

## PROCEDURE FOR THE BUSINESS USE OF CELLULAR TELEPHONES

The purpose of this procedure is to establish guidelines governing the use of cellular telephones by SMCCCD's employees. Employees may need to use cellular telephones to conduct legitimate SMCCCD business, and such use is a predictable necessity. SMCCCD will provide cellular telephones by one of the three following plans for authorized employees who use a cellular telephone during the course of their daily business:

- 1) A Stipend Allowance
- 2) District Issued Cellular Telephone
- 3) Reimbursement of employee's personal cellular telephone for business use

**Oversight Responsibility:** The employee's supervisor shall be responsible for oversight of employee cellular telephone usage and shall monitor and review such usage periodically to ensure that use is appropriate and that prudent fiscal management guidelines are followed. This periodic review shall include an assessment of each authorized employee's continued need to use wireless devices for business purposes.

### **1. Stipend Allowance Plan:**

This plan provides a taxable allowance to the employee in advance, and is intended to provide reimbursement guidelines, criteria and conditions for business use of personally owned cellular telephones. This allowance will appear on the employee's paycheck and will be reportable as State and Federal taxable income, and is not re-payable to the District. The allowance will not be considered an increase in base pay, and will not be included in any percentage calculations for increases to base salary. The stipend will not be paid to an eligible employee if the employee is absent from work due to illness or injury work (paid or unpaid) for a duration that exceeds one month. **Eligibility for this stipend as well as the amount of the stipend will be determined by the employee's supervisor.**

### **a. Stipend Allowance Plan Procedure:**

1. An employee must submit a request for a cellular telephone form to his/her supervisor. The employee's supervisor will recommend the appropriate monthly allowance based upon the business requirements of the employee. The monthly wireless allowance shall not exceed the employee's monthly cellular telephone plan charges.
2. Eligible employees are required to provide their own cellular telephone and maintain an active cellular telephone account for as long as they are receiving a stipend. Employees under the stipend program may be asked to show proof of a cellular telephone account, such as a monthly bill, at any time.

3. Employees are required to provide their cellular telephone number to the college district. Any change to an employee's personal cellular telephone number is to be reported to his/her immediate supervisor within 24 hours of the change.
4. The District taxable allowance is used to defray the cost of the use of the cellular telephone for District business. The employee shall make available to the District, upon District request, records of the business calls necessary to comply with applicable law and regulations, including but not limited to the California Public Records Act; however, the employee may redact any personal information from the records provided. The employee agrees to retain cellular telephone bills for thirty (30) days from the date of receipt of said bills by the employee.

**b. Stipend Guidelines:**

SMCCCD will pay an allowance, dependent upon the need of the employee's use of a wireless device for work purposes, equal to the lesser of the employees' monthly cellular telephone plan, which may include data package costs, or the approved stipend amount. The authorized amounts of stipends are \$30, \$60, or \$90. The maximum monthly reimbursement shall not exceed \$90. ***The entire amount of the stipend is considered taxable income and will be reported through Payroll on the employee's State and Federal yearend earnings statements.*** The employee's departmental budget will be charged for the stipend in the same way as his/her salary is charged.

No further expense allowances or reimbursements will be made. Any expenses above and beyond what is outlined here, including the cost of changes in phone numbers are the responsibility of the employee and will not be included in the expense allowance.

**2. District Issued Cellular Telephones:**

Individually assigned cellular telephones will be issued based on approval by the Department Administrator. The sole purpose of these telephones is for **business** use only. Personal calls are not permitted in order to ensure compliance with IRS tax laws. In this case, the Department Administrator will be responsible for implementing proper tracking and collection of cellular telephone charges. All cellular telephone documents must be kept for three years.

**PROCEDURES**

- A. **Authorization:** The employee must sign a Cellular Telephone Procedure form for cellular telephone service. The form must be signed by the employee, employee's supervisor, and approved by the Chancellor, Vice Chancellor, President, or Administrative Dean. These signatures indicate that all parties have read and understand this cell phone policy.
  - Only the authorized contract coordinated through District General Services shall be utilized for District issued cellular telephone services. The employee's departmental budget is responsible for all cellular telephone equipment and usage charges.
- B. **Employee Responsibility** – Employees are responsible for ensuring that the cellular telephone is used for District Business only.
  - Extenuating circumstances under which the telephone is needed for personal use must be infrequent and non-routine.
  - The employee is responsible for protecting the cellular telephone from damage or unauthorized use.

- District-owned cellular telephones provided to employees remains the property of the District and **must** be returned to the department manager or designee whenever the equipment is no longer needed, or if the employee terminates his/her employment with the District.

**C. Review and Approval of Cellular Telephone Statements** – Cellular telephone statements showing a detail of cellular telephone usage are expected to be reviewed by department manager (or designee) on a monthly basis. Employees are required to identify all personal calls on the monthly statement. A copy of the statements should be kept in the department for three years for record keeping and auditing purposes.

**D. Sanctions** - Failure to adhere to District policies will result in reimbursement to the college for inappropriate charges, disciplinary action, and possible termination.

- **Pooled Cellular Telephones:** Pooled cellular telephones include all cellular telephones assigned to departments for the joint use by more than one employee. The sole purpose of these cellular telephones is for official use only. Each department will maintain a log for signing the cellular telephones in and out, so that all usage can be identified with specific individuals. Cellular telephone checkout log must include the following: employee name (legible), title, time out, time in, and work purpose. Records must be in ink or on a computer log. Tampering with records may result in disciplinary action. Pooled cellular telephone use records must be kept for at least three years including telephone log and billing records. Pooled cellular telephones may be restricted from long distance use, and cannot be used for personal calls.

**3. Reimbursement of personal cellular telephone for business use:**

Employees who need to use their personal cellular telephone for business use on an occasional basis are eligible for reimbursement. Whenever possible, prior authorization should be obtained by the employee's supervisor (before attending conferences, travel, etc.). A copy of the bill with highlighted calls made for business must be submitted.

**Cellular Telephone and Hands Free Law:**

Effective July 2008, State of California law (SB1613 Chapter No. 290) requires the use of a hands-free device in order to use a cellular telephone while driving, except for emergencies, and drivers of emergency response vehicles. In the interest of the safety of District employees and other drivers, employees are prohibited from using cellular telephones while driving on District business or while conducting District business. If the employee's job requires that a cellular telephone be on while driving, the employee must use a hands-free device. It is highly recommended that even with a hands-free device that the employee safely parks the vehicle before using the phone.

Under no circumstances, other than an emergency, should an employee place a phone call while operating a vehicle and conducting District business. The District is not responsible for any moving traffic violations, citations, or any other violations of city ordinances, state/federal laws, regarding an employee's driving habits. Any citations issued are the employee's responsibility, even if the citation is issued while conducting business for the District.