

# Nebraska State College System

## Cellular Services Procedures

Effective Date June 15, 2012  
Updated August 13, 2015

### Definitions

#### Cellular Telephone Service

For the purposes of this policy, cellular telephone service is any service that is being used, in any measure, to make or receive wireless voice or data calls or interactions on the public cellular networks.

#### Cellular Telephone

A cellular telephone (cell phone), for the purposes of this policy, is any device that is capable of using the services provided by the public cellular telephone networks. These devices vary from a simple telephone device that allows calls to be made and received and perhaps provides simple features such as; a phone number directory, simple appointment calendar, and calculator to more complex phones that can do text messaging and synchronizing directory and calendar data with computers, to devices with telephone features and PDA (personal digital assistant) capabilities which would include fully synchronized contact databases, calendars, email, and web browsing, to general computers with cellular phone network cards.

### Purpose

Some NSCS employees have job duties and responsibilities that are critical in supporting business and technical needs; and the NSCS recognizes the importance of cellular telephone service as a function of these roles.

In light of personal preferences, as well as economic sensitivity focused on the use of cellular services at the work place (both personal devices and employer provided devices), the NSCS has implemented a cellular services policy to significantly reduce the number of employer provided cell phones and corresponding administrative responsibility

The NSCS routinely evaluates employees who are on a College or System Office sponsored cellular service plan and identifies eligible candidates for the cellular services stipend. Eligible candidates may either continue using their College or System Office owned cell phone or they may begin using a personal cell phone and receive a cell phone stipend. Employees will not be reimbursed for any fees associated with changing their personal cell phone plan if the employee decides a different plan is necessary to switch from a College or System Office owned cell phone to a stipend.

The employee's supervisor must notify the appropriate office designated by the College of the employee's transition plan from a College or System Office cell phone to a cellular stipend so that the College or System Office can monitor the billing from the carriers and ensure that it is correct.

The College or System Office, in collaboration with employees and supervisors, will determine the business-related cellular service needs for employees and arrive at an appropriate cellular service option. The employee's supervisor is strongly encouraged to review whether a cell phone is necessary, and to select alternative means of communication, e.g., landlines, pagers, and mobile radios, when such alternatives would provide adequate and less costly service to the College or System Office. For employees with a rotating on-call schedule, one College or System Office owned cell phone is the preferred, less expensive solution as opposed to several individual stipends. Employees of the NSCS whose duties include the need for cellular services (voice and/or data) have the following options:

1. Cellular Services Stipend

The employee will be provided with a monthly, taxable stipend for business use of the employee's personally owned and managed cell phone. Since the cellular phone service is personally owned, the cell phone may be used for both personal and business calls.

2. College or System Office Owned Cell Phone

The cell phone and cellular service is owned and managed by the College and/or System Office. No personal usage (voice, data, or text) is allowed.

3. Personally Owned Cell Phone(s)

When the voice and/or data minutes used for business purposes are very minimal and the employee's job function does not require cellular services, the employee is not eligible for either a cell phone stipend or a College or System Office owned cell phone. The employee may request reimbursement for per-minute airtime but reimbursement is limited to the total overage shown on the invoice. Expenses for minutes included in the employee's cellular plan will not be reimbursed.

### **General Information**

Any cell phone that has data capabilities must be password protected. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the wireless device service provider, and to the College or System Office contact responsible for cell phones, as soon as possible. Employees are expected to delete all NSCS data from the cell phone when the cell phone is no longer going to be used for NSCS purposes or the employee's employment with the College or System Office is severed, except when required to maintain the data in compliance with a litigation hold notice.

NSCS employees will not store restricted College or System Office data on cell phones. Restricted College or System Office data includes personal information including, but not limited to, Social Security numbers, driver license numbers (or number from state identification card used in lieu of drivers license), credit card or other financial account numbers, protected health information, or any information that could result in a material risk of identity theft or otherwise harm the legitimate financial and reputational interest of the NSCS if unauthorized access is permitted, whether intentionally or unintentionally. Restricted information should never be sent using e-mail; however, in the event this does occur, the restricted data received should be deleted immediately upon discovery by the recipient.

