

CELL PHONES AND OTHER MOBILE DEVICES

NDCC Section 54-06-26 restricts use of state telephones by employees to business use and only such personal use that is for “essential personal purposes to the extent that use does not interfere with the functions of the officials’ or employee’s agency, department or institution”.

SBHE Policy 807.1, Mobile Phones and Other Mobile Computing Devices; Restrictions on Use of State Phones, requires that each NDUS institution adopt a procedure governing employee use of mobile phones that is consistent with this policy and applicable statutes. These procedures must include a process for identifying employees who are required to have available a mobile phone, guidelines and minimum requirements for employee-owned devices for which an employee receives an allowance or reimbursement, a schedule or schedules to determine the amount of such allowance or reimbursement, and delegation of authority to approve devices, plans and allowances or reimbursements.

The need to have cell phones or other mobile devices for business purposes varies by employee, job-related responsibility, and department requirement. Departments, with approval from the divisional Vice President if applicable, is responsible for determining and documenting the business need for any cell phone or other mobile device. Cell phones or other mobile devices should not be selected as an alternative to other means of communication – e.g., land-lines, pagers, radio phones, laptops – when such alternatives would provide adequate but less costly service to the college. Any provision for a cell phone or mobile device is at the sole discretion of an employee’s supervising department and based on availability of funds.

Examples of business needs for cell phones and other mobile devices include:

- A requirement to travel frequently to do business, across a geographic area away from the home office, and great amounts of time are spent in transit. (ex. recruiters, distance ed)
- A requirement for communication about College business when the employee is away from his/her office or worksite during the day or after hours. (ex. administration)
- A requirement for communication regarding College business when the employee’s job responsibilities require him/her to be away from a land-line during the day. (ex. maintenance, custodians, security)
- A requirement for frequent, immediate or emergency communications throughout the day or after hours regarding critical programs, services or systems. (ex. campus services, IT, housing)

WSC-OWNED CELL PHONES AND OTHER MOBILE DEVICES

If a department identifies an employee as having an ongoing business need for a cell phone or other mobile device, WSC allows the purchase of this and corresponding service plan. A department may also request a cell phone or other mobile device to be assigned to their specific department for shared use among a group of persons on a rotating or shift basis. Personal use of this cell phone or mobile device is limited to essential personal purposes to the extent that use does not interfere with the functions of the college. College-owned cell phones and other mobile devices are to be strictly used for business purposes.

The IRS states that when an employer provides an employee with a cell phone primarily for non-compensatory business reasons, the business and personal use of the cell phone is generally nontaxable to the employee. The IRS will not require recordkeeping of business use in order to receive this tax-free treatment.

Purchases of these approved cell phones or other mobile devices should be coordinated through the Finance Department and acceptable to the IT Department.

EMPLOYEE-OWNED CELL PHONES AND OTHER MOBILE DEVICES

WSC allows, but does not require, a department to pay an employee a taxable monthly payroll amount to defray expenses for business use of their cell phone or other mobile device. In limited cases, and when the employee does not have a college-owned cell phone or other mobile device or does not receive a monthly stipend, WSC may reimburse an employee for the expenses of a personal mobile device plan if business usage costs the employee more than the price of their personal plan, and the reimbursement does not occur on a regular basis.

MONTHLY EMPLOYEE PAYROLL PAYMENT OPTIONS FOR WIRELESS PLANS

The following options exist for a department to pay an employee a monthly payroll amount for wireless usage based on anticipated business use. These stipends are not intended to cover the actual cost of the service selected, by the employee. Employees are thereby free to choose services and equipment that exceed their business needs. These monthly stipend amounts will be reviewed periodically by the Finance Department with any proposed changes being approved by Executive Cabinet.

- Tier I - \$25 per month (equivalent to \$300 per year): An employee is expected to be available for business by voice and text on a mobile device they own. Business usage estimated at 25%.
- Tier II - \$35 per month (equivalent to \$420 per year): An employee is expected to be available for business by voice and text on a mobile device they own, and the business usage is significant. Business usage estimated at 50%.
- Tier III - \$50 per month (equivalent to \$600 per year): An employee is expected to be available for business by voice, text and email on a mobile device they own, and the business usage is significant. Business usage estimated at 50% or more.
- Tier IV - \$125 per month (equivalent to \$1,500 per year): An employee is expected to be available for business by voice, text and email on a mobile device they own, and the business usage is significant. Business usage estimated at 95% or more. Employee's position mandates accessibility and reimbursement is not from appropriated funds.

In all cases, the employee's mobile device and wireless plan must support the requirement of the stipend tier. The employee is responsible for the cost of the hardware.

DEPARTMENT RESPONSIBILITIES

Departments should document when an employee has been approved for the use of a WSC-owned cell phone or other mobile device or awarded a monthly payroll stipend for a cell phone or other mobile device based on business use. Documentation should include the basis for approval, and indicate whether the employee will utilize a WSC-owned device or will receive a monthly payroll payment. If a monthly payroll amount is provided, departments should signify the level of payment (Tier I, II or III) the

employee will receive. Documentation should be kept on file and updated upon change in requirement of cell phone or other mobile device or employment status.

To initiate monthly payroll payments, departments must submit the WSC Human Resource Personnel Form requesting this stipend as additional pay. This form must be submitted annually as the monthly stipend will not automatically renew. This annual submission will give departments an opportunity to review the cell phone and other mobile device needs of each employee.

Department heads are ultimately responsible for the use of cell phones and other mobile devices. These responsibilities include:

- Making the initial recommendation on whether equipment is provided to an employee and on what basis.
- Selecting appropriate services of WSC-owned device based on business use.
- Monitoring usage on a regular basis for policy compliance, continued business need, and appropriate business use.
- Annually reviewing existing equipment/services to ensure they are needed and represent the best options (most economical) given the business use.

Approved by Executive Cabinet on August 24, 2015

Amended by Executive Cabinet on November 30, 2015 to be effective January 1, 2016