

## Mobile Device Usage and Agreement Policy

### 1.0 Introduction

The State of Minnesota provides several electronic tools for employees whose job performance requires or would be enhanced by their use. Mobile devices and their service agreements are provided for official state business use and are made available to employees in positions where the associated benefits justify the additional operating costs.

Use of mobile devices for business purposes is at the discretion of each state agency. Participating state agencies shall review and assign mobile devices and services consistent with their internal procedures and the policy and procedures herein.

#### Scope

The scope of this policy covers both:

- State-owned mobile devices and service
- Employee-owned mobile devices and service, including an allowance for eligible employees

#### Business Requirement

Mobile access (e.g., connectivity, devices/service or allowance) is provided for official state business use and may be made available to employees in positions where the associated benefits justify the additional operating costs.

Employees who have a justifiable business use for mobile access typically have job duties with the following requirements:

- Employees need to be available to respond 24 hours a day, seven days a week.
- Employees need to be listed as an emergency contact (e.g., duties require them to be contacted anywhere and/or at any time).
- Employees have job duties that require them to be away from the office/workstation at least 30% of the time and they retain the need for access to work calendar, emails, notes, documents, etc., in order to enhance and maintain productivity during the work day.

#### Discretionary Approval

Approval is at the discretion of each state agency and the responsibility of the user's direct manager/supervisor. The manager/supervisor should use the following guidelines for his or her evaluation:

- There is a justifiable business requirement for having mobile access to the State of Minnesota information.
- The user agrees to opt into policies defined here and in related policy documents.
- The user device satisfies the policy conditions.

The agency and the user's supervisor may have reasons to deny eligibility, which may include but is not limited to:

- Working with sensitive information or information that is not available to the public.
- Working in a high-security area or department.
- Working in a department with rigorous discovery, litigation, and/or compliance requirements.
- Potential for Fair Labor Standards Act concerns.
- Temporary or probationary employee status.

Approval is not a right or benefit of employment. Approval is discretionary.

### **Equal Employment Opportunity**

All use of mobile device equipment/service must comply with federal, state and local law and State of Minnesota policies prohibiting harassment and discrimination in employment.

## **2.0 Employee Responsibility**

### **Appropriate Use**

All use of mobile device equipment/service or an allowance is governed by the Statewide Policy: Appropriate Use of Electronic Communication and Technology. This policy is located at:

[http://mn.gov/oet/images/EA\\_P\\_Appropriate\\_Use\\_Elec\\_Comm.pdf](http://mn.gov/oet/images/EA_P_Appropriate_Use_Elec_Comm.pdf)

### **Potential Disciplinary Action**

Employees are expected to use mobile devices responsibly and in accordance with this policy and any applicable work rules. Use of a state-owned mobile device in violation of this policy or agency work rules may result in revocation of the mobile device assignment and possible disciplinary action against the employee. The State reserves the right to seek reimbursement for excessive personal use of any state-owned mobile device.

### **Employee Safety**

State employees are highly discouraged from using a mobile device to make a phone call while operating a motor vehicle in the conduct of state business, except for the purpose of making a phone call to obtain or render emergency assistance. Further, the use of a mobile device is prohibited in all contracts the state has entered into with rental car agencies, with the only exception being its use in an emergency situation. Additionally, employees are reminded that the use of a mobile device for non-telephone communication (e.g., texting) is illegal in Minnesota while operating a motor vehicle.

Minnesota Statute 169.475 states:

169.475 USE OF WIRELESS COMMUNICATIONS DEVICE.
Subdivision 1. Definition
For purposes of this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communications device without direct initiation by a person.
Subd. 2. Prohibition on use.
No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.
Subd. 3. Exceptions.
This section does not apply if a wireless communications device is used:
(1) solely in a voice-activated or other hands-free mode;
(2) for making a cellular phone call;
(3) for obtaining emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;
(4) in the reasonable belief that a person's life or safety is in immediate danger; or
(5) in an authorized emergency vehicle while in the performance of official duties.

Other safety guidelines when using mobile phones while in their vehicles include but are not limited to:

- Users must comply with all country and local regulations regarding automobile safety.
- It is preferable to dial while the vehicle is not moving; otherwise, use voice recognition or speed dial to minimize risk.

