

Centers for Medicare & Medicaid Services (CMS)
Administrative Services Policy Guidance for BlackBerry Devices
December 22, 2009

PURPOSE

This policy is to provide guidance to CMS Management regarding the distribution of blackberry devices and employee responsibilities as an agency blackberry user. Blackberry devices are provided as a tool for completing essential duties of the position, with an added goal to increase productivity and allow flexibility in service to the CMS community.

ISSUANCE OF BLACKBERRY DEVICES

CMS provides blackberry devices to CMS employees for use in conducting Official Government business. Blackberry devices are purchased by CMS and are considered Government issued property. This policy establishes how blackberry devices should be distributed to managers and key staff in the organization who are decision makers, critical to the business function of CMS, and those who are required to maintain constant communication with management.

Distribution of blackberry devices is limited to managers and Fair Labor Standard Act (FLSA) exempt employees due to the potential impact on hours of work and overtime covered by the CMS Master Labor Agreement. Blackberry devices may be assigned to employees provided at least one of the following criteria is met:

- The employees are responsible for emergency matters which require them to be available “24x7” (i.e. security, building/facility management, COOP activities, etc.)
- The employees’ positions require considerable time outside of their assigned office or work area and it is important to the Agency that they are accessible and have immediate access to e-mail during those times
- The employees’ job functions require them to be accessible and have immediate access to e-mail outside of their scheduled tour of duty
- The employees’ job effectiveness will show a significant increase in productivity through the use of a blackberry device

Simple convenience is not a criterion for a blackberry device. It is the responsibility of the component to ensure that the position warrants a device.

Each component will receive an authorized inventory of blackberry devices. The components Director will be required to review his/her operational functions to determine which positions

qualify for a blackberry device based on the above criteria. Management will notify, via e-mail, the components Executive Officer or designee that an employee requires a device. The Executive Officer or designee will work closely with the Office of Information Services (OIS) to secure the device. When the blackberry device is configured, the employee will be required to sign a Blackberry Acceptance Form (HHS-430).

Components have the authority to re-deploy their allocated blackberry devices to best meet organizational priorities at their discretion. The blackberry is assigned to a position, and not the person. Therefore, when an employee leaves his/her position, the blackberry must be returned to OIS for reconfiguration and will be re-deployed to another position/employee within the component based on the established criteria.

EMPLOYEE RESPONSIBILITY

Blackberry devices are assigned to CMS employees for use in conducting official Government business only. Employees are required to carry their blackberry while away from the worksite and outside normal work hours, so that they are accessible in case of an emergency. Personal use is not allowable except for the following:

- Calls to home or doctor, if an employee becomes injured or ill while at work or traveling on official business
- Calls to notify the family, if an employee is traveling on Government business and is delayed by business or travel requirements
- If an employee is required to work overtime without advance notice, he/she may make calls to alert others of his/her schedule changes and/or to make alternative transportation or child care arrangements

Exception calls should be brief and non-recurring and used only when there is no other landline phone available.

DAMAGE, LOSS, OR THEFT

It is the responsibility of all employees to protect and conserve Government property. Blackberry equipment that is damaged, lost or stolen should immediately be reported to management and to the CMS IT Service Desk at 410-786-2580.

Damage, loss, or theft of wireless equipment due to neglect or abuse by the employee may be cause for disciplinary action. Repair and replacement charges may be assessed to the employee personally in these cases.

SECURITY CONTROLS

The responsibility for the care and protection of all Government property is an obligation inherent in every position occupied by Government personnel. This responsibility is set forth in the HHS Standards of Conduct regulation codified in 45 CFR 73.735-304 and in the HHS Information Security Rules of Behavior.

Each CMS employee is responsible for the proper use and care of any CMS personal custody property assets or peripherals assigned to him/her. CMS employees are required to follow the safeguards listed below and any additional or supplemental guidance provided by CMS.

- The employee shall not remove or alter the asset tag/bar code located on the back of his/her assigned blackberry device in accordance with the Federal Property Management Regulations
- All documents containing personally identifiable information, confidential or sensitive information shall be stored properly and password protected in accordance with established procedures
- The employee shall ensure that his/her CMS blackberry device is under his/her direct control at all times. When not in use, the employee shall ensure that the device is physically secured at all times
- The employee shall not ship, mail, or place his/her blackberry device in checked luggage under any circumstance
- Under no circumstances should the assigned blackberry device be used as a replacement for a personal cell phone, blackberry, or residential landline phone

CMS issued cell phones, blackberries, or other similar hand held devices are not to be used at work to record unauthorized personal or business conversations.

CMS issued cell phones, blackberries, or other similar hand held devices are not to be used to access “pay” services such as; 411 Directory Assistance or to download applications that cause the Agency to incur additional charges through the use of cost-incurring services.

Employees who misuse government property may be subject to disciplinary action up to and including removal from Federal Service.

REMOVAL OF BLACKBERRY DEVICES

A CMS agency-provided blackberry device is the property of CMS and as such may be removed from the employee’s possession at any time. Abuse of wireless device privileges, upon the discretion of the component Director, will result in loss of blackberry device privileges.

Failure to follow the security controls and safeguards, any negligence, unauthorized use, misuse, or abuse as determined by the Agency, may result in discipline up to and including removal from Federal Service, and possible financial liability for damaged, lost, or stolen equipment.

Components shall review the assignment of wireless devices on a regular basis, and may determine that a position which currently requires a blackberry device no longer meets the criteria. Necessity of a blackberry device may also be affected by a change in job duties or position.

**CERTIFICATION FOR CMS ADMINISTRATIVE SERVICES POLICY GUIDANCE
FOR BLACKBERRY DEVICES**

I, [Print Name], _____, certify that I have read and understand the CMS Administrative Services Policy Guidance for Blackberry Devices and have agreed to the conditions for issuance and usage of a Blackberry device.

I understand that failure to adhere to the CMS Administrative Services Policy Guidance for Blackberry devices may result in disciplinary action. In addition, I understand that if loss/theft/damage occurs as the result of abuse, misuse, or negligence I may also be subject to disciplinary action and/or financial liability.

Employee Signature

Date of Receipt