

# **HORRY COUNTY SCHOOLS EMPLOYEE CELL PHONE GUIDELINES**

EFFECTIVE DATE: July 1, 2010

## PURPOSE:

The Purpose of these new cell phone guidelines is to enable the District to comply with Internal Revenue Service (IRS) rules regarding the taxability of employee cell phones.

## DEFINITIONS:

Cell phones for the purposes of these guidelines are any devices that are capable of using the services provided by a public cellular telephone network. These devices vary from a simple mobile phone that allows calls to be made and received, to more complex devices with capabilities to fully synchronize contact databases, calendars, email, and web browsing.

Personally owned cell phones are phones that the employee owns for personal use, that are also authorized for use for District business purposes.

District provided cell phones are phones that the District owns and provides to an employee for District business purposes only.

## GUIDELINES:

The District will no longer own cell phones for the use of individual employees, except in limited circumstances as defined below. Instead, employees whose job responsibilities include the frequent need for a cell phone may receive an allowance to cover business-related costs of a personally owned cell phone.

## ELIGIBILITY:

The District will provide an allowance to certain employees for the use of a personally owned cell phone for business purposes. An employee may be approved for a cell phone allowance if any of the following criteria is met: a) the job requires considerable time outside the office and use of a cell phone facilitates the effective performance of the job; b) the job requires the employee to be immediately accessible to make and receive business calls outside of normal work hours; c) the job's safety requirements indicate having a cell phone is an integral part of meeting those requirements; d) the job requires the employee to be on call; or, e) the job requires the employee to be immediately accessible in the event of an emergency.

Eligibility for a cell phone with advanced data services is based on the employee needing real time decision making and responsiveness is of an urgent nature and must be accomplished through email or real time communications; or, responses by email are required when away from the office or after normal work hours.

Simple convenience is not a criterion for a cell phone allowance or a District provided cell phone.

The District will require that the cell phone and service package have the functionality necessary to conduct District business in order to receive the allowance.

The employee's supervisor, Chief Officer, and Chief Financial Officer are responsible for the approval of the request for a cell phone allowance, or in the alternative, a District provided cell phone.

#### GUIDELINES EXCEPTION:

The District will continue to provide cell phones to certain employees who require specific equipment to perform district functions and never expect to use these phones for personal use. The District will also provide cell phones to eligible employees who choose not to purchase their own phone so long as said employee agrees to limit use to only district business, i.e., no personal calls. These "excepted employees" **may** be required to submit monthly documentation verifying business use. Immediate supervisors **would** be required to approve all charges, attesting that all calls were business related. Failure to keep current with this documentation requirement will result in the employees returning the phone to the District.

Failure to adhere to these requirements could also result in disciplinary action.

#### CELL PHONE ALLOWANCE:

An employee approved for a cell phone allowance is responsible for contracting with a cell phone service provider, for paying for any initial plan charges, for the purchase of the cell phone itself, and for paying the plan's monthly bills.

The District will reimburse the employee for the purchase of the cell phone equal to 50% of the purchase price of the instrument, not to exceed \$150. (The maximum reimbursement for employees who need only basic voice services shall not exceed \$50.) The eligible employee must submit a receipt or invoice itemizing the purchase price of the instrument. This reimbursement is for the instrument only, and is not for any additional costs associated with the purchase, such as shipping, insurance, or accessories. An eligible employee can receive this reimbursement once every twenty four (24) months if they choose to upgrade their cell phone instrument.

The District will provide eligible employees a flat rate allowance, independent of the service provider selected by the employee. Employees approved for only basic voice services shall receive an allowance of \$20 per pay period, and employees approved for advanced data services (voice, email, and web services) shall receive an allowance of \$45 per pay period.

This allowance will be paid each pay period through the District's payroll system as nontaxable income and will show as a separate line item on the employee's pay stub. This allowance does not constitute an increase in base pay, and will not be included in the calculation of percentage increases to base pay, nor will this allowance be used to calculate benefits such as retirement contributions.

#### ALLOWANCE REQUEST:

To receive the cell phone allowance an employee must submit a Cell Phone Allowance Request Form to his/her supervisor. The supervisor will be responsible for routing the Form to the appropriate District staff for approval if he/she supports the request.

#### EMPLOYEE RESPONSIBILITIES:

Recipients of this allowance must provide their cell phone number to their supervisor and the Finance Department. They must also maintain the cell phone service as long as the cell phone allowance is in effect.

The employee is responsible for obtaining a cell phone and service plan that meets the requirements for which the allowance is provided.

The cellular phone acquired by an employee is considered personal property of the employee, and therefore may be used for both personal and business purposes. Any service contract the employee might enter into regarding the acquisition or operation of the cell phone is the responsibility of the employee. The District has no obligation or can make any guarantee with respect to such service contract to the employee or the service provider.

The employee is responsible for the maintenance and repair of the cell phone.

The employee will provide cell phone records and bills upon request of the District.

#### FEES FOR CONTRACT CHANGES OR CANCELLATIONS:

If a District decision results in the need to end or change an employee's personal cell phone contract, the District will bear the cost of any fees associated with that change or cancellation. For example, an employee's job functions change and the cell phone is no longer needed for business purposes. If the employee does not want to retain the current contract, any cancellation fees will be reimbursed by the District.

If a personal decision by the employee results in the need to change the cell phone contract, or employee misconduct, or misuse of the phone, results in the loss of the cell phone allowance, the employee will bear the costs of any fees associated with that change or cancellation.

DAMAGED, LOST OR STOLEN CELL PHONE:

The employee shall be responsible for replacing a damaged or lost cell phone with no additional reimbursement from the District. If the phone is stolen, the District will reimburse the employee for 50% of the actual cost of purchasing the replacement, subject to the limits outlined above. In order to receive this reimbursement the employee must file a police report, and provide the District with a copy, as well as a receipt or invoice itemizing the price of the replacement phone.

SUPPORT FOR PERSONALLY OWNED CELL PHONES:

Support for cell phones will be provided by the service provider. District staff cannot offer any support for personally owned cell phones. However, Technology staff will provide support for District software that is used on those devices to synchronize them with District email accounts, calendars, or other District systems and services.

ACCESS TO PHONE AND RECORDS:

There are circumstances when an employee who is receiving a cell phone allowance may be required to provide their personal cell phone instrument and bills or call records. These would generally be in response to a Freedom of Information Act (FOIA) request, a subpoena, or a District investigation.