

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Cellular Communications

**Regulation and Procedure
Number: URP: 05.490**

Policy Owner: Finance and Administration

POLICY STATEMENT

The purpose of this Operating Policy/Procedure (OP) is to establish Texas Woman's University ("TWU") policy regarding the procurement, possession, and use of communication devices. TWU recognizes that the performance of certain job responsibilities may be enhanced by the provision of communication devices and services. This policy establishes methods for making a communication device and its operation available to employees.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

1. "Communication device" means a portable device that connects to a mobile network for the provision of voice, messaging, and/or data services.
2. "Communication service" means the plan providing for operation of a communication device.

REGULATION AND PROCEDURE

I. Eligibility

- A. The University will provide for communication devices and service plans for certain employees or groups of employees with an established business need. Such as:

1. Emergency workers, including police, fire, environmental health and safety, and facilities personnel.

2. Personnel who share communication device while on duty and other arrangements involving shared equipment use. In such cases, cell phone equipment should not be assigned to a specific individual.
 3. Facilities Management and Construction authorized personnel.
 4. Athletics as required to meet NCAA compliance standards.
- B. All other communication device allowances are eliminated as of August 31, 2019. Exemptions to the communication device allowance elimination are employees who received a cell phone allowance as of 8/31/2019 (grandfathered) with the following stipulations:
1. No further contribution towards new or replacement devices.
 2. Monthly stipends shall not exceed the lower of \$67 or cost as stated in the Communication Device Allowances and Communication Device Payments section of this policy.

II. Acquisition of Communication Devices

A. University-owned Devices

1. A department may elect to acquire and provide a communication device to an employee whose job duties, as defined in I. Eligibility, necessitate the provision of such a device.
2. To obtain an employer-provided communication device, signature approval by the Chief Financial Officer and vice president or dean is required. For plan changes that result in an increased cost or procurement of equipment and/or accessories that total more than \$100, signature approval by the vice president or dean is required.
3. Communication devices should be used for official university business only; they are not be used for personal use except for incidental uses or in an emergency. Abusing the use of university communication devices will result in the suspension of this privilege. Violations may subject employees to disciplinary actions up to and including termination in accordance with TWU disciplinary policy.

B. Employee-owned Devices

1. A department may elect to monetarily contribute to the employee's purchase and operation of a communication device, as defined in I. Eligibility, necessitate the provision of such a device and/or service. Direct reimbursements to individuals and/or charges to a university account for communication charges for these expenses outside the allowance process are not allowed. Instead, the monetary contribution should be provided in one or both of the following forms:
 - a. Communication Device Allowance - An Allowance provided via a monthly supplement for the operation of a communication device. The supplement is provided to the employee for as long as the employee's department head determines that he or she qualifies under this policy.
 - b. Communication Device Payment - A One-Time Payment provided toward the employee's personal acquisition of a communication device and payment of initial activation fees. A communication device payment may be paid only once every three years.
2. A communication device acquired by this method is considered to be the personal property of the employee and accordingly may be used in any way the employee deems appropriate. Any service contract the employee enters into regarding the acquisition or operation of a communication device is personal to the employee. The University will have no obligation or make any guarantees with respect to such service contracts.

III. Departmental Responsibilities

A. The department head is responsible for the following:

1. Determining whether the employee's position requires a communication device/service based on his or her job duties and responsibilities (see the Eligibility section of this policy);
2. Determining which of the allowed acquisition methods is most appropriate to an employee requiring a communication device/service (see the Acquisition of Communication Devices section of this policy for information about acquisition methods); and

3. Determining the source of funds to be used to pay for a communication device/service.

B. If the communication device is to be owned by the University (see the Acquisition of Communication Devices section II. A of this policy), the department head is additionally responsible for the following:

1. Ensuring that the phone is provided to the employee for business purposes.
2. Ensuring the phone is provided for non-compensatory reasons in accordance with federal working condition fringe benefit rules.

C. If the communication device is to be owned by the employee (see the Acquisition of Communication Devices section II. B of this policy), the department head is additionally responsible for the following:

1. Determining the appropriate monthly communication service allowance for the employee within the monthly allowance amounts approved and published by the University (see the Communication Device Allowances and Communication Device Payments section of this policy for information about allowance rates); and
2. Processing the Communication Device Allowance form and initiating the Communication Device Payment no more than once every three years.

IV. Employee Responsibilities

A. University-owned Devices

Employees are responsible for the following:

1. Ensuring that the device is primarily used for university business. Personal use of the phone should be both infrequent and non-routine. The University also recognizes that there may be emergency or extenuating circumstances under which the phone is needed for personal use. Those occasions should be rare and non-routine in nature.
2. Ensuring the physical protection of the device from damage and unauthorized use; and

3. Ensuring that the device is returned to the University when it is no longer needed or the employee terminates employment with the department.

B. Employee-owned Devices

Employees are responsible for the following:

1. Paying all amounts due as agreed between the employee and communication device or Internet service provider;
2. Providing the university department with the current access number of the communication device within five working days of activation; and
3. Notifying the department head within five working days of inactivation of the device. An employee is prohibited from continuing to collect a monthly communication service allowance when the device is no longer active or needed for the performance of the employee's job responsibilities.

V. Communication Device Allowance and Communication Device Payments

- A. The monthly allowances and one time payments for communications devices paid to the employee are considered taxable compensation and accordingly are subject to required tax withholdings.

1. Payment of such taxes incurred is the responsibility of the employee and shall not be reimbursed to the employee by the University.
2. A communication allowance is not considered an entitlement, is not part of an employee's base salary, and may be changed and/or withdrawn by the University at any time. These payments are not subject to retirement deductions.

B. Communication Device Allowance

1. Communication Device Allowance Rates
 - a. The University Procurement and Contract Services Office periodically determines the allowance rate for the acquisition and activation of communication devices. Such amounts are

not intended to fully reimburse the employee for the total out-of-pocket costs of acquisition and activation given that the device is expected to be owned by the employee and used for both personal and business use.

- b. The current Communication Device Allowance rate is \$30 for talk and text, and a potential maximum of up to \$37 for data.

2. Communication Device Allowance Method and Provisions

Approved Communication Device Allowances will be provided to employees as monthly salary supplements.

3. Restrictions

- a. An employee receiving a monthly communication device allowance from TWU may not receive an allowance for the same or similar device or service from another department of the University. Direct reimbursements to individuals for these expenses outside the allowance process are also not allowed.
- b. A monthly Communication Device Allowance may be established at any time during a fiscal year and may be changed or withdrawn at any time for any reason by the department head.

C. Communication Device Payments

1. Communication Device Payment Rates

- a. The University Assistant Vice President of Procurement and Contract Services will periodically determine the communication device allowance rate for communication devices. Such amounts are not intended to fully reimburse the employee for their total monthly out-of-pocket costs given that the device is expected to be used by the employee for both personal and business use.
- b. The current Communication Device Payment rate is a maximum of \$150.

2. Communication Device Payment Method and Provisions

An employee may receive a Communication Device Payment only once every three years.

VI. Budgeting

During annual budget planning, department heads should evaluate the ability to continue to provide Communication Device Allowances and Communication Device Payments in the context of its overall budget.

VII. Funding

State funds may be used for communication device allowances and payments. Restricted funds that specifically prohibit such allowances may not be used.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

None

Publication Date: 07/02/2021

Revised: 07/02/2021