



cogta

Department:
Co-operative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

POLICY ON CELL PHONES AND WIRELESS DATA MODEMS

INTRODUCTION

1.(1) Cell phones and wireless data modems have become an extremely useful tool in facilitating effective and efficient service delivery, and cell phones must be regarded as a working tool for maintaining lines of communication to assist officials in the performance of their jobs, and not a service benefit.

(2) To enable and enhance the productivity and financial management of the department, it is of critical importance to make use of the latest communication technology and the most effective cell phone packages available, and consequently officials need to have access to cell phones in a controlled manner for official business purposes, primarily for receiving and making official business calls, when they are not physically available or accessible at the office.

(3) To ensure that cell phone facilities are utilised efficiently and economically at all times, it is necessary that clear policy guidelines be in place regarding the use of these facilities, to provide uniformity throughout the Department on the criteria in terms of which employees qualify to utilise their private cell phone for official purposes and be reimbursed by the Department.

(4.) The provision for cell phones and data modems does not seek to create luxury but to ensure effective communication at all levels and improving service delivery.

(5) In determining the policy content, cognisance was taken of Practice Note FM-14 of 2006 and Department of Public Service and Administration Circular Minute, Reference E1/2/1, dated 28 June 2002, which provides for the following three options:

- (a) the Department holds a contract with the Service Provider;
- (b) the official holds a contract with the Service Provider, and is reimbursed for expenditure; or
- (c) the payment of a Cell phone Allowance to officials, which option has negative Tax implications.

(6) The Department has chosen to implement a combination of the options contemplated in sub-clauses (5)(a) and (b) as being the most beneficial for the Department.

DEFINITIONS

2. In this policy, unless the context indicates otherwise--

(a) a word or expression, to which a meaning has been assigned to in the Public Finance Management Act and the Regulations, has the same meaning

(b) clause headings are for convenience only and will not be used in its interpretation, and the following expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings–

“**Accounting Officer**” means the Head of the Department of Co-operative Governance and Traditional Affairs;

“**Department**” means the Department of Co-operative Governance and Traditional Affairs;

“**Departmental Cell phones**” means mobile phones issued to the official for business use and is financed by the department;

“**Employee**” means a person contemplated in section 8(1)(c) of the Public Service Act, 1994 (Proclamation 103 of 1994);

“**MEC**” means the Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs;

“**Official call or text message**” means a call or text message made in pursuit of an official duty;

“**Policy**” means this policy and all Annexures attached hereto;

“**Pool Cell phones**” means mobile phones kept by the departmental units for officials who by nature of their work do not qualify for departmental cell phone and private cell phones for business purposes;

“**Private call or text message**” means a call or text message that does not further the interests of the department but personal interest;

“**Programme Manager**” means an official who has been appointed in writing by the Head of the Department to, *inter alia*, approve all expenditure and requests for supplies and services for the relevant programme; and

“**SMS**” means Senior Management Service.

APPLICATION

3.(a) This policy applies to all employees of the KwaZulu-Natal Cooperative Governance and Traditional Affairs whose service-delivery requirements necessitate the use of a cell phone handset or a wireless data modem.

(b) The general provisions of this policy do not apply to Community Development Workers, who must be paid a fixed allowance for utilising their personal cell phones, laptops and data lines for business purposes, as contemplated in item 3 of Annexure A hereto.

(c) The Department must pay the service provider directly on behalf of the Community Development Workers, and the remaining difference must be transferred to the Community Development Workers on a monthly basis.

LEGAL MANDATE

4. The Public Finance Management Act gives effect to the need to assess existing policies and regulations in line with the reforms taking place in the public sector, as provided in sections 38(1)(a)(i)to(iv) and (b), and section 45(b) and (c) of the Public Finance Management Act, (Act No.1 of 1999).

PURPOSE

5. The purpose of this policy is to–

(a) spell out clear principles, policy provisions, responsibilities and control measures for the efficient utilisation of departmental cell phones and data modems by all officials in the department;

(b) provide guidelines and define clearly who is entitled to a cell phone or a data modem, how the costs of purchasing the asset plus ancillary equipment will be met, how the rental and call costs will be met, and the control thereof;

(c) provide for terms and conditions according to which officials must utilise their cell phones;

(d) facilitate the delivery of services to the relevant stakeholders in an efficient, economic and effective manner;

(e) provide for the criteria in terms of which cell phones must be procured by employees; and

(f) provide the manner in which employees are to be reimbursed for expenditure associated with cell phones.

