

REQUEST FORM



REQUEST FOR DISTRICT CELLULAR TELEPHONE USE and POLICY ACKNOWLEDGEMENT FORM

Location (Check one):

COA BCC Laney Merritt District Office

Date: _____

From: _____

Subject: Request for District Cellular Telephone Use & Policy Acknowledgement Form

For: _____ **Employee ID#:** _____

Instructions:

1. Complete form (Note: To complete form electronically, press the tab button to complete fields.)
2. Obtain Manager's approval.
3. Forward approved request form to: Dr. Ronald McKinley, Interim Vice Chancellor for Human Resources & Employee Relations, at rmckinley@peralta.edu.
4. Approved form will be sent to Payroll for implementation. For questions regarding when stipend will begin, contact Michelle Lenh, Payroll Manager, at mlenh@peralta.edu.

Peralta Community College District Cellular Telephone Policy

(Approved by the Board on Trustees at the Dec. 9, 2008 Meeting)

Policy

Peralta Community College District Cellular Telephone (cell phone) Policy

Purpose

In order to comply with Internal Revenue Service code for cell phones, and to provide cell phones to key personnel who are required to be accessible by phone, the District has provided this cell phone policy for the business use of cell phones.

Scope

This policy applies to all District personnel and Trustees (collectively referred to as "employees"), who use cell phones for District business use.

Intent

The District recognizes that it is important for employees with certain job functions to be accessible when away from the office, or during times outside scheduled working hours. For this reason, the District will provide two different cell phone policy options for the employee to select from: 1) Incidental Use Option, and 2) Monthly Stipend Option.

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Option #1 - Incidental Use Option

The employee uses his/her own personal cell phone for incidental business use. The District will only call the employee's personal cell phone for emergencies and at critical times. Under this option, the employee will be reimbursed only for charges arising from District use that go beyond the employee's monthly rate plan. A copy of the billing statement, showing District calls must be provided to the District. Your personal calls may be redacted prior to submission. Under this option, the District does not regularly compensate the employee for business use of the phone and the employee is not required to publish his/her cell phone number to the District (other than to his/her manager and key personnel). If the District's use becomes more than incidental, which causes the employee to incur additional charges (above and beyond his/her monthly rate plan), the employee shall give notice to his/her manager (within 30 days of receiving his/her monthly cell phone bill), and the manager will then allow the employee to submit an expense requisition for that month's business call(s) that caused the employee to incur additional charges. The expense requisition must:

- Be submitted within 30 days of the employee's receipt of the monthly cell phone bill.
- Highlight the business calls on his/her phone bill, and itemize the cost to the District.
- Highlight cell phone calls for only the preceding month's charges. (The District will not retroactively reimburse the employee for prior month's charges that the employee chose not to itemize and charge the District).

Should the reimbursement exceed the amount of the monthly stipend plan, the District may require the employee to switch from the incidental use option to the monthly stipend option (Option 2).

Public Information Act Info relating to Option #1- Incidental Use Option

*Under the **Incidental Use Option**, your personal cell phone bill may be subject to disclosure under the Public Records Act. If you receive District-related calls on your personal cell phone and request reimbursement for the charges that exceed your personal monthly plan, the billing statement that you submit to the District for reimbursement purposes becomes a writing used and retained by the District. General Counsel Nguyen advises you to redact any personal information, including personal call logs, before you submit your billing statement for reimbursement. The District will release the redacted billing statement if a member of the public requests such record.*

Option 2—Monthly Stipend Option

Provides a monthly stipend paid by the District. In return, the employee agrees to allow the District to publish the employee's cell phone number for official use. The cell phone is owned by the employee and the employee is responsible for selecting his or her own cell phone plan and for all cell phone charges.

