct periodic regular assessments of the mobile technology program to include review of user assignments/work responsibilities to determine if there is a continuing M-NCPPC need for use of the mobile technology.
- Report changing operational needs via the Department Head to the departmental Mobile Technology Coordinator and Chief Technology Officer (CTO) for consideration of updates to the program standards. If program changes have agency-wide impact, the CTO shall work with the CIO to incorporate changes. If changes are needed to the Administrative Procedures, they shall be forwarded to the Policy Office by the Department Head.
- Collect all mobile technology from employees upon termination of user privileges, modification/changes in issued technology, and/or the user's separation from M-NCPPC employment.

DI. Users of Mobile Technology shall:

- Comply with these Administrative Procedures and related M-NCPPC policies with respect to use of mobile technology.
- Safeguard issued mobile technology and immediately report lost, damaged, or stolen mobile communication technology to his/her supervisor.
- Return all M-NCPPC-issued mobile technology and related equipment to his/her supervisor upon termination from position or upon request of the agency.

II. Notice and Disclosure of Legal Requirements for All Mobile Technology Utilized for Official Business

M-NCPPC is required to produce records in certain contexts such as in connection with legal proceedings and requests under the Maryland Public Information Act (MPIA). In the event of litigation or an MPIA request, statutes and court rules may require mobile technology users to search for, collect and disclose information on any M-NCPPC-owned or personal mobile technology that contains information relevant to the litigation or request.

III. Assignment of M-NCPPC-Issued Mobile Technology

- A. Determination of Need:** The employee's Division Chief, in consultation with the Department Head, shall determine whether there is a need for use of M-NCPPC mobile technology based upon a review of an employee's assigned duties/responsibilities and operational/work program requirements.
- If it is determined that there is a legitimate business need for use of mobile technology, the Division Chief shall complete a Mobile Technology User Agreement Form and Stipend Amount indicating the various duties that lend themselves to assignment of a mobile device. The Division Chief should select from the criteria that is indicated on the Form or offer other justification that he/she feels should be considered in decision to assign mobile technology.
 - The completed Form shall be forwarded to the Department Head or his/her designee, for consideration and approval. If approved, the request shall be forwarded to the departmental Mobile Technology Coordinator for identification of appropriate technology including equipment, services, and accessories to meet the indicated needs.
 - The Mobile Technology Coordinator shall arrange for the acquisition, assignment, and tracking of equipment/accessories/and services.

Authorized Accessories/Applications:

- A standard set of accessories for operation of mobile technology will be supplied to the employee. The need for accessories shall be determined by the Mobile Technology Coordinator with input from the employee's Division Chief to provide for effective operation of the device (e.g., hands-free operation of mobile telephones, chargers, etc.).
 - Any authorized applications/downloads/services will be installed with no cost to the employee. Unauthorized applications may not be installed. Costs of any accessories outside of those authorized by the department, are the responsibility of the employee.
 - The Mobile Technology Coordinator shall meet with the user to provide the assigned technology and review general responsibilities for maintaining and using the technology. The user shall be asked to sign off on the Mobile Technology User Agreement Form and Stipend Amount acknowledging receipt of any equipment/accessories and the conditions for use.
 - The original executed User Agreement shall be maintained by the Mobile Technology Coordinator for acquisition and issuance of equipment. Copies of the executed Form shall be provided to the approved user and the Division Chief who will place the form in the employee's departmental file.
 - The Division Chief, or designee, should conduct at least semi-annual reviews of mobile technology to determine the continuing business need based on the employee's program and operational needs.
- B. Mobile Technology Inventory Management:** The Mobile Technology Coordinator will maintain an inventory of technology equipment, accessories and service providers.
- The inventory shall identify persons to whom technology has been assigned.
 - The Mobile Technology Coordinator will provide to the Department Head or his/her departmental designee, a quarterly inventory of assigned technology to ensure oversight.

- C. **Revocation/Modification of M-NCPPC-issued Mobile Technology:** The assignment of M-NCPPC-issued mobile technology may be revoked or modified at any time for reasons which include, but are not limited to, violation of M-NCPPC policy, change in duties/responsibilities, modifications in operational needs, and/or budgetary limitations. In all cases, management's decision regarding the issuance of mobile communication technology is final.

IV. User Responsibilities for M-NCPPC-Issued Mobile Technology

Employees shall comply with applicable M-NCPPC policies which cover the use of agency property and electronic communications such as, but not limited to, Administrative Practice 2-15, "Employee Use of M-NCPPC Property," and Administrative Practice 6-13, "Electronic Communications Policy." Unauthorized use is prohibited and may result in revocation of issued equipment and services, collection of incurred charges, discipline, and, legal action, as appropriate.

Employees should limit use of M-NCPPC equipment when traveling out of the area. Out of area use and related charges are authorized only when use is required to perform assigned duties. Routine duties (emails) that can be performed when the employee returns to the area should be minimized. Charges resulting from non-business use are the responsibility of the employee and may result in revocation of M-NCPPC equipment and/or other employment action.

