

# **POLICY STATEMENT**

## **WCU Mobile Wireless Communications & Stipend Policy**

### **ORIGINATING OFFICE**

Department of Networking and Telecommunications / Information Services Division.

### **PURPOSE**

To establish a policy option and guidelines for the provision of a mobile wireless communications stipend to employees for use of a personal mobile wireless communications device in lieu of a University issued mobile wireless communications device. The employee must have a documented need to conduct official University business over a mobile wireless communications device and continue to meet this need under the Eligibility Requirements section of this policy. Department Heads will have the option of either requesting a University issued and administered mobile wireless communications device for their employees or payment of a stipend to those employees for use of their personal mobile wireless communications device. A mobile wireless communications device, whether personal or University issued, is not a valid substitute for a traditional office phone when an employee has an assigned desk location to work on campus.

Mobile wireless communication devices covered by this policy are used in part to conduct University business and/or to create, receive, send or store University data and/or education records of students. As a result, information contained on wireless communication devices covered by this policy are also subject to Federal and State data maintenance and protection laws (e.g., FERPA, records retention requirements), as well as the Pennsylvania Right to Know Law (Act 3 of 2008.) An employee receiving a University wireless device stipend must comply with Federal and State requirements, and assist the University in providing access to information about or contained on the wireless communications devices covered by this policy in response to requests for such data or information by third parties as required by Federal and/or State law.

### **SCOPE**

This policy applies to all faculty, staff, and administrators who, as a part of their official university employment, have a consistent and recurring need for using a mobile wireless communications device. The mobile wireless communications stipend is intended to reimburse the employee for the business use of their personal mobile device. The stipend is not intended to fund the cost of the equipment nor cover all monthly costs billed to the employee under their personal mobile wireless plan. It is assumed that the employee will continue to

utilize their mobile wireless communications devices for personal use as well as for business.

The stipend is intended to cover domestic voice minute-plan usage, data usage for email, and texting over major carrier cellular networks. It also covers domestic mobile wireless data connectivity services over laptop “aircards” or personal mobile hotspot wireless devices. It does not include tethering of a data device to a cell phone, Blackberry service (which is not natively compatible with the WCU Email system), rechargeable “pay as you go” cell phone services, global services, hotel Internet services while travelling or home Internet service.

The University reserves the right to amend this policy at any time for any reason.

### **OBJECTIVE**

To assist the university in achieving maximum productivity and cost effectiveness when employing mobile wireless communications technology as a business solution; to comply with IRS Regulations on mobile wireless communications devices as described in PASSHE Procedure/Standard Number 2011-10 – Guidelines for University Use of Cell Phones; to enable employees to combine their business and personal mobile wireless communications on a single device with the most flexibility in the selection of such device; and to effectively manage the reimbursement of costs related to the business use of personally owned mobile wireless communications devices and service plans.

The mobile wireless communications stipend does not constitute an increase in base pay, nor will it be included in the calculation of percentage increases to base pay. The stipend will be included in the employee’s regular pay statement but not included in gross income nor subject to federal income tax, state income tax, FICA, Medicare or Pennsylvania Unemployment Compensation tax withholdings. It will be paid once a month in the last pay statement of the month.

### **EFFECTIVE DATE**

This Policy becomes effective as of November 1, 2018.

### **POLICY STATEMENT**

#### **Eligibility Requirements**

1. Employees are not automatically entitled to a mobile wireless communications stipend for business use of a personal mobile wireless communications device or service. Employees seeking enrollment in the program must demonstrate eligibility and obtain approval in accordance with the criteria listed below.

2. To qualify for the mobile wireless communications stipend, the employee must have a business need, defined and approved by their supervisor and Division Vice President / Dean as well as the fund center manager (if different), which includes one or more of the following:
  - a. The duties of the position may lead to potentially dangerous situations with no other acceptable or reliable means of communication.
  - b. The duties of the position require that the employee work regularly in the field and be immediately accessible.
  - c. The duties of the position require immediate emergency response in critical situations (police or emergency responder) or for operational support of critical infrastructure (telecommunications, computer or network responder).
  - d. The duties of the position require a significant amount of travel related to official university business while maintaining access to information technology systems that render the employee more productive and/or result in more effective service provided by the employee.
  - e. The duties of the position require immediate executive response and decision making to life-threatening or public safety issues and situations.
  - f. The President of the University deems it necessary to ensure the flow of information and critical support of the university mission.
3. The University reserves the right to rescind the employee stipend at any time if determined by management that the qualifying business needs of the University have changed and/or the employee no longer meets the eligibility requirements or employee responsibilities for receiving the stipend.