- Never use the phone in heavy traffic or bad weather.
- When driving, always use a hands-free phone, a Bluetooth headset or a corded headset when possible.
- Never look up phone numbers while driving.
- Never have stressful conversations while driving.
- Do not program navigation applications while driving.
- Keep your eyes on the road while on the phone.
- Follow the local laws guiding the use of mobile phones, if such laws exist.

### **Wage and Hour Issues**

Nonexempt employees using a mobile device to conduct work-related business outside of work hours must track and record such work time and be appropriately compensated for it.

### **Number Portability**

In the event of a change of vendors for the state's cellular contract, in most cases cellular numbers may be ported (transferred) from one vendor to another. Porting a personal cellular number to a state billing account is prohibited, as is porting a state cellular number to a personal billing account. This will avoid commingling personal and business calls.

### **Loss or Theft**

- If the device is lost or stolen, the user will notify the State of Minnesota Help Desk or Agency Help Desk within one hour, or as soon as practical after you notice the device is missing (temporary or permanent loss). The State of Minnesota MN.IT will lock the device and e-mail on the device will be deleted.
- Users must not cancel any individual services for employee-owned devices until after the remote wipe of the device is completed.

## **3.0 Participation Options**

The employee's manager or supervisor must determine that the device is required for business reasons.

Employees who have a justifiable use for mobile access may:

- Be furnished with a state-owned device, provided that the employee accepts the terms and conditions of the related policy and user agreements.
- Have the option of using an employee-owned device, provided they accept the terms and conditions of the related policy and user agreements.
- Employees who are required to use a mobile device and choose to use an employee-owned device for state business may receive an allowance to help defray the cost of state business if they are a member of an eligible labor agreement or plan. Employees who receive an allowance must accept the additional terms and conditions of the allowance. Mobile phone allowances are at the discretion of an employee's manager or supervisor.

## **4.0 State-owned Mobile Device**

Employees who are issued state devices are issued devices for business purposes only.

### **Public Information**

Call detail (e.g., time, number called, date, duration) of calls appearing on the state mobile device billing account is public information, except when exempt by statute.

### **Use of State-Owned Mobile Device for Personal Calls**

The use of state-owned mobile device equipment and service is intended for state business. Personal use of state-owned mobile devices is allowable only for incidental use.

### **Monthly Mobile Device Billing Review and Annual Service Reviews**

Agencies are responsible for reviewing monthly mobile device billings, not unlike any other type of billing it receives. Agencies may use their discretion in determining the method of this review.

Agencies are encouraged to conduct an annual review of the individual mobile device assignments to determine if there is a continuing need and if the cost remains justified.

### **Management of State-Owned Mobile Devices**

All state-owned mobile devices will be managed by MN.IT's Mobile Device Management (MDM) Advanced service. The MDM Advanced service is a full-featured mobile device management offering for securing, monitoring, reporting on and automating the management of mobile devices. Management includes configuring the synchronization of email, contacts and calendars, configuring Wi-Fi, VPN, bookmarks and an enterprise app store.

## **5.0 Employee-owned Mobile Device**

Employees should not use employee-owned devices to conduct state business, without authorization given through their agency. Agencies that authorize such use must do so in accordance with the requirements defined in this policy.

### **Overview**

At the core of the employee-owned device policy is the concept that the user, through an opt-in decision, trades control over the employee-owned device in exchange for access to state resources (such as the network and email). These obligations include, but are not limited to:

- User acceptance that an employee-owned device may be remotely wiped (i.e., erasing all data and applications, including personal information) by the State of Minnesota or accessed for legitimate business purposes.
- User understanding that the employee is solely responsible for backing up any personal content on the device.
- User agreement to keep the device updated and in good working order.
- User acknowledgment that the State of Minnesota will in no way be responsible for damaged, lost or stolen employee-owned devices while the user is performing state business.
- User agreement to allow IT to load manageability software on employee-owned devices.

### **Reasonable Accommodation**

Under the Americans with Disabilities Act, an agency may be obligated to accommodate a qualified individual with a disability who uses an employee-owned mobile device at work which enables the employee to perform the essential functions of the job.

### **Privacy**

The State of Minnesota may need to access the employee-owned device for legitimate business purposes including, but not limited to implementing security controls, fulfilling record retention obligations, conducting investigations, or responding to litigation-related requests arising out of administrative, civil, or criminal proceedings. Employees are expected to provide access to their device upon demand for necessary business purposes. The State of Minnesota may also need to copy the entire device; including personal content to meet business obligations and it will not likely be able to differentiate between personal data and employer data at the time of collection.