Sensitive data is data routinely used in conducting business and may be covered by state or federal privacy laws. Such data is protected to preserve the privacy, safety, or reputation of individuals and/or the NSCS. Sensitive data includes, but is not limited to, student grades, educational records, birth dates, intellectual property or research records, or other information which would constitute a violation of the Family Educational Rights and Privacy Act (FERPA) if lost. Employees who regularly deal with sensitive data should exercise due caution in protecting the device from theft or use by other parties.

NSCS employees are **not** required to make or receive cell phone calls while driving and, likewise, there will be no judgment made on anyone who **does not** answer a business call while driving a motor vehicle.

In accordance with the law, NSCS employees will not send or read text messages while driving a motor vehicle.

All phone records (including phone calls, emails, and text messages) **are** subject to public records requests when using a College or System Office owned cell phone. Phone records **may be** subject to public records requests when using a personally-owned cell phone for conducting NSCS or College business, regardless of whether an employee receives a cellular services stipend.

Misuse of a cell phone, in ways inconsistent with NSCS policy or with local, state or federal laws, can result in immediate review of cell phone use and cancellation of the cellular services stipend, when applicable.

### **Cellular Services Stipend Program**

#### Determining Employee Eligibility

Any NSCS employee who has a need to use cellular telephone services for business purposes is eligible.

### Determining Need

An employee's participation in the Cellular Services Stipend Program, for cell phone and/or data provisions, will be evaluated based on eligibility and business needs. Employees in the program will receive a monthly stipend, processed through payroll and subject to taxation, based on the following considerations:

- The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the NSCS that he/she is accessible during those times
- The job function of the employee requires him/her to have wireless data and internet access
- The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours
- If the employee plays a key/critical role in problem solving and decision making
- The employee is designated as a "first responder" to emergencies

### Employee Requirements

Employees must discuss their cell phone usage with their supervisor to identify appropriate cell phone stipend needs. The following questions may also assist the employee and supervisor in identifying stipend needs:

- What is the expectation of the College or System Office for the employee to be accessible via cell phone during work hours?
- What is the expectation of the College or System Office for the employee to be accessible via cell phone during non-work hours?
- What is the expectation of the College or System Office for the employee to be "On-Call"?
- Based on the College or System Office's expectations, does the employee **REQUIRE** email retrieval on their device?
- Based on the College or System Office's expectations, does the individual **REQUIRE** internet access from their device?

### Stipend Amounts (as of June 15, 2012)

Phone	\$25.00 per month
Data Package	\$25.00 per month

Unless justified, all participants will be given the cellular services stipend for phone only. Additional stipend amounts may be given for data, if proper justification is provided. The stipend for each employee will be reviewed upon request or annually (fiscal year), at a minimum, to determine if stipends are appropriate for the employee. New stipends, stipend adjustments, and/or stipend terminations may occur at any time after careful analysis by the employee's supervisor. In case of a change in job positions, a new agreement must be submitted to establish the continued business need for a stipend.

### Establishing Stipend and Obtaining Services and Equipment

The employee is responsible for purchasing a cell phone and establishing a cellular services contract with the cellular service provider of his/her choice, if the employee does not already have a personal cell phone. (Note: Employees need not enroll in a contract but may use a trac phone. When selecting a service provider, mention your employment with the State. Some providers have discounts available to State employees.) Under no circumstances are State funds or a Purchasing Card to be used to purchase cellular telephone equipment covered under this Cellular Services Stipend Program. All cellular hardware costs (i.e. phones, accessories, etc.) will be the responsibility of the employee. The employee will also be responsible for software license fees (Blackberry, Touchdown, Good, etc.) associated with data packages if required.

The cellular services contract is in the name of the employee or the employee is a user on a contract which is in the name of a spouse, family member, or some other individual who is not acting in an official College capacity. The employee, and any other parties to the cellular service contract, if any, is/are solely responsible for maintaining their equipment and paying the service provider. Parties to the cellular service contract will be responsible for all charges related to their cellular telephone and/or data services, including phones, accessories, maintenance, roaming, taxes,

fees, or additional charges. If there are problems with service, the parties to the cellular service contract are expected to work directly with the carrier for resolution. The NSCS does not accept any liability for claims, charges, or disputes between the service provider and the employee.