### **Responsibilities of Employees Receiving Stipend**

1. When a mobile wireless communications stipend has been approved and provided to an employee for the conduct of official business, the employee must comply with the following:

- a. The employee is expected to maintain, through personal purchase or subscription/service contract, the mobile wireless communications device(s) and service(s) for which the stipend is being paid.
  - b. The employee will immediately provide the mobile device phone number being covered by the stipend to his/her supervisor and to the Networking and Telecommunications Department (via email to NetTel@wcupa.edu).
  - c. If the employee changes his/her mobile device phone number, he/she will immediately notify his/her supervisor and the Networking and Telecommunications Department (via email) of the new phone number.
  - d. The employee must inform his/her supervisor and the Networking and Telecommunications Department (via email) immediately if the mobile wireless service has been cancelled.
  - e. The employee agrees to be available to receive calls (be in possession of the mobile wireless communications device and have it turned on) during those times specified by their supervisor.
  - f. The employee is NOT required to maintain a log of business and personal phone calls if receiving a mobile wireless communications stipend.
2. The employee may select any mobile wireless carrier whose service coverage meets the business needs of the University identified under Eligibility Requirements and his/her specific job responsibilities as determined by his/her supervisor or department head.
  3. The employee is responsible for all charges on his/her personal mobile wireless contract, including activation fees or early termination fees. If the employee leaves the position or the stipend is revoked by the University for any reason, he/she will continue to be responsible for the contractual obligations of his/her personal mobile wireless plan.
  4. The wireless communications device that has data capabilities must be secured based on current security standards including password protection and encryption.

5. If the wireless communications device that has data capabilities is stolen or missing it must be reported to the wireless device service provider, the employee's supervisor and the Networking and Telecommunications Department (via email) as soon as possible.
6. Employees are expected to delete all University data from the wireless communication device when their employment with the University is severed, except when required to maintain that data in compliance with litigation hold notice.
7. The stipend is intended to reimburse the employee for the actual costs related to the business use of their personal mobile wireless communications devices but should not result in a financial gain by the employee.
8. The employee is required to verify that he/she has an active mobile wireless service plan for the mobile device phone number on which the stipend has been approved by providing a copy of the service summary pages of the monthly phone bill to his/her supervisor and the Department of Networking and Telecommunications twice a year in December and June. Management may also periodically request documentation of substantial business use by providing the call detail pages of the monthly phone bill.
9. Any misrepresentation by the employee regarding his/her continued eligibility for receiving a mobile wireless communications stipend or the actual costs incurred by the employee for their personal mobile wireless communications service could result in disciplinary action by the West Chester University Human Resources Department up to and including termination.

### **Stipend Allowances**

1. The ***WCU Mobile Wireless Communications Device Justification and Acknowledgment Request Form*** defines maximum recommended stipends to be paid to an employee based on current voice, data and text package plans available to the University under current Commonwealth of Pennsylvania contracts for mobile wireless communications services.
2. Stipend amounts will be based on the anticipated usage requirements of the individual's job responsibilities and approved through normal authorization procedures addressed in this policy. These allowances will be reviewed annually and adjusted when necessary.

3. The stipend provided shall not exceed the actual costs paid by the employee for their personal mobile wireless service. If the employee has a family share plan, the stipend shall not exceed the cost of the primary line on the family share plan.
4. No additional compensation will be provided for Overage Charges on an employee's monthly mobile wireless services bill. Users that require additional voice minutes, text messages, or data plans must provide his/her supervisor with a copy of itemized billing detail documenting business use in excess of the approved usage amounts to justify a change to the next higher level stipend amount. He/She may also submit written justification to his/her supervisor detailing specific project assignments or circumstances that will require higher than normal plans.
5. Stipends do not include compensation for the purchase, upgrade or replacement cost of personal mobile wireless communications equipment or accessories such as, but not limited to: holsters, covers, chargers or headsets.
6. Stipends do not include compensation for mobile wireless device software applications, ringtones or downloads.
7. This compensation may be changed and/or withdrawn by the University with a 60 day written notice.
8. Stipend eligibility will be reviewed annually by the supervisor in June and re-authorized or cancelled. The **WCU Mobile Wireless Communications Stipend Status Form** will be used for the annual review and follow the same approval/notification procedure as the initial stipend request.