### **Employee-owned Device Requirements**

- User will not download or transfer sensitive business data to employee-owned devices. This excludes government e-mail that is protected through the various security controls listed below.
- User will protect the device with a password or other form of user authentication.
- User agrees to maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. The user will not "jail break" the device by installing software that allows the user to bypass standard built-in security features and controls.
- Users must agree to keep up to date and in good working order all devices and platforms supported by the State of Minnesota.
- Users must maintain a device compatible with the organization's published technical specifications, which will be updated at least every two years. If a device falls out of compliance, then it may be blocked from

access until it is in good working order and meets minimum requirements.

- User agrees that the device will not be shared with other individuals or family members, due to the business use of the device (e.g., potential access to government e-mail, sensitive data, etc.).
- User agrees to delete any sensitive business files that may be inadvertently downloaded and stored on the device through the process of viewing e-mail attachments. The employee agrees to follow the premise, "When in Doubt, Delete it Out."

### **Employee-owned Device Functionality and Feature Management**

- Cameras in mobile devices are not to be used in the organization's secured facility areas unless permission from site management is obtained beforehand.
- Upon the organization's request, users must allow the installation of a mobile device management software agent, or any other software deemed necessary, on the user's device.
- The device functionality must not be modified unless required or recommended by the State of Minnesota. The use of devices that are "jail broken", "rooted" or have been subjected to any other method of changing built-in protections is not permitted and constitutes a material breach of this policy.
- Users must accept that, when connecting the employee-owned mobile device to the State of Minnesota resources, the State of Minnesota's security policy will be enforced on the device. The security policy implemented may include, but is not limited to, areas such as passcode, passcode timeout, passcode complexity and encryption.
- Users must take appropriate precautions to prevent others from obtaining access to their mobile device(s). Users will be responsible for all transactions made with their credentials, and should not share individually assigned passwords, PINs or other credentials.
- Users are responsible for bringing or sending the mobile device to the IT security department and handing over necessary device access codes when notified that the device has been selected for a physical security audit, or in the event the device is needed for e-discovery purposes.
- Users may not provide access credentials to any other individual, and each device in use must be explicitly granted access after agreeing to the terms and conditions of this document.

### **Technical Support and Management of Employee-Owned Mobile Devices**

The State of Minnesota's MN.IT staff will provide support and guidance for the installation and connection to the Agency's and/or MN.IT's infrastructure and network resources. All other support-related issues must be directed to the mobile device service provider.

All employee-owned mobile devices will be managed by one of MN.IT's Mobile Device Management (MDM) services.

- The MDM Advanced service is a full-featured mobile device management offering for securing, monitoring, reporting on and automating the management of mobile devices. Management includes configuring the synchronization of email, contacts and calendars, configuring Wi-Fi, VPN, bookmarks and an enterprise app store.
- The MDM Basic service offers minimal mobile device management for employees who use an employee-owned mobile device for work, and need to synchronize state mail, contacts and calendars to their device.

### **Employee-owned Device Allowance**

Employees who have received authorization from their agency to use employee-owned devices to conduct state business may also receive a mobile device allowance, if allowed by their labor agreement or plan. The mobile device allowance is intended to help defray the costs of state business on an employee-owned device. It may be used for device purchase or for services, or for both.

### Approval

- The employee's manager/supervisor is authorized to approve an employee to receive a mobile device allowance.
- The employee's manager/supervisor will determine the allowance amount to be granted according to the category to which the user belongs.
- The State of Minnesota may adjust the allowance amount provided to employees at any time and for

any reason.

- The State of Minnesota may terminate the allowance program at any time and for any reason.

#### Employee Expectations

Employees receiving a mobile device allowance are expected to be responsible for the following:

- Any extra services or equipment needed to keep the device in good functioning order.
- Any charges exceeding the monthly allowance for purchasing a device or for service charges, including all fees to change contracts and cancellation.
- Any received bills will be paid by the user in a timely fashion according to the mobile operator's terms and conditions and maintain the device in good working order. The State of Minnesota will not act on the employee's behalf to cover any charges issued by the mobile operator to cover any violation of terms.
- The user will retain an active device as long as a device allowance is in place. Proof of this requirement will be the responsibility of the employee's manager/supervisor and verified at their discretion.