An employee with a cellular services stipend must maintain an active cellular services contract for the life of the stipend, which incorporates the services approved on the stipend acknowledgement and agreement form.

#### Cellular Services Stipend Acknowledgement and Agreement Form

Supervisors are to complete the cellular services stipend acknowledgement and agreement form, obtain required signatures, and deliver the form to the appropriate Vice President who will validate it and sign off on the cellular services stipend allowance. Employees must indicate their cell phone number at the bottom of the stipend acknowledgement and agreement form as well as what their plan currently includes. The notation of what their plan currently includes may simply state, "My plan currently includes phone service and data." Completed forms are then given to a designated individual at each College or the System Office, who will ensure the employee does not have a College or System Office owned cell phone. Once this verification is performed, forms are forwarded to Human Resources, who will process them and perform data entry into SAP. Employees' personnel files will house the cellular services stipend acknowledgement and agreement form.

The employee's supervisor will ensure a cellular services plan is in place. To ensure a plan is in place the supervisor may obtain a billing statement or observe that the phone is capable of receiving phone service and/or data. Each individual College may give the supervisor the option on how to ensure a cellular services plan is in place or may require the supervisor to obtain a billing statement in all cases. Each College's expectation on how to ensure a cellular plan is in place will be noted at the bottom of the Cellular Services Stipend Acknowledgement and Agreement Form.

Employees have the choice to publish (or not publish) their personal cell phone numbers for business use.

#### Stipend Payment Process

The cellular services stipend will be paid in the month that the form is received and entered into the system, as long as all proper completed paperwork is received prior to data entering deadlines for payroll processing.

**NOTE:** The cellular services stipend *is a taxable benefit* but does not constitute an increase in base pay and will not be included in any percentage calculations for increase to base. Other employee deductions, such as retirement, are also not affected by the stipend.

#### Stipend Termination

If an employee resigns, is terminated, transfers to a different department, or no longer qualifies for the cellular services stipend program, the stipend will be terminated. The employee's supervisor must use the Cellular Services Stipend Acknowledgement and Agreement Form to terminate a stipend in the case of a transfer or when an employee no longer qualifies for a stipend. In the case of a resignation and/or termination, a stipend termination request is not required. Only the employee's supervisor's signature is required on a stipend termination request.

If, prior to the end of the cellular services contract, either through a personal decision, employee misconduct/misuse, or an NSCS decision unrelated to employee misconduct, the employee needs to end or change the contract, the employee will bear the costs of any fees associated.

Employees unable to purchase, maintain, carry and use an electronic communication device and/or services for business use (e.g., due to financial hardship) are required to notify their supervisor and the supplemental compensation will end immediately. If the employee terminates the cellular services contract at any point, he/she must notify their supervisor within five (5) business days to terminate the stipend. A delay in the notification may require a corrective payroll action to recover employer costs.

### **College or System Office Owned Cell Phone**

College or System Office owned cell phones are used in instances where a College or System Office owned cell phone would be more cost effective than paying a cellular services stipend to an employee. A College or System Office cell phone can be issued to employees who prefer a College or System Office owned cell phone to a stipend.

Personal calls on College or System Office owned cell phones are not allowed.

The State is responsible for maintaining the hardware, software, and service for College or System Office owned cell phones used by their employees.

The College or System Office is responsible for monthly review of College or System Office owned cellular services bills, and any supporting documentation.

Use of College or System owned cell phones must be done in a manner consistent with State Statute and IRS rules for employer provided cell phones.

### **Personally Owned Cell Phone**

If an employee's job duties do not include the frequent need for a cell phone, the employee is not eligible for a cellular services stipend. Such employees may request reimbursement for the actual extra expenses of business cell phone calls on their personal cell phone. Reimbursement for per-minute air time charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the plan will not be reimbursed. The individual should make personal payment to the cellular services provider, and then should submit a request for reimbursement. In order to be reimbursed, employees must provide the cellular services provider's detailed billing statement. For each cell phone call submitted for reimbursement, the detailed billing must show the date, time, length, number called and/or calling number, and cost of the call. A log shall be provided if the billing does not provide the above detail. Reimbursement is non-taxable since the business purpose is documented.