



Town of Nags Head
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Board of Commissioners Policy

Cell Phone Allowance and Usage Policy (Adopted June 1, 2022)

Cell phones, whether personally owned or Town owned, aid employees in conducting Town business and performing the essential job functions. The purpose of this policy is to provide usage, eligibility and allowance guidance for cell phone use. Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a cell phone allowance, to cover business-related costs.

A. Establishment and Payment of Allowance

If a Town of Nags Head employee's job duties include the frequent need for a cell phone, then the employee is eligible for a cell phone allowance to cover cell phone expenses. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, promotions, etc.

B. Determination of Cell Phone Allowance Eligibility

A Town owned cell phone or a cell phone allowance may be provided to employees to be contacted for work related items if they meet at least one of the following criteria:

1. Employees whose job duties and responsibilities require them to be available and spend at least 50% of his/her workday away from his/her duty station and requires frequent use of phone and email; or
2. Employees who routinely communicate or receive time sensitive and confidential information; or
3. Exempt employees.

C. Allowance Amount

Non-exempt employees in positions who meet the eligibility requirements will be given \$35.00 per month to offset the cellular fees of voice and text.

Exempt employees will be given \$65.00 per month to offset the cellular fees of voice, text, and data. Exempt employees are expected to be accessible during work and non-work hours.

D. Use of Phone

The employee must retain an active cell phone if a cell phone allowance is in place. Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired.

Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

Text messages, voicemails and emails sent over cell phone devices that are related to Town of Nags Head business are considered public records and subject to public records laws to include, but not limited to, information requests and data retrieval.

E. Safety Consideration for Cell Phone Use While Driving

It is against the law in North Carolina to text or email while driving. However, to ensure the safety of our employees and other drivers, Town of Nags Head employees may not use cell phones (including hands free devices) or any other mobile electronic devices while operating a Town vehicle. This does not include when the vehicle is parked. This includes, but is not limited to, answering phone calls, engaging in phone conversations, reading or responding to emails and text messages. Emergency Services such as Police and Fire will follow best practices as outlined by their individual departments and state/federal guidelines. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

F. Internet Usage and Computer Policy and Policy

All other terms of the Internet Usage and Computer Policy apply, and particularly the "Email" and "Electronic Data and Records" components. The referenced policy can be located here:

[Internet Usage-Computer Policies.pdf](#)