### **Acceptable Use**

1. No employee is to use his/her personal mobile wireless communications device for the purpose of illegal activities, harassment, or obscene behavior - in accordance with all existing employment policies - during those times that the employee has agreed to be available to conduct business activities and for which they are receiving a mobile wireless communications stipend.
2. The safety of the University's employees is critical to our ongoing success. Therefore, it is recommended that all employees should utilize hands-free equipment if using a mobile wireless communications device while operating a University owned vehicle, personal vehicle or rental vehicle.

3. Only voice calling with hands-free equipment should be performed while driving. When dialing a number, employees should pull over to the side of the road for safety. Employees may also use voice activated calling or preprogrammed numbers providing it does not distract from safe driving. Any other mobile device enabled activity that prevents an employee from focusing on driving - such as surfing the internet, text messaging, checking email, use of applications, or other activities - is prohibited.
4. The University requires its employees to adhere to all international, federal, state and municipal laws and regulations regarding the use of mobile communications devices. Under no circumstances will West Chester University be liable for non-compliance by the employee. Further, such misuse may result in immediate termination of the mobile wireless communications device stipend.
5. The employee should use discretion in relaying confidential business related information over any wireless communications devices since wireless transmissions are not secure.

## WCU Mobile Wireless Communications Stipend Approval Procedure

Step Responsibility	PROCEDURE
1. <b>Direct Supervisor</b>	Determine if the employee will be required to conduct University business away from his /her usual University place of work and would need a mobile wireless communications device to accommodate those business needs.
2. <b>Department Head/Chair</b>	<p>Complete Sections A and C of the <b>WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Form</b>.</p> <p>The employee, direct supervisor and Department Head/Chair sign Sections B and C of the form. Forward the signed form to the Division Vice President or Dean.</p>
3. <b>Division Vice President or Dean / Funding Org Manager</b>	<p>Review the <b>WCU Mobile Wireless Communications Stipend Policy Statement</b> and <b>WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Form</b> Sections A, B and C.</p> <p>If you DO NOT approve the request, return the form to the Department Head/Chair.</p> <p>If you DO approve the request, the Funding Org Manager signs Section C and the Division Vice President or Dean signs and dates Section D. Forward the signed form to the Networking and Telecommunications Department.</p>
4. <b>Networking and Telecom Dept</b>	A representative of Networking and Telecommunications will sign and date Section D and forward the signed form to Human Resources.
5. <b>Human Resources / Payroll</b>	<p>Section C will indicate the monthly stipend amount to be included in the employee's last pay statement of each month. Provide information to Fiscal Services as needed.</p> <p>A representative from Human Resources will sign and date Section D and return a copy of the form containing all authorization signatures to the Division Vice President or Dean.</p>



## 6. Employee

The employee shall then provide their personal mobile device telephone number to his/her supervisor and the Networking and Telecommunications Department.

If the employee who is to receive the stipend has a current University issued mobile wireless communications device, the service plan on that device will be terminated and the equipment must be returned to the Networking and Telecommunications Department.

## 7. Human Resources / Payroll

In May of each year provide the Networking and Telecommunications Department with a list of all employees receiving stipends and the stipend amount for the next fiscal year.

## 8. Networking and Telecom Dept

Annually review and update stipend coverage amounts based on current plan costs, levels, and types of service available to the University.

Provide **WCU Mobile Wireless Communications Stipend Status Forms** to Department Heads/Chairs and request completed forms to be returned to the Networking and Telecommunications Department.

If stipend coverage amounts have been revised, provide updated stipend information to the Department Heads/Chairs and request a new **WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Form** be completed following the normal procedure.

## 9. Department Head/Chair

Use the **WCU Mobile Wireless Communications Stipend Status Form** to conduct yearly review and re-authorization or cancellation of stipend allowance.

If there are no changes to the amount of the stipend or the stipend is to be discontinued, forward the signed **WCU Mobile Wireless Communications Stipend Status Form** to the Networking and Telecommunications Department.

If the stipend amount is changed as a result of administrative changes to the coverage amounts provided or due to management review of the

10. **Networking and Telecom Dept**

reimbursement levels or types of services approved, a new ***WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Form*** must be completed following the normal procedure. Return updated employee stipend list to Human Resources with all approvals or changes and a copy of all associated signed ***WCU Mobile Wireless Communications Stipend Status Forms*** or new ***WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Forms***.

If a stipend is to be discontinued, remove the employee's personal mobile device telephone number from their records.

11. **Human Resources / Payroll**

A representative from Human Resources will sign and date the ***WCU Mobile Wireless Communications Stipend Status Forms*** or new ***WCU Mobile Wireless Communications Device Justification and Acknowledgement Request Forms*** and return a copy of the form containing all authorization signatures to the appropriate Division Vice President or Dean.