#### Allowance Amounts

The dollar amount of the mobile device allowance is:

- Voice only - \$7.00 per pay period
- Data only - \$9.00 per pay period
- Voice/Data - \$16.00 per pay period

Important notes regarding the mobile device allowance:

- This is an allowance, not a reimbursement; therefore, the allowance is taxable.
- Employees are limited to either a state issued device or a mobile device allowance, but not both.
- Employees may receive an allowance for only one device, regardless of the number of devices they own and use for business purposes (e.g., smartphone and iPad).
  
- Unusual charges for business may be submitted for expense reimbursement at the discretion of the supervisor and subject to the plan. Examples include expenses for valid international travel or excessive business use during any one charge period.

#### Payment of Allowance

The allowance will be paid through the State's payroll system, SEMA4. Employees would record the allowance on their timesheet to receive payment.

## **6.0 Technical Requirements**

Government entities must prevent the unauthorized disclosure of not public data on mobile computing devices.

#### **Encryption of Not Public Data**

All not public data stored on portable computing devices must be encrypted by one of the following means:

- An approved, third party product that is enforced through a controlled configuration and cannot be disabled by the user.
- Encryption that is enforced through a technical policy or localized applications that cannot be overwritten by the user.

#### **Password / Authentication Requirements**

All portable computing devices that contain not public data or synchronize with services that can access not public data must protect the data with user authentication.

#### **Remote Data Wipe**

Portable computing devices that only use a Personal Identification Number (PIN) for authentication must have the capability to:

- Be remotely erased (or "wiped") by the agency or service provider.

- Automatically erase all data after a set amount of authentication attempts.

### **Technical Responsibility**

All users of mobile devices must sign-off and agree to the following requirements.

- To physically protect the portable device when away from a secure location.
- Proper escalation and notification procedures for when a portable device is lost or stolen, including the need to notify their agency before notifying a third party (e.g., AT&T, Sprint, etc.).
- For users of employee-owned devices, understanding and agreeing to the terms in a personal use agreement. These terms will give the State the authority to:
  - Remotely wipe data on the device, which potentially could include personal data.
  - Monitor activities on non-State devices.
  - Recover data or take possession of devices when legally necessary.

### **Records Management and Data Practices Considerations**

To be in compliance with statutory requirements, government entities extending data to mobile computing devices must address record retention, record administration, and data practices requirements.

## **7.0 Termination from the Program**

The following scenarios may result in termination from the employee-owned mobile device program:

- The State of Minnesota may cancel the program at any time, for any reason.
- Users may withdraw from the program at any time and for any reason.
- User violation of policy – Violation of the rules in this policy may be grounds for disciplinary action up to and including termination.
- Termination of employment will end the participation in the program.

Regardless of reason for the termination from the employee-owned mobile device program, the following process will occur:

- The State of Minnesota will remotely wipe all devices with the organization's information on them. It will be up to the end user to back up personal application and data prior to this event, and to restore only personal information after the device has been cleared of contents.
- Certain devices may be considered an exception; the help desk will verify that all organization-related information has been removed.
- Employees are responsible for any charges for service paid in advance of actual use.

Additionally, former or terminated employees

- Are not authorized to restore any application or data that originated through the relationship with their former organization. Any attempt to restore such information will be subject to legal action against the former employee.
- Must sign off on having no other copies of the State of Minnesota information stored on employee-owned devices (or backups of them), regardless of media.

## **8.0 Policy Roles & Responsibilities**

### **Employees**

Employees will acknowledge and accept all terms and conditions for mobile device equipment/service or an allowance as defined in this policy by signing the user acknowledgment and agreement form at the end of this policy.

### **State Agencies**

State agencies shall:

- Review and assign mobile devices/services or allowances consistent with their internal procedures.
- Provide awareness of the requirements of this standard to users and administrators of mobile computing device.
- Keep the Acknowledgement form on file for the duration of the individual approval of mobile device

equipment/service or an allowance to an employee. When the employee leaves his/her position or is no longer an authorized user, the state mobile device must be returned to the employee's supervisor or other designated official.

- Authorize usage and approve connectivity to entity resources from portable computing devices.
- Maintain an escalation process to ensure lost or stolen devices are addressed promptly.
- Determine and accept additional business risk for records management, litigation hold, and other regulatory or legal requirements.

