

MEMORANDUM OF UNDERSTANDING
BETWEEN
MONTGOMERY COUNTY GOVERNMENT
AND
FRATERNAL ORDER OF POLICE
MONTGOMERY COUNTY LODGE 35, INC.

The Montgomery County Government ("County") and the Fraternal Order of Police Montgomery County Lodge No. 35, Inc. ("FOP"), January 23, 2020 Memorandum of Understanding regarding the issuance of the Blackberry PDA and cell phone devices.

1. These devices are issued serialized equipment. Devices may be stored in a secure lockable area of the vehicle when not in use.
2. The primary purpose of the device is for work related communication. Members will be available by their county issued cellular device while on duty, and non-county issued devices shall not be used for work purposes unless in an exigent circumstance. The device shall not be routinely used as a personal communication device (phone calls only).
3. In addition to on-duty availability, members will carry their county issued cellular device while operating a county vehicle or working uniformed secondary employment. The device must be powered on while working uniformed secondary employment. If at any time while bargaining unit members are operating a county vehicle while off duty and there is a radio system outage, bargaining unit members will power on the device to serve as emergency communication.
4. International usage, and/or travel outside the continental United States requires approval of the Assistant Chief, Management Services Bureau.
5. Unit members will be provided the necessary equipment to ensure the devices are hands free while driving. Unit members will also be provided all necessary equipment to charge the device in the department issued vehicle.
6. The use of the devices GPS, or other location tracking software, shall be used for operational purposes (e.g., lost device, Officer safety, etc.) and shall not be the sole basis for discipline.
7. The downloading of ringtones, games, automatic message alerts and other software or applications not approved by the employer is prohibited. All devices will be managed by the County's' device management software.
8. All content on the device, including data that may be stored remotely, may be subject to Public Information Act requests and discovery.
9. Employees who are granted the use of the County cellular device while out of the country will not be responsible for cost of usage. Employees may be billed only for actual costs incurred by the employer for use of the device which can be determined to be non-work related. The employer bears the burden to demonstrate a financial loss before pursuing reimbursement from an employee. The County shall provide prompt notification to the employee of any billing for personal use that increased costs to the employer. The notice shall specify the amount, the total of the usage, corresponding dates and copies of all documents used to demonstrate any financial loss.

10. Any disciplinary action taken by the employer shall be in accordance with Article 43 of the Collective Bargaining Agreement.

Fraternal Order of Police, Lodge 35, Inc:

Montgomery County, Maryland

Lee Holland 1/21/2021
By: Lee Holland Date
Chief Negotiator

Steven N. Blivess 01/21/21
By: ~~Steve Sluchansky~~ Date
Chief Negotiator
Steven N. Blivess
Acting Chief Labor Relations Officer

Approved for form and legality by:

Edward E. Haenftling, Jr. 01/21/21
Edward E. Haenftling, Jr. Date
Associate County Attorney