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# Wireless Communication Device Use Policy

## Introduction

The Wireless Communication Device Policy exists to provide guidance to employees regarding the acquisition and use of William Paterson University provided cellular phones, other wireless communication devices and plans in accordance with federal, state, and university laws, policies and procedures for use in their employment and how employees may be reimbursed for business use of such devices that they personally own.

William Paterson University recognizes that the performance of certain official university business necessitates wireless communications devices. A university provided wireless communication device or reimbursement payment will be provided to employees who have a documented, official university business need and receive the appropriate approval.

“Wireless Communication device” refers to – a cellular telephone and or a tablet computer with built in applications and Internet access. It may also provide digital voice service as well as text messaging, e-mail, web browsing, still and video cameras, MP3players, video viewing and video calling. It also applies to any other wireless communication device with or without a data plan.

## General Guidelines

Wireless devices may be assigned to William Paterson University staff members whose duties consistently require timely and business critical communications as determined by the University and who meet the “primarily for non-compensatory business reasons” as follows:

- i. The device and service is integral to the performance of specific duties within the employee’s job description,
- ii. It is a job requirement that the University have access to the employee beyond the normal working hours given the nature of such employee’s responsibilities at the University.
- iii. The employee does not have an assigned office or workspace and needs to be contacted on a regular basis by university constituents for assigned services or to provide needed information;
- iv. The employee’s regular need to conduct University related business away from the University’s offices or outside of the University’s normal work day.

In lieu of an assigned wireless device a University employee may receive a reimbursement payment if the above criteria are met.

Users of a wireless device should have no expectation of privacy with respect to a wireless device provided by the University. The wireless device is University property, paid for with University funds for the benefit of the user, thus the information on the wireless device belongs to the University and the University reserves the right to access the information in its sole discretion. Wireless communication devices may not be used to defame, embarrass or disparage the University, employees, customers, vendors, or competitors.

Wireless devices are to be used only by the individual to whom it was issued in support of their assigned tasks or in support of other University-related activities. The use of the equipment for commercial or consulting purposes is strictly prohibited.

Non-Standard Applications – Any third party, non-standard, purchased or subscribed to application not in support of the University's business needs and installed by the user on the device will not be supported or funded by the University.

The University must be reimbursed for any occasional incidental or emergency personal use of University wireless devices which result in additional charges or costs incurred to the University.

Each employee shall be responsible for the safekeeping, care and custody of the wireless device assigned to them. Lost, damaged or stolen equipment is the responsibility of the employee. Upon change in employment status or other modification in assignment, which may not warrant allocation of a wireless device, the employee is responsible for returning the equipment to the Department Officer.

By use of a University owned wireless device or services the user agrees to comply with all rules, regulations, guidelines and policies of William Paterson University and any applicable local, state, federal and international laws, guidelines, and regulations.

Wireless plans that satisfy the basic needs and coverage area required by the job, as well being the most cost effective plan will only be authorized

All expenditures related to the use of a wireless device will be charged back to the employee's departmental cost center authorized by the Divisional Vice President

#### Hands Free Operation

The University requires that a User while driving a motor vehicle or operating other motorized equipment, including power tools shall only use a Wireless Device in a hands-free manner regardless of whether the business conducted is University related or personal. This prohibition includes, but is not limited to, receiving or placing calls, text messaging, web browsing, receiving or responding to emails, voice messages or any other purpose related to your employment with the University or personally related activity. Users who violate this policy shall be subject to disciplinary sanctions.

New Jersey State law 39:4-97.3 states:

*The use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle.*

Users who are charged with traffic violations resulting from the use of the wireless device while driving will be solely responsible for all liabilities that result from such action.

If an employee receives a reimbursement for University business use of their own wireless device, that device is considered the personal property of the employee. Obtaining or changing service provider plans for personal use are the employee's responsibility as the arrangement is between the employee and the wireless service provider. The University is not involved in the contract with the provider, nor responsible for assisting with setup, repair

or service issues of the personally owned device. In addition, the employee will retain the phone number if he or she separates from the University.

The University will provide expense allowances for/toward **service fees only**. The University does not reimburse employees for wireless equipment, accessories, or installation expenses.

If approved for reimbursement of charges incurred by an employee for the use of their personal wireless device for University business the reimbursement rate shall not exceed \$25 per month. This reimbursement will be payable through the employee's payroll disbursement.

