

2-11: Cell Phone Policy

1) Definitions

- a. **"Cell phone"** - is defined as a mobile phone, iPhone, Blackberry, air card, or similar device.
- b. **"College-owned cell phone"** - is defined as a cell phone owned by Fort Lewis College. The College pays the initial cost and monthly service cost of the cell phone.
- c. **"Employee-owned cell phone"** - is defined as a cell phone owned by the employee. The employee pays the initial cost and monthly service cost of the cell phone.

2) College-owned cell phones

- a. **Qualifications** - In order to qualify for a College-owned cell phone, both of the following criteria shall be met:
 - i. **Nature of the work** - Nature of work is critical to College business and requires:
 - 1. substantial travel, and therefore, limits the ability to use the employee's office phone, or other available office phones, or
 - 2. the employee to respond immediately, or
 - 3. the employee to be available outside of normal office hours.
 - 4. Other requirements may be established by the employee's department if necessary.
 - ii. **De minimis personal use** - The employee uses the cell phone primarily for conducting College business. The employee may use the College-owned cell phone for personal use provided all the following criteria are met:
 - 1. the employee's personal use of the College-owned cell phone is infrequent and short in duration, and
 - 2. the personal use of the College-owned cell phone does not result in additional charges to the College, and
 - 3. the personal use of the College-owned cell phone does not count as work time, and
 - 4. For purposes of this section, "infrequent" and "short in duration" mean no more than 100 monthly minutes are personal.

b. No charges to employees - Because an employee agrees to use a College-owned cell phone for de minimis personal use, the College will not charge employees for personal use of College-owned cell phones.

3) Employee-owned cell phones

a. One-time reimbursements

i. **Reimbursement for College use** - when approved by the Department and the appropriate Vice President, the College will reimburse employees who use their personal cell phone for College business. Employees who use their employee-owned cell phones for College business use shall submit a Check Request with the cell phone bill highlighted for business use to claim reimbursement for the business use. Reimbursement will be calculated at \$.10 per minute or \$.10 per text message for business use, and will not exceed \$27/month based on basic plan Verizon pricing (with a 10% employee discount).

b. On-going reimbursements

i. Qualifications

1. Nature of the work - Nature of work is critical to the operation of the College and requires:

(a) substantial travel, and therefore, limits the ability to use the employee's office phone, or other available office phones, or

(b) the employee to respond immediately, or

(c) the employee to be available outside of normal office hours.

(d) Other requirements may be established by the employee's department as necessary.

2. Cell phone coverage - The employee must maintain the type of cell phone coverage that is reasonably related to the needs of the College's business, and,

3. Reasonable amount for reimbursement - Reimbursements will not exceed \$27/month based on basic plan Verizon pricing (with a 10% employee discount). If the documented business use exceeds this amount, the employee should request a College-owned phone.

4. Not a substitute for wages - The reimbursement must not be a substitute for a portion of the employee's wages.

ii. **Approval of Reimbursement'** when approved by the Department and the appropriate Vice President, the department shall document the reasons supporting the decision and submit them with the Check Request for reimbursement.

4) Compliance and compensation - If the qualifications in this policy 2(a) for College-owned cell phones are not met, the IRS will treat the employee's use of the College-owned cell phone as a taxable fringe benefit, and the College shall include the cost of providing the College-owned cell phone in the employee's compensation. Similarly, if the qualifications in 3(b)(i) for employee-owned cell phones are not met, the College shall include the stipend amount in the employee's compensation. A cell phone provided to promote the morale or good will of an employee, to attract a prospective employee or as a means of furnishing additional compensation to an employee does not meet the qualifications.

5) Effective Date - Per IRS regulations, the tax provisions in this policy are effective retroactively to January 1, 2010.