

Town of Kernersville Safety and Health Policy and Procedure Manual	Cellular Phone Use Section 0120	Date 11/05	Revised 12/20
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Town of Kernersville employees shall consider safety first. The Town expects its employees to use cellular telephones and mobile devices in a manner consistent with Town policy and comply with all applicable laws. Texting and reading text messages or email while driving is unlawful in North Carolina*. If an employee must send or receive an email or text message while on the road, they are required to safely stop the vehicle before doing so. Violations of this law will result in disciplinary action in accordance with Article XIII of the Town of Kernersville Personnel Policy and will impact an employee's motor vehicle criteria grading as outlined in the Town's MVR policy.

The use of a cellular telephone or mobile device, while operating a motorized vehicle or equipment, is strongly discouraged. Employees should plan to allow placement of calls prior to driving or while on scheduled breaks. If an employee must use their cellular telephone to conduct business while driving, they should use hands free mode, keep conversations brief, and avoid unnecessary calls. ***When driving conditions are deemed as hazardous no calls shall be made or received.*** If it is necessary for the employee to read or write while taking the call, the employee shall pull off the road.

Employees using cellular telephones or mobile devices shall maintain professional conduct during conversations. Cellular telephones and mobile devices are operated through radio frequencies, and are therefore subject to the Federal Communications Commission Rules and Regulations. Discussions of topics that are inappropriate or confidential either by law, Town policy, or for other reasons, should never be conducted via cellular telephone or mobile device. Employees should be aware that cellular communications can be intercepted by scanning devices. Caution shall always be considered while discussing confidential issues. Employees are also reminded that Town issued phones or mobile devices should not be utilized for personal use unless specifically authorized by the Department Head or Supervisor. Excessive personal use of such device may lead to disciplinary action as described in the Personnel Policy under Section V. Responsibilities of Employment, Subsection 1.0 Responsibility of Employee.

**Legislation makes it unlawful to use a mobile phone to type or read text messages or emails while driving in North Carolina. However, the law contains exceptions for voice operated technology, the use of global positioning systems (GPS), and "wireless communication devices used to transmit or receive data as part of a digital dispatch system." In addition, the law does not apply to law enforcement personnel or fire fighters, or to ambulance drivers or to drivers who are "lawfully parked or stopped." Violation of this law is a misdemeanor, punishable by a \$100 fine.*