

560– Mobile Device and Texting Policy

1.0 PURPOSE

The purpose of this policy is to address the use of mobile devices for Tukwila Pool Metropolitan Park District (TPMPD) business and the retention requirements of mobile phone Voice Mail and Text Messages relating to District business that are received or transmitted on District-owned or personally-owned mobile phones and devices. The District also wishes to compensate specified employees using personally-owned mobile devices for the costs incurred in conducting District business.

2.0 POLICY

In accordance with rules established by the Washington State Archivist, some Voice Mail and Text Messages must be retained by the District. Further, any Voice Mail or Text Message that relates to District business that exists at the time a public records request is submitted is subject to the disclosure requirements of the Public Records Act found in Chapter 42.56 of the Revised Code of Washington.

3.0 DEFINITIONS

The following terms shall have the meaning provided:

3.1

District-owned mobile phone or device -- a mobile phone or other device capable of sending or receiving telephone calls, Voice Mail or Text Messages that is provided to an employee by the District for the purposes of performing their job duties.

3.2

District business -- in relation to telephone calls, Voice Mail or Text Messages means a Voice Mail or Text Message sent or received by a District employee relating to the work of the employee or the business of the District.

3.3

District employee -- an employee of the Tukwila Pool Metropolitan Park District and an elected official, volunteer, intern, or appointee of the Tukwila Pool Metropolitan Park District.

3.4

Non-Transitory Voice Mail or Text Message- a Voice Mail or Text message that documents District business and is not temporary or of short-term value. Non-Transitory Voice Mails are a public record that must be retained for the prescribed retention schedule.

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3.5

Personal Voice Mail or Text message -- a Voice Mail or Text message sent or received by a Tukwila Pool Metropolitan Park District employee that does not discuss a matter of District business.

3.6

Personally-owned mobile phone or device – a mobile phone or other device that is used by the employee for Tukwila Pool Metropolitan Park District business but is not owned by the District.

3.7

Voice Mail message or Text Message -- a brief message that is composed and sent between two mobile phones or portable devices such as a computer or tablet.

3.8

Transitory Voice Mail or Text Message - a Voice Mail or Text Message that only documents information of temporary, short-term value, and that is not needed as evidence of a business transaction. Examples of transitory Voice Mails or Text Messages include without limitation:

3.8.1

Voice Mails or Text Messages that include scheduling information, task completion, or request job-related phone calls.

3.8.2

Voice Mails or Text Messages that contain information that is later included in another District record.

4.0 VOICE MAILES AND TEXT MESSAGES REGARDING DISTRICT BUSINESS ARE PUBLIC RECORDS

The Washington State Archivist has determined that some Voice Mail and Text Messages regarding District business constitute public records that must be retained. Voice Mails and Text Messages that are retained, or Voice Mails and Text Messages that exist on a mobile device at the time a public records request is received, may be subject to disclosure under the Public Records Act. This applies to Voice Mail and Text Messages regarding District business received on a District-owned or personally-owned mobile phone or device.

4.1

District-owned mobile phones or devices shall be used for District business and in the event of emergencies, but not for personal telephone calls, Voice Mail or Text Messages. After receipt of a public records request, and upon request of the District, an employee may be required to provide the District-owned mobile phone or device to the District for inspection, and all information on the mobile phone or device is subject to District review.

Personal telephone calls, Voice Mail or Text messages do not relate to District business, are not a public record, and should not be made on a District-owned mobile phone or device. However, personal telephone calls, Voice Mails or Text messages are sent or received on a District-owned

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mobile phone or device is a matter of public record. If personal telephone calls, Voice Mail or Text Messages exist on a District-owned mobile phone or device at the time the District receives a public records request, those messages must be retained until the District responds to the request. The content of those personal telephone calls, Voice Mail or Text Messages may be reviewed by District staff in making a disclosure decision.

4.2

Personally-Owned Mobile Phone or Device. Personal mobile phones and devices are the private property of District employees. Personal telephone calls, Voice Mail or Text Messages do not relate to District business, are not a public record, and need not be retained on a personally-owned mobile phone or device. However, telephone calls, Voice Mail or Text Messages sent using a personal mobile phone or device that pertain to District business are public records.

The District may not be permitted to inspect an employee's personal mobile phone or device without the employee's consent, however, an employee who uses their personal mobile phone or device to send or receive telephone calls, Voice Mail or Text Messages related to District business is required to follow this policy, and shall be required to produce, any or all Voice Mail or Text Messages relating to District business in accordance with this policy

5.0 TRANSITORY vs. NON-TRANSITORY VOICE MAILS OR TEXT MESSAGES

Voice Mail or Text Messages regarding District business are of two types: (1) transitory; and (2) non-transitory. In accordance with this policy, transitory Voice Mails or Text Messages may be deleted by the user once the Voice Mails or Text Messages have served their purpose. Non-transitory Voice Mails or Text Messages may not be deleted from a mobile phone or device until they have been produced, transcribed, or retained in some other manner.

5.1

Transitory Voice Mails or Text Messages may not be deleted if there is a Public Records Request.

5.1.1

In the event a Public Records Request is submitted that may include within its scope Voice Mail or Text Messages transmitted on either a District-owned or a personally-owned mobile phone or device, the employee, once put on notice of the request, shall not delete any Voice Mail or Text Messages from the mobile phone or device, even if such Voice Mail or Text Message is transitory or personal until informed by the District that the record is no longer subject to inspection.

5.1.2

If responsive public records are found during the employee's search of their personal mobile phone or device, the employee shall produce those public records as this policy provides.

