

## BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Use of Cellular Phones

Administrative Rule 3513.1(a)

### **Purpose**

To establish policy and procedures for the assignment of an allowance for cellular telephones and other wireless handheld communication devices (collectively, "cell phones"). This policy replaces the current practice of providing employees with Mt. Diablo Unified School District (herein referenced as "District") owned cell phones.

### **Policy**

The District has identified a business need for eligible employees to use a cell phone for certain business communications. To meet this business need, the District will provide a cell phone allowance to eligible employees.

### **Discussion**

#### Eligibility:

~~Superintendent's Council is automatically eligible for an allowance under this policy. All other employees will be eligible on a case-by-case determination by each Department head that the nature of work the employee performs and the need to maintain contact with the employee during work hours and non-work hours is best accomplished by using a cell phone. Eligibility is not based on job title. Employees meeting the following criteria will generally be considered eligible:~~

- Facilities and critical systems employees subject to after-hours call out;
- ~~Emergency responders (Incident Command System command staff and general staff; primary and first alternates only);~~
- Field personnel such as district maintenance, operations, facilities, transportation, warehouse and technology support etc.;
- Employees who spend a considerable amount of time out of the office.

This policy is intended to accommodate changes and advances in wireless handheld communication technology, and to limit the number of eligible employees to those where a business necessity exists.

#### Standard Equipment and Allowances:

The Technology and Information Systems division is responsible for establishing standards for cell phones that need to communicate with the District's e-mail system. Allowances have been established with consideration to both the cost of monthly service plans as well as the amortized cost of standard equipment. For cell phones, the monthly allowance is \$80.00 for on call Employees; Emergency Response Staff as designated by the Superintendent, \$50.00 for all other employees. The allowance will be provided to employees through the payroll system. Employees working less than 12 months but receiving 12 paychecks will only receive an allowance during the months they actually work.

### Usage and Responsibility:

Eligible employees are responsible for purchasing their own cell phone, establishing a service plan, and paying the monthly statement for their service plan. When an employee is first determined to be eligible, the employee may receive a one-time stipend for the cost of the phone, not to exceed \$50, upon submission of a receipt for the purchase. Additional accessories not part of the phone purchase, such as Bluetooth, are not reimbursable even if the total amount is within the one-time reimbursement limit.

Employees must retain an active cell phone while receiving an allowance. Since the employee owns the cell phone, there is no restriction on personal use. The IRS, however, considers the allowance a taxable benefit to the employee. As such, the allowance is reportable to the IRS by the District and the employee. The allowance is not an increase in base pay and will not be included in calculations of salary increases or retirement benefits.

Lost or stolen cell phones, as well as problems with the service or equipment, should be reported to the service provider.

### Push to Talk Radios

The District will provide Push to Talk Radios to eligible employees who work in the field such as maintenance, operations, facilities, transportation, warehouse and technology support.

### Responsibility for Contract Cancellation Fees:

If the District makes a decision that results in the need to end a cell phone allowance, it will bear the cost of any fees associated with early cancellation. An example of this would be a supervisor making a change in an employee's duties and the new duties no longer requiring a cell phone for District business. If the employee decides not to retain the cell phone contract for personal use, the District would be responsible for any early cancellation fees on the contract.

If a personal decision by the employee results in the need to end the cell phone contract, the employee will bear the cost of any fees associated with early cancellation. For example, if an employee quits and no longer wants to retain the current cell phone contract for personal use, the employee would be responsible for any early cancellation fees on the contract.

### Authorization:

The department director must authorize an allowance by completing and signing a Cell Phone Allowance Authorization form and submitting it to the Executive Director, Operations at the District Office. A new Cell Phone Allowance Authorization Form must be submitted each year. The authorization is good from July 1 to June 30 of each fiscal year.