

Policy Title:

CELLULAR PHONE ALLOWANCE POLICY

Purpose:

The purpose of this policy is to establish consistency in providing allowances to employees of SUNY Cortland who require a cellular phone to fulfill the requirements of their position at the college.

Policy:

Over the last several years, the nature of cell phone plans has changed. Cell phone plan companies now provided unlimited talk and text, and users are typically paying only for the data plan. In recognition of the fact that personal devices are also used for personal purposes, the College will provide eligible employees with a \$60.00 monthly allowance.

Employees who receive an allowance under this program are required to provide their number for SUNY Cortland official use. They are also required to enroll in the SUNY NY-Alert system. As a security measure, report lost, stolen, or virus/malware infected cell phones to the Help Center, ext. 2500. The College will wipe the phone remotely to ensure no College-owned information is compromised. This will also protect personal information from being compromised. All information can be restored as long as the phone has been backed up. The Help Center can provide assistance with setting up backup storage. You may want to check with your carrier concerning anti-virus/anti-malware solutions.

Employees are responsible for obtaining their own devices and service plans choosing the type of service and contract that best suits their needs. Employees are also responsible for paying all bills and fees associated with their device and service plan. It is understood that the cellular device is the property of the employee, and devices that are lost or damaged are the responsibility of the employee. SUNY Cortland understands that this device is also the employee's personal phone. Employees will also be eligible for a device allowance, up to \$100, once every two years.

Eligibility: Employees who are required to use a cellular phone to fulfill the requirements of their position at SUNY Cortland. This program is typically reserved for employees who have been designated as exempt under the Fair Labor Standards Act (FLSA). The employee must meet official state business needs for a wireless communication device, such as:

- Responsibilities include making critical day-to-day business decisions requiring immediate attention
- Employee is frequently out of the office, in remote locations, or off campus and communication is essential.
- Responsibilities involve significant time away from the desk or workplace.
- Employee frequently engages in work-related travel.
- Position is expected to receive and return critical calls outside non-working hours.
- Employee is designated as key personnel needed in the event of an emergency.

Non-exempt employees who receive a college-owned cell phone or a cell phone allowance with the expectation that they will receive and make critical calls outside of normal working hours must record those hours as hours worked. Under the FLSA, employees must be paid for work “suffered or permitted” by the employer even if the employer does not specifically authorize the work. If the employer knows or has reason to believe that the employee is working (using the cell phone for business purposes) outside of business hours, the employee must be paid for that time. The administrative services employees (secretaries, clerks) can earn up to 2.5 hours of compensatory time each week before reaching the 40-hour overtime threshold.

SUNY Cortland reserves the right to discontinue this program.

Procedures:

Employees must complete a “Cellular Phone Allowance Request Form” and submit it for approval as outlined on the form. A copy of the employee’s cellular phone agreement and receipt for the device purchase must be submitted with the form.

The fully approved original form is submitted to the Human Resources Office for processing. The allowance is paid to employees as “also receives” in their paychecks. The allowance does not constitute a salary increase and is not added to base pay, but it is taxable income.

Every January, a new Cellular Phone Allowance Request Form must be submitted to ensure that the business purpose and associated additional pay are appropriate.

Approval:

2/27/12 (for 3/1/12); 5/3/13 (for 6/6/13); 10/5/15 (for 1/1/16)

Effective Date:

3/1/12; revised 6/6/13; revised 1/1/16

Policy Distribution: Administrative Conference