



**Division of State Patrol  
Policy and Procedure**

Number  
**5-3**

Subject <b>USE OF CELLULAR OR SMART PHONES</b>	
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**I. POLICY**

It is the policy of the Division of State Patrol (DSP) to allow reasonable use of mobile cellular or smart phones in Division vehicles.

**II. BACKGROUND**

Cellular or smart phones have become a common tool for communications. They provide more privacy and security than existing two-way radio communications. Cellular or smart phones can, however, be monitored with available radio scanners.

Cellular or smart phones are normally billed by a set monthly rate, with additional charges for any air time used beyond a base amount specified in the applicable contract agreement. These telephones are also charged for air time at a varying rate depending upon the time of day and area. Additional “roam” charges may be incurred when placing calls from outside the telephone’s basic service area. Users must be aware that air time and roaming charges are billed to the cellular or smart telephone regardless of whether the cellular or smart phone is originating or receiving the telephone call while outside the service provider’s area.

**III. OBJECTIVES**

The objectives of this policy are to establish guidelines for the use of cellular or smart phones in DSP vehicles and establish parameters for effective, and cost efficient use of these telephones.

#### IV. USE OF STATE OWNED CELLULAR OR SMART PHONES

State-owned cellular or smart phones should normally be used for official and authorized DSP business and personal purposes. The use of the cellular or smart telephone for lengthy telephone calls should be avoided whenever possible.

- A. **Installing Telephones in Division Vehicles** – Where applicable, telephones and antennas should be mounted in a manner that causes minimum disruption to existing vehicle equipment. Wherever possible, the telephone and antenna should be mounted by the region/post radio technician.
- B. **Use of Telephones** – Cellular or smart phones should not be used in circumstances where normal radio/mobile data communications or land line telephones are an appropriate means of communications.
- C. **Telephone Calls While Driving** – Nothing in this policy prohibits the use of cellular or smart phones while driving, but consideration should be given to pulling the vehicle over to the shoulder of the roadway or other appropriate location when reasonably practical.
- D. **Texting While Driving** – The practice of texting while driving is generally discouraged for all Division employees driving Division vehicles classified as emergency vehicles. The exclusion to Wisconsin state law prohibiting texting while driving only applies to employees driving emergency vehicles. Texting is prohibited by law while driving privately-owned vehicles while on work-time as an employee of the Division. Texting, for the purposes of this policy, is defined as the act of manually preparing/composing, and/or transmitting typed messages on a cellular or smart telephone or similar electronic communications device (e.g., iPad, tablet, etc.). **This does not include the use of an in-car mobile data computer (MDC).**
- E. **Off-Duty Use** – Issued cellular or smart phones may be carried by authorized personnel while off-duty for Division business use.

#### V. TELEPHONE SECURITY

Cellular or smart phones can be locked to prevent use by unauthorized persons. DSP cellular or smart phones should be locked whenever the telephone is left unattended to prevent unauthorized use. Division employees should be careful to protect the security lock code.

- A. Each region shall provide a listing of the state-issued cellular or smart telephone numbers of all state owned cellular or smart phones issued to Division employees in their respective region to Division Headquarters, State Patrol Academy and to each DSP Post Communications Center.
- B. The Region Commander or Section Chief, as applicable, shall assign a supervisor to spot-check and to review the monthly telephone bills for state-owned cellular or smart phones assigned to their personnel.

**VI. PRIVATELY OWNED CELLULAR OR SMART PHONES**

Privately-owned cellular or smart phones may be mounted in DSP vehicles only with the written approval of their Region Commander.

- A. Mounting Telephones – Where applicable, telephones and antennas mounted in Division vehicles shall be mounted in a manner that does not modify or damage the vehicle or radio console in any manner.
  - 1. Use the existing accessory power connections such as the cigarette lighter power receptacle.
  - 2. No holes may be drilled in the vehicle or radio console for the purpose of mounting personally owned cellular or smart telephones or accessories.
- B. Personally-owned cellular or smart phones may be carried by Division employees during their tour of duty without obtaining specific authorization. However, the employer may prohibit the use or carrying of personally-owned phones under certain circumstances.
  - 1. The use of personally-owned cellular or smart telephone may not interfere with business functions of the employee.
  - 2. Sworn personnel may not affix a cellular or smart phone to their uniform except in a manner as approved by a Division supervisor.
- C. Use of Telephones – Privately-owned cellular or smart phones may not be used to conduct private business while on-duty. Privately-owned cellular or smart phones may be used for short personal calls or for Division business calls where land line telephone use is impractical. Privately-owned cellular or smart phones should not be used when normal radio or MDC communications are an appropriate means of communication.
  - 1. Privately-owned cellular or smart phones may not be used when their use is disruptive to the workplace or when such use is prohibited by supervisory direction.
- D. Billing for Division Telephone Calls – Division employees may use privately-owned cellular or smart phones to place DSP business calls. The Division will not be responsible for monthly rental charges of privately-owned cellular or smart phones.
  - 1. Authorized DSP business calls should be claimed on the employee's Timesheet/Expense report with an itemized listing of the calls.
  - 2. Employees should submit a copy of the detailed monthly cellular or smart telephone bill with the specific charges underlined, circled or highlighted.

3. Write in red on the copy “Original monthly bill retained by the employee for IRS purposes.”
    - a. Employee having an “unlimited” incoming call plan may not submit for reimbursement for incoming DSP business calls.
    - b. Employee issued a state-owned cellular or smart telephone may use it for one telephone call of a personal non-business related nature while in authorized travel status. One personal call home per day is authorized for each night an employee must spend overnight away from home in travel status, or as the result of each unscheduled change in travel status, which results in more than a one (1) hour extension to the employee’s originally scheduled return time. If utilized, the employee may not claim a (up to) \$5.00 phone call reimbursement.
  4. The DSP will reimburse only the authorized charges and will not be responsible for cellular or smart telephone air time or roaming charges except when specifically authorized by a supervisor and documented on a copy of the monthly cellular or smart telephone billing statement.
  5. The Division will not be responsible for repairs, maintenance, loss, theft or damage involving personally owned cellular or smart telephones and associated accessories.
- D. Telephone Calls and Texting While Driving – The use of personal cellular or smart phones while driving shall be consistent with section IV. C. in this policy. The practice of texting while driving, as defined in IV. D. of this policy is prohibited for all Division employees driving Division non-emergency vehicles or driving privately-owned vehicles while on work-time as an employee of the Division.

## VII. REFERENCES

June, 2011 Payroll Manual  
TAM: IT 102 – Wisconsin DOT BYOD (Bring Your Own Device) For Employee-Owned Smart Phones  
WisDOT Safety Directive 90 – Inattentive Driving  
WI Statutes 346.89(3)a  
WLEA Labor Agreement Section 12/16/16