

## Policy No. 102

### BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF ST. CLAIR

SUBJECT: Cell Phone Usage Policy

ADOPTED: April 17, 2012

The Federal Motor Carrier Safety Administration has amended the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Material Regulations to restrict the use of hand-held mobile phones by drivers of commercial motor vehicles.

This document sets forth the St. Clair County Road Commission's (the "Road Commission") policy about cell phone usage and applies to all Road Commission employees. For purposes of this policy, the term "cell phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without a cable connection including, but not limited to, cellular telephones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, or PDAs (personal digital assistants with wireless communications capabilities. The Road Commission reserves the right to modify or update these policies at any time.

#### **1. Use of Cell Phones or Similar Devices.**

(a) Use While Driving. Road Commission employees are prohibited from the use of cell phones or similar devices to receive or place calls, text message, surf the Internet, check phone messages, or receive or respond to e-mail while driving. If Employees need to use cell phones or similar devices as described in this policy, they must stop their vehicles in a safe location in order to use cell phones or similar devices.

- 1) Employees must stay off their hand-held cell phone while driving unless they use a hands-free wired/wireless earpiece or speaker phone function.
- 2) A driver's use of the "Push to Talk" function of a cell phone violates the prohibition against holding the phone while driving.
- 3) Hand-held cell phone use is allowed when necessary to communicate with law enforcement officials or other emergency services.
- 4) Drivers cannot use hand-held cell phones while temporarily stopped due to traffic, a traffic control device, or other momentary delays.

- 5) No dialing is allowed but a driver can initiate, answer or terminate a call by touching a single button on a hand-held cell phone, earpiece, steering wheel or instrument panel.
  - 6) The cell phone must be located where the driver is able to initiate, answer or terminate a call by touching a single button while the driver is in the seated position and properly restrained by a seat belt. Reaching into a passenger seat or under the driver's seat to activate the phone while driving is not acceptable.
- (b) Unsafe Work Situations. The Road Commission prohibits the use of cell phones or similar devices while at any work site at which the operation of such device would be a distraction to the user and/or could create an unsafe work environment. Such work sites must be secured or the device used only by an employee who is out of harm's way at such work environments.
- (c) General Use at Work. While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict personal calls during work time, and should use personal cell phones only during scheduled breaks or lunch periods in non-working areas. Other personal calls should be made during non-work time whenever possible, and employees should ensure that their friends and family members are instructed of this policy. The Road Commission is not liable for the loss of personal cell phones brought into the workplace.

## **2. Personal Use of Road Commission Owned Cell Phones.**

The Road Commission may issue business cell phones to employees for work-related communications. To protect the employee from incurring tax liabilities for the personal use of such equipment, these Road Commission-issued phones are to be used for business purposes only. Employees in possession of Road Commission equipment (including cell phones) are expected to protect the equipment from loss, damage, or theft.

On resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection. Any employee unable to present the phone in good working condition within a reasonable time period may be expected to purchase a replacement. Employees who leave the Road Commission with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

### **3. Road Commission-Owned and Supplied Devices or Vehicles.**

An employee who uses a Road Commission-supplied device or a Road Commission-supplied vehicle is prohibited from using a cell phone or similar device while driving, whether the phone call is personal or Road Commission-related.

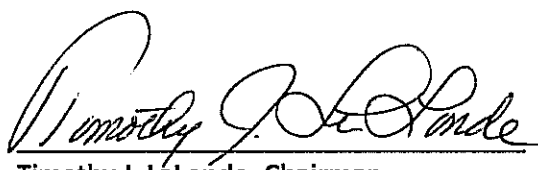
### **4. No Use of Camera Phones.**

Transmission of any Road Commission information, logos, data, and/or photos of the premises or of any employees, contractors, subcontractors, or visitors is strictly forbidden.

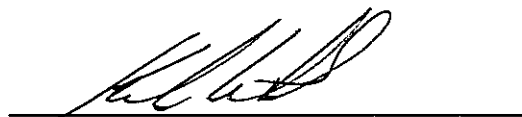
Employees may not take photographs or video, whether by camera phone or any other device, in "private" areas, including restrooms and locker rooms. Employees who violate this policy will be subject to disciplinary actions, which may include confiscation of the cell phone, termination of employment, and/or legal action.

### **5. Review of Monthly Charges.**

The Road Commission may monitor employees' cell phone usage on Road Commission-issued devices. Signs of potential misuse will be brought to the attention of the employee's supervisor, who will determine if reimbursement or other action is required.



Timothy J. LaLonde, Chairman



Kirk D. Weston, Managing Director

**EMPLOYEE ACKNOWLEDGMENT**  
**ST. CLAIR COUNTY ROAD COMMISSION CELL PHONE USAGE POLICY**

I acknowledge that I have read and will abide by the Road Commission's policy regarding cell phone usage. In particular, I understand:

1. That the cell phone that has been issued to me is for business use only, and that I may be required to reimburse the Road Commission for all personal and non-business charges or fees;
2. That before the end of my employment with the Road Commission, I will be required to return all Road Commission-issued equipment and accessories before I will receive my final paycheck;
3. That I am responsible for any damage, abuse, neglect, loss, or theft of any Road Commission equipment that has been issued to me while it is in my care;
4. That the Road Commission has authorization to monitor my Road Commission-issued cell phone usage;
5. That the Road Commission may monitor my Road Commission-issued cell phone usage on a routine and/or special case basis;
6. That the Road Commission may elect not to monitor and may not strictly enforce its cell phone policy, but that any such election or determination not to enforce the policy strictly will not be construed as a waiver of the Road Commission's right to enforce its policy in any particular situation;
7. That I must:
  - avoid using a cell phone (whether to place or take a call, or to check e-mail) while operating a vehicle.
  - place calls only from a stopped vehicle.
8. That this signed form will be placed in my personnel file, and that any violation by me of the Road Commission's cell phone usage policy may result in a loss of access, disciplinary action (including termination), or other legal action.

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Employee's Signature

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Employee's Name

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Date