CRITERIA FOR QUALIFICATION

6.(1) The Head of Directorate, General Manager or Head of Branch, as the case may be, may grant approval to an employee in his or her component, to be compensated for costs incurred by that employee in respect of the use of a private cell phone for official purposes, provided that—

- (a) SMS members, who by virtue of their duties are required to have a cell phone available at all times, are exempt from obtaining approval as contemplated in the sub-clauses hereunder;
- (b) employees with a rank lower than SMS must obtain approval before negotiating and entering into contractual agreements with a service provider;
- (c) the nature of the duties attached to the post of the relevant employee, such as routine travel or the performance of standby duties, must necessitate the use of a cell phone as an official work facility; and
- (d) the service must be affordable in view of the number of employees in the component who are entitled to claim in terms of this policy, and funds must be available in the budget of the component to cover the relevant expenditure.

POLICY OPTIONS AND APPLICABLE CONDITIONS

7.(1) This Policy provides for the following two categories for the implementation and application of this Policy:

- (a) Category A, which applies to all employees of the department who have been identified to qualify for a Departmental cell phone contract, as determined by this Policy, and includes—
 - (i) the MEC;
 - (ii) the Accounting Officer;
 - (iii) all Senior General Managers and Acting Senior General Managers;
 - (iv) the Head of Ministerial Services;
 - (v) the Chief Operating Officer; and
 - (vi) any employee who has been exempted as contemplated in clause 12; and
- (b) Category B, which applies to departmental employees who are in possession of private cell phones, and whose duties require them to have access to a cell phone whilst they are away from the office on a regular basis.

(2) All employees using cell phones may be linked to the Departmental Blackberry Server or the Microsoft Exchange Server for easier access to their GroupWise e-mails on their cell phones.

KEY ELEMENTS OF CATEGORY A

8.(1) The Accounting officer or delegated employee must enter into an agreement with a cell phone services provider on favourable terms, in compliance with the supply chain management policies and procedures of the Department, provided that–

- (a) the relevant Responsibility Manager must certify that funds are available for the purchase and costs associated with the use of a cell phone;
- (b) the supply chain management unit may not process the requisition for a new or replacement cell phone unless the delegated employee has approved the request in accordance with the requirements detailed in clauses 13 and 17(2);
- (c) the supply chain management unit must facilitate the procurement of cell phones, after consultation with the user of the cell phone;
- (d) employees eligible for cell phones in terms of Category A may not order their own official cell phones;
- (e) contracts between the Department and the supplier may not exceed the standard 24 month period; and
- (f) payment to the services provider must immediately be generated upon receipt of the cell phone account and amounts owing must be settled within 30 days of receipt of the Tax Invoice.

(2) Subject to the availability of funds, and approval from the relevant Responsibility Manager, each employee contemplated in this Category may be provided with a basic hands free kit for use whilst driving, provided that detailed motivation must be submitted to the Accounting Officer for authority to purchase.

UTILISATION OF CATEGORY A CELL PHONES

9.(a) A register of all cell phones owned by the department must be maintained, and must contain information relating to the make of handset, the name of the employee it has been issued to, the signature of the allocated employee, and the date of issue, substantially compliant with the form attached hereto as Annexure B.

(b) On signing for the receipt of the cell phone, the employee must ensure that all defects that are reasonably visible are noted in writing.

FINANCIAL LIMITS OF CATEGORY A

10. The authority to determine and introduce subscription limits to expenditure associated with the use of cell phones is vested in the Accounting Officer, who may from time to time amend the subscription limits as reflected under Annexure A.

RETURN OF CATEGORY A CELL PHONES

11.(a) All cell phones, which are acquired as part of the contract may be retained by the employee to whom it has been issued, after the expiry of the contract period, subject to a nominal payment as stipulated under Annexure A.

(b) All cell phones that are purchased exclusive of a contract, must be registered as an asset of the Department in the asset register, and must be returned to the responsible component upon the allocation of a new cell phone.