The expense reimbursement is not reportable as taxable income to the employee, as long as the employee meets the IRS conditions as stated in the "Compliance with Tax Law" paragraph below. The University-paid reimbursement is used to defray the cost of the use of the wireless device for University business, and is not intended to cover the full cost of the employee's service plan. Each employee retains the reimbursement and is not obligated to refund the reimbursement to the University if employee separates, changes job duties, or transfers to a new position.

#### Compliance with Tax Law

Under the tax regulations, the IRS will treat the employee's business use of employer-provided cell phones as a working condition fringe benefit, the value of which is excludable from the employee's income. In addition, when an employee's personal wireless device is used in connection with the employer's business, the business may provide a reimbursement to the employee as long as: (1) there is a substantial business reason for requiring the employee's use of the personal wireless device; (2) the reimbursement is reasonably calculated so as not to exceed expenses the employee actually incurred in maintaining the cell phone; (3) the reimbursement for business use is not a substitute for a portion of the employee's regular wages; and (4) the employee maintains the type of coverage that is reasonably related to the needs of the employer's business. If these conditions are met, the reimbursement is excludable from the employee's income.

Users of University-owned wireless devices are required to acknowledge the University's Wireless Device Use Policy. Annual Review of the device and plan will be conducted along with annual submission of acknowledgement of the policy with the Office of Technology Services.

### **Procedures for Employees Requesting Wireless Device or to Receive Monthly Reimbursement for use of Private Wireless Device**

A departmental manager must submit written justification in accordance with the eligibility requirements requesting permission to issue a University-provided device to the employee or to seek reimbursement for University business use of one's personal wireless device. Authority to approve the purchase or to provide reimbursement, with University funds, rests with the appropriate Vice President of the Division. This authority may not be re-delegated further.

A Request for Wireless Device or to Receive a Monthly Reimbursement Form of this policy, providing a primarily non-compensatory business justification shall be completed and submitted electronically with the appropriate departmental and divisional vice president.

The Request Form shall also be used for all requests for upgrades of a wireless device or for any nonstandard telephone or data plan or features.

The Request Form and the accompanying approvals shall be sent electronically to the Office of Technology Services for processing and contracting with the appropriate vendor. Individuals/Departments may not contract directly with vendors for this service or equipment.

In addition the Wireless Communication Device Use Policy Form must be completed when taking possession of the wireless device and or when authorized to receive monthly reimbursement for expenses related to University business use of your private wireless device.

Notify Technology Services immediately upon discovery of a lost or stolen wireless device.

Activate the security wipe program if the wireless device is lost or stolen and University personnel are not immediately reachable.

Provide a police report if the wireless device has been stolen.

Relinquish possession of the wireless device upon transfer to a position that no longer warrants the use of a University wireless device or on or prior to the last day of your employment at the University.

In order to receive reimbursement the employee with all proper approvals shall file a Submission of the Wireless Device Reimbursement form which must be submitted to the Director of Payroll with a copy to Technology Services for inclusion of the wireless number in Emergency Notifications.

## **Procedures for Technology Services**

Provide assistance in determining the most appropriate device and service contracts to meet the user's need in consultation with the departmental supervisor/manager.

Purchase of the wireless device and associated services.

Coordinate the programming of the wireless device upon receipt of the wireless device and maintain all records on the device.

Coordination of all repairs and service requests.

Retain an electronic copy of the completed *Acknowledgement of Wireless Communication Device Use Policy*, provided by the individual acquiring the service with records relating to equipment distribution and service contracts.

Deactivation of wireless devices immediately upon notification that the wireless device has been lost or stolen.

Receive and erase all data and information on the wireless device upon User's transfer to a position that no longer warrants the use of University wireless device or on or prior to the User's final day of employment.

Terminate the User's telephone line as of date of transfer or final day of employment,

Process chargebacks to departmental telephone budgets for costs incurred relating to use and acquisition of the wireless devices and services

Accept payments in check format for personal usage charges or lost devices.

Contract management services with the Service Provider.

Management of all policies, procedures, checks and balances of University owned wireless devices

If applicable the University will assist the employee in transferring an existing University telephone number to their private wireless device as long as the employee accepts responsibility for the cost to do so.