

Policy: 2310-1- Cell Phones and Other Wireless Communication Devices

Section: General Personnel Policies

Office/Department: Office of IT Infrastructure

Reports To: Division of Information Tech

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Update

This policy has been updated to be in accordance with the House Bill 673 – Hands-Free Georgia Act that will go into effect on July 1, 2018.

General

This policy applies to any wireless telecommunications device as defined by O.C.G.A § 40-6-241 that allows its user to initiate or receive communication, information, or data, and to stand-alone electronic devices as defined by O.C.G.A § 40-6-241 which stores audio or video data files to be retrieved on demand by a user. Examples of such devices include, but are not limited to, wireless phones, two-way radios, laptop or tablet computers, pagers, mobile phones, and other similar devices and may be referred to generally in this policy as cell phones or mobile devices. The policy is applicable whether the device is supplied by the Georgia Department of Transportation (GDOT) or is personally owned. Cell phones and other wireless telecommunication devices are provided to certain employees to improve customer service, enhance business efficiency, and provide safety and/or security while conducting GDOT business. These phones and devices are not considered a personal benefit.

GDOT advocates safe and responsible driving habits for our employees. This includes not only adherence to traffic laws, speed limits, and use of seat belts, but also to limiting distractions while operating motor vehicles and equipment through the restricted use of cell phones and other telecommunications devices. The use of cell phones and other telecommunication devices (GDOT owned or personally owned) must be used in accordance with O.C.G.A. § 40-6-241. In accordance with state law, GDOT employees are prohibited from using text messaging, email or any similar form of electronic communication while operating any motor vehicle or equipment.

GDOT employees are discouraged from making calls using wireless telecommunications devices while operating a motor vehicle or equipment on GDOT business. Safety is GDOT's main priority and employees are strongly encouraged to pull over to a safe location prior to using a wireless telecommunications device for talking. If an employee must make or receive calls for business purposes while in a vehicle, hands-free technology must be utilized and the employee should not make or receive any call that distracts them from driving or operating equipment.

A brief summary of hands-free devices include:

- **Wired Headset with Microphones** – These headsets are physically connected to your chosen cell phone through some sort of wire. In general, there are two kinds of wired headsets: 1) the first style includes a “boom” style microphone that extends from the earpiece; and 2) the other style has an in-line microphone where the mic is placed along the cord.

- **Bluetooth Wireless Headset/Earpiece** – Bluetooth headsets have an advantage over their wired counterparts in that the Bluetooth headsets are wireless. Most cellular phones, especially smart phones, have Bluetooth technology, which makes usability simple and accessible.
- **Bluetooth Speakerphones** – Bluetooth speakerphones remove the discomfort of wearing a headset all day for drivers. Many of these speakerphones come with a clip so that they can be attached to a car visor, heat vent or car cigarette adapter. Just remember, that when not driving alone, your conversations can be heard by everyone in the vehicle.
- **Other Ways to Go Hands-Free** – One of the most popular types of cell phone hands-free devices is an in-vehicle communication system built into the stereo system of many new vehicles. These operate in much the same way as the separate bluetooth speakerphones described above, except the audio is sent out through the car's speakers. If you do not have this option available, you can use the speakerphone function which is built right into most phones.

Employees are prohibited from using any stand-alone electronic device or wireless telecommunications device to access video content while driving or operating equipment. Use of GPS units or wireless telecommunication device for driving directions is allowed if the unit is programmed prior to operating the vehicle.

Emergency calls placed to 911 or other emergency services personnel for situations such as reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes and immediate and serious traffic or safety hazard are allowed. In such cases, the communication should be as short as reasonably necessary to communicate the nature of the emergency, location, etc. Calls made by employees working during inclement weather as part of the response team are considered by the department to be part of reporting road conditions which causes an immediate and serious traffic or safety hazard.