(c) Where a departmental cell phone contract is due to end and that contract is transferred to an employee in his private capacity, the transfer cost charged by the service provider will be paid by the Department, provided that any migration costs associated with a reduction in the contract package must in such circumstances be borne by the relevant employee.

EXEMPTIONS

12.(a) Any employee that requires exemption from this Policy must submit a fully motivated submission as contemplated in clause 13 to the Accounting Officer, without whose authority no deviation from this Policy will be allowed.

(b) Motivation for exemption excludes SMS members, who by virtue of their duties are required to have a cell phone available at all times

MOTIVATION FOR DEPARTMENTAL CELL PHONE

13. (1) The Department may acquire departmental cell phones for essential services to be decided upon and approved by the Accounting Officer.

(2) A Departmental cell phone may be issued to an employee contemplated in clause 7(a)(vi), upon compliance with the following provisions:

(a) the nature of the work and the need for a cellular phone as a means of carrying out the daily activities is to be a determining factor;

(b) each application must be considered on its own merit, irrespective of the post level of the employee applying for exemption;

(c) each application must be fully motivated with proof to the effect that a cell phone is the most economical and practical instrument of communication, which will enhance the employee's work performance, and must contain–

- (i) the reasons for applying for a Departmental cell phone;
- (ii) the responsibilities of the employee;
- (iii) other means of communication considered and the unsuitability thereof;
- (iv) the need for the relevant employee to be accessible at all times; and
- (v) the annual financial implications related to the purchase and maintenance of the cell phone.

KEY ELEMENTS OF CATEGORY B

14.(1) The Department will not procure any cell phones or enter into agreements with cellular service providers for employees falling within Category B, but will, subject to the provisions of this Policy, reimburse employees who qualify in terms of the criteria indicated in this Policy, the full amount of all costs associated with the procurement and use of the cell phone.

- (2) This category applies to all members of the SMS and employees in the Department who:
- (a) have entered into cell phone contracts with service providers;
 - (b) have to use their cell phones as an official facility; and
 - (c) who have been granted approval by the relevant Head of Directorate, General Manager or Head of Branch to submit monthly claims to the Department for the reimbursement of cell phone costs.

CLAIM PROCEDURE FOR CATEGORY B

15.(1) The Department will reimburse employees who qualify as contemplated in clause 6 and 14 above, for all fixed costs, including Blackberry Enterprise Services where applicable, and call charges, provided that–

- (a) the employee will be responsible for the payment of the full amount of his or her invoice on a monthly basis;
- (b) the employee must submit a certified claim to the Department on the prescribed form, under cover of a Subsistence and Travelling Claim form, together with–
 - (i) the invoice from the service provider;
 - (ii) the itemised bill, which is essential for the identification of official calls; and
 - (iii) a copy of the letter of approval from the Head of Directorate, General Manager or Branch Head;

(c) written approval for international roaming for voice and data contract must be obtained from the relevant Head of Directorate, General Manager or Branch Head prior to departure on an international trip;

(d) the claim must–

(i) as regards members of the SMS, be approved by his or her Supervisor;

(ii) as regards all other employees, be approved by the relevant Head of Directorate, General Manager or Branch Head concerned; and

(iii) be forwarded to the Senior Manager: Budget Control & Planning for capture on PERSAL;

(e) the Department will only pay a subscription amount equal to the maximum of a business package as per the table reflected in Annexure A, whether the relevant employee elects to opt for a lower or higher package or not;

(f) The subscription rates will be subject to an annual review by the Accounting Officer and Chief Financial officer;

(g) the employee will be reimbursed for all-inclusive actual costs in accordance with Annexure A, taking into account that only the lesser of the actual cost or limit may be claimed;

(h) Heads of Branches, General Managers and Heads of Directorates may in appropriate circumstances impose lower limits than the limits contemplated in sub-clauses (e) and (g);

(i) claims in excess of the applicable limits contemplated in sub-clause (e) may, in exceptional cases, and upon acceptable written motivation, be approved by the General Manager or Branch Head concerned; and

(j) Heads of Directorates, General Managers and Branch Heads may not approve their own claims, which must be referred to their Supervisors for the necessary approval.

(2) All supervisors must ensure that all claims–

(a) comply with the requirements of this Policy; and

(b) are approved within five working days of their submission by the relevant employee.

