

**TITLE 2**  
**GOVERNMENT**

**CHAPTER 275**  
**CELLULAR TELEPHONE CODE**

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**I. GENERAL PROVISIONS**

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**275.005 Title**

This Chapter, LCC 275.005 to 275.500, shall be known and cited as the “Linn County Cellular Telephone Code” or simply as the “Cellular Telephone Code.”

[Adopted 03-416 §n eff mm/dd/03]

**275.010 Definitions**

As used in this Chapter:

(A) “**Appointing authority**” means a department head or elected official who has the authority to hire and terminate an employee.

(B) “**Emergency**” means any unusual, non-routine situation that requires immediate communication with another, such as: an accident, injury, sudden illness, provision of childcare, and change of a scheduled event.

[Adopted03-416 §1 eff11/5/03]

**275.100 Purpose**

The employees of Linn County who use cellular telephones for county business use the phones with different frequency, varying from occasional use to frequent use. Given the variations in frequency of use of cellular telephones, the purpose of this policy is to provide for flexible, cost-effective use of cellular telephones.

[Adopted03-416 §1 eff11/5/03]

**275.200 Scope**

This policy applies to all County employees who use cellular telephones for county business

[Adopted03-416 §1 eff11/5/03]

**275.205 Background**

(A) Linn County (County) uses cellular phones for the normal conduct of business.

(B) It is essential that there shall be clear policies regarding the management and use of cellular phones.

(C) The use of cellular phones by public employees has been and is a focus for complaints regarding potential violations of the Oregon Government Standards and Practices Laws.

(D) The County encourages the use of cellular phones to support the mission and business of the County

[Adopted03-416 §1 eff11/5/03]

**275.207 Legislative policy**

(A) An employee of the County shall follow this policy set forth in this chapter in the use of cellular phones for conducting county business.

(B) It is the intent of the County to minimize the number of county--provided cellular phones to the fullest extent possible.

(C) For positions that require the availability of a cellular phone, as determined by the appointing authority, the County’s preference is that the employee provide the cellular phone and the County provide a predetermined, fixed, monthly payment to reimburse the employee for the county business use of that phone.

(D) For situations that require the County to provide the cellular phone (examples: rotating on-call duties, search & rescue efforts, etc.), only very limited personal use of the county-provided cellular phone shall be allowed.

[Adopted03-416 §1 eff11/5/03]

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**II. IMPLEMENTING PROVISIONS**

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**275.400 Cellular telephone usage**

(A) There will be two types of cellular telephone plans available to Linn County employees who use cellular telephones for county business.

(1) *Plan A — Phones supplied by Linn County*

(a) Most employees with a business need for a cellular telephone will be assigned a county-owned phone.

(b) Use of cellular telephones supplied by the County is restricted to county business.

(c) Personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in instances of emergencies if these calls cannot be made from a land line phone within a reasonable period of time.

(d) These cellular telephones remain county property and will be on the cellular telephone plan provided by Linn County as established by the respective appointing authority.

(2) *Plan B — Personal cellular telephone provided as an employment benefit.*

(a) The County recognizes that, due to the nature of some positions, it may be more cost-effective and provide more flexibility to provide some employees with a cellular telephone allowance in lieu of providing the employee with a county-owned cellular telephone.

(b) Under this plan, the County, in conjunction with the respective appointing authority, may designate employees who, in lieu of being provided with a county-owned cellular telephone, will be provided with a monthly allowance to obtain a personal cellular telephone to be used for county-related and personal business of the employee.

(c) The amount of this allowance will be within the following range depending on the past history of cellular telephone usage as determined by the employee's appointing authority:

| Monthly allowance |         |
|-------------------|---------|
| Maximum           | \$40.00 |
| Minimum           | \$20.00 |

(d) The minimum and maximum amounts of the monthly allowances may be adjusted periodically by the County Administrator to attempt to conform generally to commercially available cellular telephone usage plans. Under this plan, the employee is allowed unrestricted business and personal use of his or her cellular telephone.

(e) Employees on this plan may, on an exception basis, seek separate reimbursement from the County of any cellular telephone charges incurred for a specific emergency situation with the specific approval of the appointing authority.

(f) Each employee receiving a cellular telephone allowance is responsible for obtaining their own phone and usage plan.

[Adopted03-416 §1 eff11/5/03]

**275.500 Audits**

For county-provided cellular phone, all calls are recorded on statement billed to the County.

The appointing authorities will monitor the use of county-provided cellular phones by employees to ensure compliance with this policy.

[Adopted03-416 §1 eff11/5/03]

### **275.600 Safety**

(A) Use of any cellular phone at any time should be done in a safe, common-sense manner.

(B) Except in the case of an emergency, use of a cellular phone while operating a vehicle on County business is strongly discouraged.

[Adopted03-416 §1 eff11/5/03]

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## **III. PENALTIES FOR VIOLATIONS**

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### **275.900 Violation of this policy**

(A) A violation of this policy may subject the employee to the full range of disciplinary action.

(B) A violation involving personal use of a county-provided cellular phone will minimally result in a cost reimbursement to the County.

[Adopted03-416 §1 eff11/5/03]

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### **Statutory References and Other Authorities:**

ORS 203; 244; Oregon Government Standards and Practices Commission Handbook; Oregon Government Standards and Practices Commission Formal Opinion # \_\_\_\_\_

### **Legislative History of Chapter 275:**

Adopted 03-416 eff 11/5/03

Amendments to 03-416:

#1 none

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