The employee receives a fixed monthly stipend regardless of the actual cost of the employee's cell phone charges or business usage of the cell phone. That is, the stipend amount is fixed and it is the employee's choice as to select a cell phone plan and how to allocate the amount towards a monthly rate plan and usage charges. The employee is responsible for any charges above and beyond the monthly stipend amount. The District employee will be responsible for all state and federal income taxes associated with the stipend, and must manage his/her cell phone calls so that cell phone charges do not to exceed the amount of the stipend. Below are the program guidelines:

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- A. **Ownership of the Phone:** The cell phone is owned by the employee. The District will not pay for any equipment. The employee needs to qualify for the phone (with the cell phone providers) based on his/her own social security number and credit history. The District will not co-sign for any cell phones for employees.
- B. **Amount of Stipend:** \$50 per month (exceptions will be granted for a higher stipend, if need is verifiable). This amount is considered a benefit to the employee, (by IRS regulations) and the employee is responsible for all income taxes associated with this stipend. The amount of the stipend will appear as taxable income each month on the employee's paycheck.
- C. **Type of Cell Phone Plan:** Each employee is responsible for signing up for his/her own cell phone plan with any cell phone service provider. The employee is responsible for all cell phone charges. The District's stipend is intended to cover the cost of a basic cell phone plan. The employee may purchase a plan with additional minutes, and add-on additional upgrades such as texting or Internet use; however, the District's stipend is the fixed amount as stated above, and any additional charges and taxes are the responsibility of the employee.
- D. **Eligibility for the Stipend:** Only employees authorized by the Department Manager and the Vice Chancellor of Human Resources and Employee Relations are authorized to receive the monthly stipend. The employee must fill out the Employee Acknowledgement section below and register his/her phone number with the District, to be eligible to receive the monthly stipend. The employee must obtain his/her manager's signature and forward the form to the Vice Chancellor of Human Resources and Employee Relations for final approval. The stipend is not automatic, and will not be retroactively paid. All approved forms will begin receiving a monthly stipend from the date the form was approved by the Vice Chancellor of Human Resources and Employee Relations.
- E. **Employee's Responsibility:** If the employee chooses to accept a cell phone stipend, the employee agrees to carry his/her cell phone and to be accessible via cell phone.
- F. **Cancellation of Phone by the Employee:** If the employee cancels his/her cell phone, the employee must immediately notify his/her Manager and the Vice Chancellor of Human Resources and Employee Relations, so that the stipend can be canceled. Failure to notify the District within 30 days of cancellation may be cause for disciplinary action. The District will not pay any cancellation charges.
- G. **Cancellation of the Stipend:** The District may cancel the stipend with or without cause by giving the employee 30 days notice to cancel. In this case, the employee may choose to retain his/her personal cell phone without receiving any further stipend amount or choose to cancel his/her personal cell phone. If the employee chooses to cancel his/her personal cell phone due to the District's cancellation of the stipend, and such cancellation results in the employee being charged a cancellation fee, the District will reimburse the employee for cancellation fees up to a maximum of \$200. To receive this reimbursement, the employee must submit an expense requisition within 30 days of the employee's receipt of the bill and highlight the cancellation charge on his/her phone bill.
- H. **Termination of Employment:** Cell phone stipends will automatically terminate with employees' termination of employment. The District will pay no cell phone cancellation charges.

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Public Information Act Info related to Option #2 Monthly Stipend

*Your personal cell phone records under the **Monthly Stipend Option** are not considered public records because they are not prepared, owned, used, or retained by the District. You will not be required to submit billing statements to the District. However, any records retained by the District that indicate your participation in this second option, including your cell phone number, will be disclosed should a member of the public requests them (e.g., payroll records indicating your receipt of such stipend).*

NOTE: With limited exceptions, the Public Records Act (California Government Code §§ 6250 et seq) requires the District to disclose public records requested by members of the public. A call log, billing statement, and the contents of voicemail and electronic messages on a cell phone are considered public records if they relate to District business and are prepared, owned, used, or retained by the District.

EMPLOYEE'S ACKNOWLEDGEMENT

Name: _____ **Department:** _____

Employee Identification Number: _____

I choose the following option:

Incidental Use Option (Option 1)

Monthly Stipend Option (Option 2) Personal Cell Number: _____

Monthly Stipend Amount: _____

I have read and agree to comply with the above District's Cellular Telephone Policy.

Signature: _____ Title: _____ Date: _____

MANAGER'S APPROVAL

Print Name: _____ **Title:** _____

Signature: _____ **Date:** _____

VICE CHANCELLOR'S APPROVAL

Print Name:	Dr. Ronald McKinley	Title:	Interim VC of HR and Empl. Relations
Signature:		Date:	
Monthly Stipend Approved:			