(3) The Senior Manager: Budget Control and Planning must ensure that–

(a) all claims comply with the requirements of this Policy;

(b) all claims that comply are processed expeditiously; and

(c) the amounts claimed are paid electronically into the bank accounts within ten working days from date of approval of claims.

POOL CELL PHONES

16. The Department may procure pool cell phones for employees who are not normally required to possess a cell phone as an official facility, provided that–

- (a) each Directorate may keep a maximum of two pool cell phones;
- (b) it will be the responsibility of the relevant SMS member to ensure that there are adequate measures in place to safeguard the instrument and SIM card at all times;
- (c) the relevant SMS member must ensure that–
 - (i) a pool cell phone is only booked out to an employee under signature of the relevant employee;
 - (ii) the pool cell phone and SIM card is signed back into stock when the employee returns; and
 - (iii) the account for the pool cell phone is checked on a monthly basis and that the employees are not allowed private use of the phone whilst on duty and will be required to reimburse the Department for any private calls made; and
- (d) the employee will be held responsible for the cost of private calls and the repair or replacement cost of a pool cell phone in the event that the said pool cell phone is damaged, lost or stolen whilst in his or her possession, and as a result of his or her negligence.

SAFEKEEPING OF CELL PHONES

17.(1) The cell phone user has the direct responsibility and custody of the assigned cell phone and ancillary equipment including the SIM card, and employees must at all times ensure that cell phones are not unduly exposed to theft or wilful damage.

(2) All cell phones may be insured by employees at no cost to the department.

(3) All lost cell phones must be reported to the South African Police Services and the department within 24 hours.

(4) Replacement of cell phones may only be facilitated after approval by the Accounting Officer on the recommendation of a loss control report regarding the circumstances of such losses for the prescribed departmental loss procedures to be followed.

(5) Cell phones will only be replaced at a lower cost than the replaced phone unless the request coincides with the due date for an upgrade of the replaced cell phone.

(6) In the case of applications for replacement phones for employees, as contemplated in clause 7(a) above, the application must clearly state;

- (a) the name and rank of the applicant;
- (b) the make and model of phone to be replaced;
- (c) the reason for the proposed replacement; and
- (d) if lost or stolen, the responsible employee must provide a SAPS reference number.

(7) Replacement phones will be of the same or lower cost than replaced phones unless the request coincides with the due date for an upgrade of the replaced cell phone.

(8) Repairs and disposals must be treated in accordance with the departments supply chain management and asset management prescripts and the cell phone contract.

LIMITATIONS ON BUSINESS PACKAGES FOR WIRELESS DATA MODEMS

18.(1) The following are the prescribed monthly data usage limits on data modems, set for the different employee, unless stated otherwise on the approved Requisition Form:

- (a) 1GIG for all departmental employees on levels 1 to 12;
- (b) 2GIG for all SMS members; and
- (c) 3GIG and above by special request.

(2) The above limits are not restrictive, and any employee who needs to be on any limit other than the prescribed one, must submit a motivated application, supported by the supervisor to the Head of the relevant Branch, provided that the following procedure must be adhered to for the acquisition of data modems;

- (a) the supply chain management unit must facilitate the procurement of data modems upon receipt of the request from the user;
- (b) data contracts between the Department and the supplier may not exceed the standard 24 month period;
- (c) payment to the services provider must immediately be generated upon receipt of the data line account; and
- (d) amounts owing must be settled within 30 days of receipt of the Tax Invoice.

(3) The use of voice calls and text messages is prohibited from wireless data SIM cards, and any such use will be treated as private voice calls and text messages, and the employee responsible will be liable to settle costs related to these calls in full.

REPEAL OF PREVIOUS POLICY

19. This policy supercedes all previous policies and replaces all other arrangements and measures with regard to the official use of cell phones and data modems by employees.

MONITORING AND REVIEW

20. The Senior Manager: Supply Chain Management must monitor the implementation of the policy on a regular basis, provided that this Policy may be reviewed and amended from time to time as and when the need arises.