A. Users must refrain from:

- Activities that violate Federal, State, or local laws, M-NCPPC policies, and/or are considered abusive, obscene, harassing, or inappropriate. Services/data of a sexual, gambling, and/or discriminatory nature are strictly prohibited.
- Using technology for the purposes of conducting non-M-NCPPC employment and business as defined by Administrative Practice 2-14, "Non-M-NCPPC Employment and Non-M-NCPPC Business."
- Permitting unauthorized individuals to use mobile technology.
- Installing applications that are not authorized by the department or M-NCPPC.
- Using agency technology as a replacement for personal communication devices. While reasonable *de minimis* personal use of an M-NCPPC-issued mobile technology is permitted in accordance with Administrative Practices 2-15, "Employee Use of M-NCPPC Property" and 6-13, "Electronic Communications Policy," in no case shall the use of mobile technology disrupt the performance of work duties or result in additional expenses to the M-NCPPC. Any personal use that causes the M-NCPPC to incur additional costs is subject to reimbursement of charges from the employee and may be treated as a taxable fringe benefit under the Internal Revenue Service regulations.

- B. Safe Use of Mobile Technology:** Employees are responsible for using mobile technology in a professional, safe, and lawful manner. Technology must not be used while driving, operating equipment or machinery, or performing work when its use could jeopardize the well-being of the employee or subject the technology to damage. Pursuant to the Maryland Communications Traffic Safety Act and M-NCPPC policy (Notice 10-01), employees are prohibited from engaging in the following activities while operating a vehicle:

- Using a handheld device without hands-free equipment.
- Using accessories such as earplugs, headsets or earphones over or in both ears.
- Reading, writing or sending text messages.

C. **Protecting M-NCPPC-Issued Mobile Technology**: Employees are responsible for securing issued equipment to prevent loss, damage or theft. Employees also are responsible for taking reasonable steps to safeguard M-NCPPC data by adhering to the security practices as defined by the office of the Chief Information Officer which includes, but is not limited to, password protecting mobile communication devices

Employees should immediately report to his/her supervisor and the Mobile Technology Coordinator, any loss or damage.

- If the loss or damage is the result of the employee's neglect or misuse, the employee may be responsible for the replacement cost of the technology, equipment, and/or accessory.
- Employees must reimburse the agency for the replacement cost of any items which are not returned upon termination of the mobile device arrangement or upon the employee's termination from the position to which the device was assigned.

D. **Review of Mobile Device/Equipment Records, Data, and Invoices**: Records and data on M-NCPPC equipment are the property of the M-NCPPC. As such, the agency has the right to obtain and review such records at any time.

E. **M-NCPPC may periodically review technology and its usage at the individual or departmental level, any time to ensure:**

- Compliance with these Policies;
- Continued need for the technology;
- Technology is at the appropriate operating system level;
- Compliance with the security practices as defined by the office of the Chief Information Officer; and
- Cost containment and effective use of technology services.

V. **Use of Personal Mobile Technology for M-NCPPC Business**

With approval from the Department Head (or designee), an employee may use his/her personal mobile technology for authorized M-NCPPC business in lieu of being assigned an M-NCPPC-issued device/equipment. Authorized use may be eligible for reimbursement for actual out-of-pocket expenses or monthly stipends as defined below. The provisions under this section may be revoked or modified at any time for any reason.

A. **Reimbursement of Incidental Use of Personal Devices**: Non-reoccurring or infrequent use of personal devices for M-NCPPC business may be eligible for reimbursement of official business use. The specific use, which must be approved by the employee's Department Head, may be submitted for reimbursement for actual out-of-pocket expenses or overages. Examples of use may include, but are not limited to, using a personal mobile device while off site to resolve an urgent work related issues,

participating in required teleconferences, or other business matters. An employee's elective use of the device election to (e.g., check voice mail, notify the office of an absence, etc., is not considered reimbursable). M-NCPPC will not reimburse employees for the costs related to the acquisition and/or maintenance of personal equipment or services.

B. Stipends in Cases Where Personal Mobile Technology is Regularly Used to Carry Out M-NCPPC

business: The M-NCPPC may elect to reimburse the employee through a monthly stipend when a personal device is expected to be used on a regular and ongoing basis to carry out M-NCPPC business.

- The monthly stipend shall be established by the Executive Director, following input from the Secretary-Treasurer, Chief Information Officer and Departments.
- The stipend amount shall be reviewed each January and adjusted as appropriate.
- A Request for Monthly Stipend Form¹ must be completed by the employee and approved by the Department Head (or designee). While personal technology devices/services may not be supported by the Department Information Technology (IT) units, they will attempt to resolve issues related to M-NCPPC-based applications and data.
- This stipend may be terminated by the Department at any time. It shall be discontinued on the effective date of an employee's termination from his/her position or when the need for use of the mobile technology is no longer needed. In order to receive the authorized monthly stipend, the employee must submit evidence requested documentation of service charges for his/her approved mobile device, (such as a current invoice from the mobile service provider), on a periodic basis, showing that their mobile services are active and current.
- The treatment of stipends may be considered taxable income. In all cases, the agency's reporting of the stipend shall be consistent with Internal Revenue Service regulations. Any applicable tax liability for the stipend shall be the responsibility of the employee who elects to receive a stipend.

VIOLATIONS

Users who violate any portion of these Procedures are subject to termination of mobile technology communication use and/or disciplinary action. Disciplinary actions for employees shall be handled in accordance with the Merit System Rules and Regulations; applicable Collective Bargaining Agreements; or Administrative Practice 2-16, "Seasonal/Intermittent, Temporary, and Term Employment."

The M-NCPPC shall recover any expenses incurred from an employee's unauthorized use of M-NCPPC-issued mobile technology. The M-NCPPC reserves the right to determine the method of recovery of such expenses and to pursue legal action for collection of any monies owed by an employee.

¹ To be developed by IT Council following adoption of policy concepts