In accordance with Section 40-6-241 of the Official Code of Georgia Annotated, employees who possess a Commercial Driver's License (CDL) and operate a commercial motor vehicle over 26,001 Gross Vehicle Weight Rating (GVRW) are prohibited from holding a wireless device while driving; using more than a single button on a wireless telecommunications device to start or end a call; or, reaching for a wireless device in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position.

Driver's may use a wireless Bluetooth earpiece device to start, receive or end calls while operating a commercial vehicle over 26,001 GVRW.

Use of Other Wireless Telecommunications devices or Stand-Alone Electronic devices (cell phones or mobile devices)

Use of the audio and video capabilities should only be used for work related purposes. (*For example*, pictures taken during field inspections, etc.) Use of cell phones or mobile devices (regardless of whether it is a personal or GDOT issued device) to take pictures or video of co-workers or business associates is prohibited without the express permission of the co-worker or other individual. Taking video, pictures or audio recordings may constitute an invasion of others' personal privacy, or may breach confidentiality or other protected information. Therefore, the use of such features on cell phones and other mobile devices on Department property is prohibited without prior approval. Any pictures or video taken with a GDOT issued phone are the property of GDOT and any content contained on such devices may be subject to review under the State's Open Records Act or during litigation.

Employees who send inappropriate or harassing text messages to coworkers or others connected to the Department may be in violation of the Standards of Conduct Policy ([2255-1](#)) and/or the Sexual Harassment Policy ([2880-1](#)). Further, all text messages transmitted on GDOT issued cell phones or other communication devices are subject to review under the State's Open Records Act.

Employees in possession of GDOT cell phones or other wireless communication devices are expected to protect them from loss, damage or theft. Furthermore, they are not to be loaned to others unless directed by an employee's supervisor. Upon separation, or when requested by management, the employee must produce the device for return or inspection. Employees must present the device in good working condition within the time period requested. Employees who separate from employment without returning GDOT devices or who fail to return GDOT devices in good working order will be considered to have left employment on unsatisfactory terms and maybe subject to further action.

The use of all cell phones while running flagging operations or performing other duties that requires the employee's constant attention to protect employees and traveling public is strictly prohibited.

Use of Employee Owned Cell Phones and Hand Held Devices

Subject to the limitations outlined in this policy, employees may carry personal cell phones or other mobile devices with them while working; however, they are required to exercise the same discretion in using those devices as is expected for the use of the Department's desktop phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others. Therefore, excessive use of personal cell phones for personal business during duty hours is not allowed. Because cell phones are potentially disruptive in the work place, supervisors may prohibit cell phone use or require that all phones must be placed on vibrate or silent mode to avoid distractions. Furthermore, the Department is not liable for the loss, damage or theft of personal cell phones or other wireless communication devices brought into the workplace. The privilege of using personal cell phones or other mobile devices may be withdrawn at the supervisor's discretion.

Individual Responsibilities

Employees who are charged with traffic violation(s) resulting from the use of a cell phone or other mobile device, while driving a GDOT/State vehicle will be responsible for any fines related to such violation. According to the Hands-Free Georgia Act, the penalties for violations include:

- First conviction: \$50, one point on a license;
- Second conviction: \$100, two points on a license;
- Third and subsequent convictions: \$150, three points on a license.

Supervisors of employees with cell phones or other telecommunications devices are responsible for ensuring that their employees understand the requirements of this policy. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

References:

O.C.G.A. 40-6-241.2

[Georgia Department of Public Safety](#) – *Are you ready for Hands-Free in Georgia?*

[National Conference of State Legislatures](#) – *State and Federal Efforts to Reduce Distracted Driving*

[Georgia Governor’s Office of Highway Safety \(GOHS\)](#) – *Hands-Free Law*

Additional information about the Hands-Free Georgia Act can also be found at:

<https://www.gahighwaysafety.org/highway-safety/hands-free-law/>, <http://www.headsupgeorgia.com/>,
<http://www.headsupgeorgia.com/handsfree-law/>, and <https://dps.georgia.gov/press-releases/2018-06-01/are-you-ready-hands-free-georgia>

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