DATE OF IMPLEMENTATION

21. This Policy comes into effect on date of signature hereof by the Accounting Officer.

CHIEF FINANCIAL OFFICER

ACCOUNTING OFFICER

DATE: _____

DATE: _____

CELL PHONE RATES AND PACKAGES

CATEGORY A CELL PHONES

1.(1) The following financial limits for subscription fees are set for Category A cell phones:

- (a) no limits are set for the MEC and Accounting Officer;
- (b) all Senior General Managers, the Chief Operating Officer, and the Head of Ministerial Services will be limited to the amount of R 1,500.00 (One Thousand Five Hundred Rand);
- (c) all members of the SMS, who are exempted in terms of clause 12 will be limited to the amount of R 800.00 (Eight Hundred Rand); and
- (d) all other employees below SMS level, who are exempted in terms of clause 12 will be limited to the amount of R 450.00 (Four Hundred and Fifty Rand).

(2) All Category A cell phones, which are acquired as part of the contract may be retained by the employee to whom it has been issued, after the expiry of the contract period, subject to a nominal payment of R100 per cell phone.

CATEGORY B CELL PHONES

2. (1) The following financial limits for subscription fees are set for Category A cell phones:

- (a) the employee will be reimbursed for all-inclusive actual costs in accordance with the limits reflected below, taking into account that only the lesser of the actual cost or limit may be claimed, and that such limits may be reviewed on an annual basis or as and when the need arises, taking into consideration of cost increases and other relevant factors:
 - (i) R 1,200.00 (One Thousand Two Hundred Rand), or the actual official call costs, including sms messages and subscription, whichever is the lesser amount, in the case of General Managers;
 - (ii) R 1,000.00 (One Thousand Rand), or the actual official call costs, including sms messages and subscription, whichever is the lesser amount, in the case of SMS members and employees of equal ranks; and
 - (iii) R 800.00 (Eight Hundred Rand), or the actual official call costs, including sms messages and subscription, whichever is the lesser amount, in the case of all other employees; and

(b) the Department will only pay a subscription amount equal to the maximum of a business package as per the table reflected hereunder, whether the relevant employee elects to opt for a lower or higher package, which subscription rates will be subject to annual review by the Accounting Officer and Chief Financial Officer, or as and when the need arises.

Rank	Subscription	Package Description
General Manager	R 630	Vodacom Talk 350
	R 500	MTN 500
	R 438	8ta Smart Contract
	R 650	Cell C Business Chat 400
Senior Manager	R 430	Vodacom Talk 240
	R 500	MTN 500
	R 438	8ta Smart Contract
	R 650	Cell C Business Chat 400
Middle Management Service and Lower Ranks	R 315	Vodacom Talk 130
	R 350	MTN 350
	R 308	8ta Smart Contract
	R 185	Cell C Business Chat Standard

(2) Heads of Branches, General Managers and Heads of Directorates may in appropriate circumstances impose lower limits than the limits contemplated in sub-clauses (a) and (b);

COMMUNITY DEVELOPMENT WORKERS' ALLOWANCES

3. An amount of R 1,000.00 (One Thousand Rand) per month is to be paid to Community Development Workers as an all-inclusive allowance for utilising their personal cell phones, laptops and data lines for business purposes.

Annexure B – Certification of Receipt of Official Cell phone or Data Modem



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Department
Co-operative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

CERTIFICATION OF RECEIPT OF OFFICIAL CELL PHONE OR DATA MODEM

SECTION A: PERSONAL DETAILS									
Title	Prof	Dr	Mr	Mrs	Miss/Ms				
Surname									
First Names									
Identity Number									
Persal Number									
Rank									
Directorate									
Sub-directorate									
SECTION B: CELL PHONE or DATA MODEM DETAILS									
Make									
Model									
Cell Number									
PUK Code									
IMEI Number									
ACCESSORIES RECEIVED (where applicable)									
Pouch									
Hands free kit									
Bluetooth									
Charger									
Car kit									
Car Charger									
<i>Specify any</i>									
SECTION C: ACKNOWLEDGEMENT OF RECEIPT									
I hereby acknowledge receipt of the equipment as listed above, and undertake to handle it in accordance with the departmental cell phone policy, and acknowledge that if Private Calls are not paid for in time, this will be deducted from my salary automatically as per the departmental Cell Phone Policy.									
Initials and Surname of the Receiving Official			Signature of Receiving Official			Date			
Initials and Surname of the Issuing Officer			Signature of Issuing Officer			Date			