

REFERENCE COPY

FILE: GBCC
Critical

EXPLANATION: STAFF USE OF COMMUNICATION DEVICES

This policy was amended to conform to House Bill 103 (2013), § 304.820, RSMo., which makes it an infraction and a moving traffic violation for a person to operate a commercial motor vehicle while using a hand-held mobile telephone or a wireless communication device to send, read or write a text message or other electronic message. Because most district vehicles are commercial motor vehicles, MSBA has revised the section titled "Use in Vehicles" to conform with the new law.

MSBA's policy actually goes further than the law in some respects. For example, the laws only apply to those driving commercial vehicles, but MSBA's policy applies to all district-provided vehicles as well as any vehicle in which an employee transports students as part of his or her job duties. The law does not apply when the vehicle is parked, but MSBA's policy imposes restrictions even when the vehicle is parked and the driver has responsibility for supervising students entering and exiting the vehicle. Districts that wish to modify this policy should ensure that the modifications do not allow for activity that is prohibited by the new law.

This policy was also amended for clarity and to address additional issues such as hands-free devices and global positioning systems (GPS).

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
X	Transportation		Public Info/Communications		Technology

FILE: GBCC
Critical

REFERENCE COPY

REFERENCE COPY

FILE: GBCC
Critical

STAFF USE OF COMMUNICATION DEVICES

The **FIELD**(DistrictCommonName) encourages district employees to use technology, including communication devices, to improve efficiency and safety. The district expects all employees to use communication devices in a responsible manner that does not interfere with the employee's job duties. Employees who violate district policies and procedures governing the use of communication devices may be disciplined, up to and including termination, and may be prohibited from possessing or using communication devices while at work. Communication devices may not be used in any manner that would violate the district's policy on student-staff relations.

Definitions

Communication Device – Any mobile telephone, personal digital assistant, pager, tablet, laptop or other portable device that sends, or receives or retrieves calls, or text messages, allows the retrieval of e-mail, other electronic communications or data, or provides access to the Internet.

Use/Using – Dialing, answering the phone or talking on the phone; sending, reading or responding to a text, e-mail or other communication; opening and viewing pictures or digital recordings; opening and listening to music or audio communications; continuously checking a communication device; or any activity with a communication device that interferes with the employee's job duties or appropriate supervision of students. An employee is considered to be using a device even when the use is hands-free.

General Use

The district prohibits employees from using any communication device that interrupts or disrupts the performance of duties by the employee or otherwise interferes with district operations, as determined by the employee's supervisor. This prohibition applies regardless of whether the communication device used is owned by the employee or provided by the district.

Employees are responsible for keeping communication devices secure and, if possible, password protected.

Supervision of students is a priority in the district, and employees who are responsible for supervising students must concentrate on that task at all times. Employees shall not use communication devices when they are responsible for supervising students unless any of the following conditions occurs:

1. The device is being used to instruct the students being supervised at the time.
2. The use is necessary to the performance of an employment-related duty.

3. The employee has received specific and direct permission from a supervisor.
4. There is an emergency.

Even when these conditions exist, the employee is responsible for obtaining assistance in adequately supervising students during the approved use so that students are supervised at all times.

Use in Vehicles

Regardless of other provisions of this policy **and in accordance with law**, ~~unless there is an emergency~~, employees shall not use communication devices when:

1. Driving district-provided vehicles, **regardless of whether the vehicle is owned, leased or otherwise obtained for district use in a district activity**.
2. Operating **any** vehicle in which a student is being transported when the transportation is provided as part of the employee's job.
3. Supervising students who are entering or exiting a vehicle, crossing thoroughfares or otherwise safely reaching their destinations **when such supervision is part of the employee's job**.

The district will make an exception to the rules in this section when the communication device is used to:

1. **Report illegal activity.**
2. **Summon medical or other emergency help.**
3. **Prevent injury to a person or property.**
4. **Relay necessary, time-sensitive information to a dispatcher with a device permanently affixed to the vehicle, in the manner allowed by law.**
5. **Play music, as long as the employee operating the vehicle does not turn on, select or otherwise manipulate the device while operating the vehicle or supervising students as described above.**
6. **Obtain directions from a global positioning or navigational system, as long as the system is being used in association with the employee's job and adequate safety precautions are taken.**

REFERENCE COPY

FILE: GBCC
Critical

Even in emergency **these** situations, employees should first take all possible safety precautions before using communication devices.

Use of District-Provided Communication Devices

The district may provide communication devices and service to some employees to assist them in carrying out their employment-related duties on and off district property. Use of a district-provided communication device is a privilege. The superintendent or designee has sole discretion as to which employees will be provided communication devices and may recall any previously issued communication device. Employees do not have any expectation of privacy in district-provided communication devices or any information stored on them, and such devices may be confiscated and searched at any time.

Employees are expected to exercise reasonable care to protect district-provided communication devices from damage or theft and must report any such incidents immediately. The district may require employees to reimburse the district for any damage or theft that was the result of the employee's negligence. Users of district-provided communication devices must abide by any use limitations included in the district's service contract.

Personal Use of District-Provided Communication Devices

Personal use of district-provided communication devices is permissible as long as the use does not exceed the limits of the applicable plan. An employee whose use exceeds plan limitations will be required to reimburse the district for all expenses beyond those covered by the plan and may have privileges suspended or revoked unless the employee can show that all use was for employment-related duties and the device was not used for personal reasons. The amount of personal use of a communication device or service paid for under E-Rate can be no greater than the cost allocation submitted in the request for the E-Rate discount.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: **FIELD**(AdoptDate)

Revised:

FILE: GBCC
Critical

REFERENCE COPY

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
EHB, Technology Usage

Legal Refs: § 304.820, RSMo.
U.S. Const. amend. IV
47 C.F.R. §§ 54.500, .513

FIELD(DistrictLocationLine)