

ARTICLE 13

GENERAL PROVISIONS

13.19 MDM and GPS Location Reporting Information Use

Without limitation, but by way of illustration, the exclusive prerogatives, functions, and rights of the City shall include the ability to establish, revise, and implement standards for hiring, promotion, work quality, safety, materials, equipment, uniforms, appearance, methods, and procedures. The rights of employees in the bargaining unit and the Union are limited to those specifically set forth in this Agreement, and the City retains all prerogatives, functions, and rights not specifically limited by the terms of this Agreement.

The **Mobile Device Management (MDM)** is about establishing increased security and accessibility on mobile devices owned by the City. This security is similar to existing controls already in place on desktop PC's and laptop computers.

The MDM has several components including password protections, device locking, remote wiping of data, encryption technology, and virus detection. MDM also has app controls wherein installation of only pre-approved apps may be downloaded to a City device.

The MDM also contains a location reporting system that utilizes GPS technology. The parties agree to the following regarding the usage of the location reporting technology in MDM:

1. The primary intent of the location reporting is to locate a lost or stolen device.
2. The MDM location data can only be accessed by an MDM System Administrator, typically designated IT employees. Department manager(s) or supervisor(s) will not have direct access to location tracking and will not be able to access this data to monitor an employee's location.
3. The use of location tracking in real time will not be used for the purposes of tracking an employee's location, except that such data may be used in emergency situations such as locating a missing employee, emergency disaster situations, to locate a lost or stolen device, or pursuant to an investigation that meets the requirements of paragraph 5 below.
4. The use of past location data which may be collected and stored for up to three months may not be used as the sole basis to initiate a workplace investigation. The City may store past location data for more than three months pursuant to an investigation that meets the requirements of paragraph 5 below.
5. Note there may be other situations where the City may store past location data for more than three months, including but not limited to pursuant to State record retention requirements or a tort claim notice where that information is relevant to a potential lawsuit.

The parties do agree that the MDM location data may be used as corroborating and/or exonerating evidence in a workplace investigation if the initiating basis for the investigation originates from a source other than the MDM location data.

GPS Location Reporting Information Use.

In order to ascertain the location of City vehicles and equipment, the City has installed, and will continue to install Global Positioning Systems (GPS) in any vehicle/equipment the City deems necessary. GPS has many beneficial uses for operational efficiency, accuracy, liability, and safety, such as the capacity to record vehicle/equipment route, speed, idling time, occurrences of hard braking, material disbursement, snowplow blade position at various locations, and magnesium chloride and sand application rates. GPS can send alerts if a vehicle/equipment passes a certain location, exceeds a certain speed, engages in hard braking, or other aspects of vehicular/equipment use. Management reserves the right to review GPS data for efficiency, assignment of work duty, or other process improvements, and any discrepancies identified will be addressed in accordance to disciplinary processes.

1. The City will not use GPS data to discipline an employee for otherwise allowable activity during breaks and lunches.
2. The City may use GPS data for the purposes of discipline;
 - a. if there is an internal or external documented complaint regarding inappropriate behavior that can be verified or refuted with the use of City GPS technology
 - b. if an employee has been counseled or disciplined for inappropriate use of City time, City resources, and/or performance deficiencies for which GPS data can be used to corroborate or exonerate.
 - c. if the City discovers an irregularity during a review of GPS data conducted for reasons other than investigating for potential misconduct or performance deficiencies.

While the article does not provide specific examples of use of GPS technology in City vehicles and equipment; the City may invoke discipline for any abuse of City equipment, City resources, or time. Complaints or concern brought forth by anyone about potential misuse of City vehicles or equipment, City resources, or employee's use of time will be investigated. Outlining these disciplinary examples does not limit managements right as outlined in Article 2 of the CBA.

For the City:

Nina Vetter
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Signature

Date

For Teamsters Local 223:

Karrie Roberts

Signature

3/17/2023

Date