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5.1.3

The employee may choose to comply with this policy by providing their personal mobile phone to an authorized District employee to conduct the necessary search. Nothing in this policy requires the employee to allow such an inspection, and no adverse action may be taken against an employee if he or she chooses not to produce their personal mobile phone or device and instead complies as otherwise provided for within this policy.

5.2

Non-Transitory Voice Mails or text Messages may not be deleted until produced as requested by the District.

5.2.1

Employees should limit Voice Mailing and Text Messaging regarding District business to transitory Voice Mails and Text Messages. If an employee sends or receives a non-transitory Voice Mail or Text Message, it shall be produced in accordance with this policy as soon as it is reasonably practical to do so.

5.3

Examples of Transitory vs Non-Transitory Voicemails or Text Messages

Transitory (Can be deleted)	Non-Transitory (Must be retained)
I'll be 10 minutes late this afternoon.	I'll be late this afternoon; can you get the posters created and deliver them to the schools?
I emailed you the latest draft of the contract, please review.	I emailed you the latest draft of the contract, please insert this language" _____" in section 4.
The Assistant Manager is trying to get in touch with you.	The Assistant Manager is wanting to know your thoughts on adding another set of lessons on Mon. at 4:30pm.
We're out of paper clips.	Office Depot has paper clips on sale, here is the link so you can buy some on your way in.
Could you please call me?	I need to talk to you about " _____"
Please review the list of CIP Projects for the meeting.	Please add "Pool Covers" to the CIP list for tonight's meeting.

6.0 PRODUCING VOICE MAIL OR TEXT MESSAGES

6.1

Employees are required to produce a Voice Mail or Text Message when:

6.1.1

The Voice Mail or Text Message is non-transitory and must be retained;
and,

6.1.2

When a supervisor orders the employee to produce the Voice Mail or Text Message;

or

6.1.3

When the Voice Mail or Text Message is maintained on a mobile phone or any other device and the employee is notified of the existence of a Public Records Request for the Voice Mail or Text Message.

6.2.

Voice Mail or Text Messages that are required to be produced must be given to the District's Public Records Officer or Designee.

6.3

Voice Mail or Text Messages that are required to be produced will be produced by either:

6.3.1

District e-mail address; or

6.3.2

Taking screen shots of the Voice Mail or Text Message and emailing the screen shots to an appropriate District email address.

6.3.3

Utilizing a pre-approved application on a mobile phone or devices that stores or disseminates the message to District-owned servers or networks.

7.0 REIMBURSEMENT STIPEND FOR DISTRICT USE OF PERSONAL MOBILE PHONE OR DEVICE

7.1

Employees who hold positions that include the need for a mobile phone may receive a mobile phone stipend to reimburse for District-related costs incurred when using their personally-owned mobile phones. Only specifically identified positions requiring extensive use of mobile phones to conduct District business shall be eligible for a reimbursement stipend. To the extent allowable by law, the stipend provided is not considered taxable income.

7.1.1

Current TPMPD positions eligible for a reimbursement stipend are:

7.1.1.1

Director of Aquatics Operations (DoAO)

7.2

Employees authorized and approved for a reimbursement stipend are required to sign the TPMPD Personal Mobile Device Use Agreement (Appendix A) and the Personal Mobile Device Stipend Agreement (Appendix B) before reimbursement shall commence.

7.3

The preferred method of reimbursement will be monthly through the District payroll service.

The employee reimbursement stipend shall be equal to the cost of the employee's actual mobile phone or device service (inclusive of taxes but exclusive of device purchase costs) up to a maximum reimbursement of \$50/month.

7.4

Employee Responsibilities

7.4.1

Employee is required to submit the current monthly billing statement when the stipend begins and then each monthly billing cycle to verify that the stipend is spent on this resource.

7.4.2

Employee must purchase mobile phone or device service and equipment and assume responsibility for vendor term and conditions. The employee is responsible for plan choices, service features, and calling areas that meet the requirements of the job and the area of service the stipend is intended to cover (at work, during travel, at home). This includes termination clauses, and paying all charges associated with the mobile phone service and device

Appendix B

Personal Mobile Device Stipend Agreement

I, _____ do hereby acknowledge and understand:
(PLEASE PRINT)

1. I will be responsible for the purchase, maintenance, and replacement of a mobile device.
2. I will establish a service contract with a provider of my choice and make all payments to the service provider. I am responsible for complying with and payment of all expenses incurred (including long distance, roaming fees, and taxes). I will accept all liability for claims, charges, or disputes with the service provider.
3. It is my responsibility to work directly with the service provider for any technical problems.
4. I will provide the Tukwila Pool Metropolitan Park District a copy of the monthly access plan charges and business-related use.
5. I will notify the TPMPD immediately of a phone number change or plan change.
6. That the use of my mobile device for TPMPD business is a voluntary program.
7. That I agree to have my mobile device accessible and available at all times during my schedule for pool business hours or while on call or standby or other times that I may be required to be available for pool business.
8. That because I am willing to use my mobile device for official TPMPD matters, the TPMPD will reimburse me with a monthly stipend of \$_____ per month (the "Stipend"). That the Stipend will be included in my regular pay check. To the extent allowable by law, the stipend is not considered taxable income.
9. That the use of my mobile device for TPMPD business shall not be considered a right or obligation or past practice and is not an on-going benefit that is included in my overall compensation package.
10. That TPMPD business related texts, emails, and voicemails saved, sent or received on my mobile device may be subject to public disclosure laws.
11. That the TPMPD may terminate this stipend program at any time.
12. That I have fully read and agree to the terms of this agreement as presented above.

Employee Signature

Date

Provider & Mobile Phone Number

Appointing Authority Signature

Date

Appointing Authority Name (Print)

Notes: _____