**MN.IT Services (formerly Office of Enterprise Technology, or OET)**

- Maintain technology requirements for mobile computing devices, contained in this document and also found at [http://mn.gov/oet/images/SEC\\_S\\_Enterprise\\_Security\\_Portable\\_Computing\\_Devices.pdf](http://mn.gov/oet/images/SEC_S_Enterprise_Security_Portable_Computing_Devices.pdf)
- Provide guidance to government entities on any conflicts or questions pertaining to compliance with this standard.
- Provide subject matter expertise to MMD on matters pertaining to this standard and appropriate product selection.
- Fulfill the requirements of the Government Entity for OET.

## 9.0 User Acknowledgment and Agreement

It is State of Minnesota’s right to restrict or rescind mobile device privileges, or take other administrative or legal action due to failure to comply with the above referenced policy. Violation of these rules may be grounds for disciplinary action up to and including removal.

I acknowledge, understand and will comply with the above referenced security policy and rules, as applicable to my mobile device usage of State of Minnesota services. I understand that the addition of any required government-provided third party software may decrease the available memory or storage on my personal device and that the State of Minnesota is not responsible for any loss or theft of, damage to, or failure in the device that may result from use of third-party software and/or use of the device in this program.

I understand that contacting vendors for trouble-shooting and support of third-party software is my responsibility, with limited configuration support and advice provided by State of Minnesota MN.IT. I understand that business use may result in increases to my personal monthly service plan costs.

Should I later decide to discontinue my participation in the mobile device program, I will allow the government to remove and disable any government provided third-party software and services from my personal device.

<b>Employee Name (Printed)</b>	
<b>Employee ID Number</b>	
<b>Manager/Supervisor Name</b>	
<b>Manager/Supervisor ID Number</b>	
<b>Requested Effective Date</b>	
<b>Mobile Device Ownership and Management Service</b>	<input type="checkbox"/> State-owned Mobile Device, Managed by MDM Advanced <input type="checkbox"/> Employee-owned Mobile Device, Managed by MDM Basic <input type="checkbox"/> Employee-owned Mobile Device, Managed by MDM Advanced
<b>Device make/model (e.g., iPad, Samsung S4, iPhone 5c)</b>	
<b>Mobile Device Allowance</b>	<input type="checkbox"/> Not applicable/None <input type="checkbox"/> Voice only <input type="checkbox"/> Data only <input type="checkbox"/> Voice/Data
<b>Business Justification</b>	
<b>Notes</b>	

Employee Signature \_\_\_\_\_

Employee Signature Date \_\_\_\_\_

Manager Approval \_\_\_\_\_

Manager Approval Date \_\_\_\_\_

*(This page should be signed, scanned and emailed to MN.IT when requesting mobile device service activation. Additionally, this should be emailed to the respective Agency Business group when initiating payment of an allowance.)*

## 10.0 Policy History/Approval

Version: 1.1

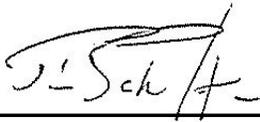
Approved Date:

Issued:

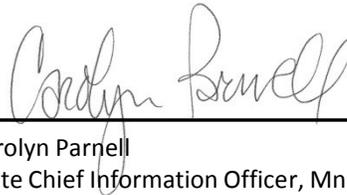
### References:

- Minn. Stat. 15.86 -- State Agency Actions
- Minn. Stat. Chapter 13 -- Government Data Practices
- Minn. Stat. 43A.38 -- Code of Ethics for Employees in the Executive Branch
- Minn. Stat. 169.475, Use of Wireless Communication Device
- Minnesota Management & Budget Policy and Procedure No. 0807-04 -- [Cellular Telephones, Air Time and Service Purchase and Payment Policy and Procedure](#)
- Statewide Policy: Appropriate Use of Electronic Communication and Technology ([http://mn.gov/oet/images/EA\\_P\\_Appropriate\\_Use\\_Elec\\_Comm.pdf](http://mn.gov/oet/images/EA_P_Appropriate_Use_Elec_Comm.pdf))
- MN.IT State Standard: Enterprise Security Portable Computing Device Standard ([http://mn.gov/oet/images/SEC\\_S\\_Enterprise\\_Security\\_Portable\\_Computing\\_Devices.pdf](http://mn.gov/oet/images/SEC_S_Enterprise_Security_Portable_Computing_Devices.pdf))

### Signed



James Schowalter  
Commissioner, Minnesota Management & Budget



Carolyn Parnell  
State Chief Information Officer, Mn.IT Services



Spencer Cronk  
Commissioner, Minnesota Department of Administration

5/15/14

Date