

**Policy Title:**

Cellular/Wireless Phone Allowance Policy

**Purpose:**

The purpose of this policy is to establish consistency in providing allowances to eligible employees of SUNY Cortland who routinely perform ongoing work and/or are routinely available outside of typical operating hours, or are routinely away from campus to fulfill the requirements of their position at the university.

**Policy:**

Over the last several years, the nature of wireless phone plans has changed. Wireless plan companies now provide full service (unlimited talk and text, and data) plans and new or replacement devices are built into their monthly billings. In recognition of the fact that personal devices are also used for personal purposes, the university will provide eligible employees with up to a \$64.00 monthly allowance which includes device costs (effective upon annual renewal after July 1, 2022) not to exceed the total of the monthly bill covering the device's plan.

Employees who receive an allowance under this program are required to provide their number for SUNY Cortland official use and the employee accepts that their device use is covered by the university's Information Technology Resources Acceptable Use policy. 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, 607-753-2500. The university will wipe the phone remotely to ensure no University-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 aid 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

**Eligibility:**

Employees who are required to use a wireless phone to fulfill the requirements of their position at SUNY Cortland. This program is available for unclassified employees only and is typically reserved for UUP professionals and M/C 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.

The university does have a number of unclassified positions that are designated as non-exempt under the FLSA, and some may receive a wireless allowance with the expectation that when they receive and make critical calls outside of normal working hours they 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. Any questions related to this section should be referred to human resources staff.

SUNY Cortland reserves the right to discontinue this program.

**Procedures:**

Employees must complete a “Cellular/Wireless Phone Allowance Request Form” and include a copy of the most recent billing statement that includes the employee’s phone number being covered by the allowance. The form and statement must be submitted for approval through each level of supervision up through to the respective vice president who serves as the President’s designee for this allowance.

The vice president shall then submit the fully approved original form 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.

**Annual Renewal:**

Annually in January, a new Cellular/Wireless Phone Allowance Request Form must be submitted to ensure that the business purpose and associated additional pay are appropriate to continue. Failure to submit this renewal will result in the allowance being stopped at the end of January and will not be resumed until a new form is submitted. No retroactive allowances will be processed.

**Approval:**

2/27/12 (for 3/1/12); 5/3/13 (for 6/6/13); 10/5/15 (for 1/1/16); (6/6/22 (for 7/1/22)

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**Policy Distribution:**

President’s Advisory Council