

William Paterson University Policy

Functional Policy

SUBJECT:	Functional Policy		TITLE:	Cellular Communication Device	
CATEGORY: Check One	Board of Trustees <input type="checkbox"/>	University <input type="checkbox"/>	Functional <input checked="" type="checkbox"/>	School/Unit <input type="checkbox"/>	
Responsible Executive:	Chief Information Officer		Responsible Office:	Information Technology, Technology Services	
CODING:	02-20-00-00-00	ADOPTED: 01/16/14		AMENDED: 01/06/20	

LAST REVIEWED: 01/06/20

I. PURPOSE

The Cellular Communication Device Policy exists to provide guidance to employees regarding the acquisition and use of William Paterson University provided cellular phones, other mobile 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.

II. ACCOUNTABILITY

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

III. APPLICABILITY

Cellular 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 one or more of the criteria for a device “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 cellular device a University employee may receive a reimbursement payment if they wish to use their own cellular device and one or more of the above criteria are met.

IV. DEFINITION(S)

“Cellular Communication device” refers to – a cellular telephone and/or a tablet computer with built in applications and cellular Internet access. These 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 cellular communication device with or without a data plan provided by the University or for which the University provides reimbursement.

V. BACKGROUND

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

VI. REFERENCE(S)

New Jersey State law 39:4-97.3 states:

The use of a cellular 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 cellular 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.

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 cellular 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 cellular 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.

VII. POLICY

A. Requirements:

Individuals/Departments may not contract directly with vendors for cellular service or equipment unless they are reimbursing for personally owned devices, rather than being issued devices by the University, of an approved request (submitted via WPconnect) at the approved amount.

Cellular 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.

By use of a University owned cellular 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.

B. Responsibilities:

The University must be reimbursed for any personal use of University cellular 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 cellular 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 cellular device, the employee is responsible for returning the equipment to Information Technology - Technology Service Department.

Users who are charged with traffic violations or subject to any civil or criminal process or penalties resulting from the use of the cellular device while driving will be solely responsible for all liabilities that result from such action.

C. Enforcement:

The University requires that a User while driving a motor vehicle or operating other motorized equipment, including power tools shall only use a Cellular 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 may be subject to disciplinary sanctions.

VIII PROCEDURE(S)

The Cellular Communication Device & Service Request, available via WPCconnect (search for "cellular"), must be completed to request a cellular device, for reimbursement approval, for all requests for upgrades, telephones, data plan, or features.

The requester's supervisor and Vice-President or the President, if the requester reports directly to the President, will receive an e-mail and notification in WPCconnect that the request requires their approval. Approved requests will be processed and managed by Information Technology - Technology Services.

Upon discovery that a cellular device covered by this Policy has been lost or stolen, the user must notify Technology Services immediately and provide a police report to Technology Services if the cellular device has been stolen.

All employees will be required to relinquish possession of a University-issued cellular device, or will cease to receive any reimbursement for a personally-owned device upon transfer to a position that no longer warrants the use of a University cellular device or, on or prior to the last day of employment at the University. The University may, in its discretion, assist the employee in transferring an existing University telephone number to a private cellular device upon separation from the University or change in position as long as the employee accepts responsibility for the cost to do so.

Only those cellular plans that satisfy the basic needs and coverage area required by the job, and are the most cost effective, will be authorized. All expenditures related to the use of a cellular device will be charged back to the employee's departmental cost center authorized by the Divisional Vice President.

Review of the device and plan will be conducted by Information Technology - Technology Services when the University deems appropriate, and devices may be replaced or plans revised if necessary, in the sole discretion of the University.

By Direction of the [Insert Appropriate University Official]:

Date

(Title of Executive or Vice President(s) whose area of responsibility the policy covers.)

