



Ohio Administrative Code

Rule 3342-7-02.15 Administrative policy regarding provision of cellular devices to university employees.

Effective: February 15, 2017

(A) Purpose. Kent state university recognizes that cellular devices are often necessary and efficient for conducting university business. This policy is designed to allow the university to establish procedures that meet state and federal regulations for the provision of cellular devices to university employees in a manner reflecting best business practices.

(B) Eligible employees. This policy applies to all full-time, part-time, and seasonal employees that must have a cellular device to effectively perform their work. Temporary employees and volunteers are not eligible for services outlined in this policy.

(C) Definitions.

(1) For purposes of this policy, cellular devices are defined as cellular phones, integrated cell phone and email devices (i.e. classified as either smartphones or PDAs) and other electronic access devices (not including pagers and two-way radios).

(2) Legitimate business purpose is defined as frequent use of a cellular device for university work when the employee is away from the office for an extended period of time and communication is required for a business issue that cannot wait until the employee returns to the office.

(3) Emergency university matters are defined as issues that arise unexpectedly and require immediate attention from the employee in order to avoid risk of harm, either physical or financial, to university employees and/or students or costly damage to university property.

(D) Approval process.

(1) Authorization for a university provided cellular device, or a stipend to partially fund a required cellular device shall be approved by the division vice president and/or president, or designee by following the procedures identified in paragraph (F) of this rule.. The approval shall be guided by a



legitimate business purpose.

(2) Establishment of a legitimate business purpose.

(a) A university employee may obtain a university provided cellular device or receive a stipend only under the following circumstances:

(i) The employee is responsible for emergency university matters where they must be available or,

(ii) The employee does not have access to a landline phone or other communication device when doing a substantial portion of or the employee's job or,

(iii) Less expensive communication devices do not serve as viable alternatives or,

(iv) The employees job effectiveness will show a significant increase through the use of a cellular device or,

(v) A group of employees have the need for group or shared devices for purposes such as rotating on-call contact.

(vi) The division vice president and/or the president determines other legitimate business needs that cannot be served by less costly communication devices. Such purpose shall be expressly stated as part of the approval process.

(b) Departments shall consider other viable options such as a landline phone, pager, or other less expensive communication devices when evaluating the need for a cellular device.

(E) Administrative options for providing cellular devices/service to university employees for business purposes are limited to the following:

(1) Personal ownership with university stipend.

(a) Employees authorized to receive a stipend will be paid at a rate determined by the senior vice



president for finance and administration which may be dependent on the type of service the employee is required to maintain (standard voice plan v. voice and data plan). The employee selects and contracts for the cellular service and the employee will be required to provide documentation of the plan selected if a higher voice and data plan is requested. Since this will be a personally-owned plan, there are no limitations for the lawful personal usage of the cellular device.

(b) The rates described in this rule are subject to annual review and may be adjusted at any time by the senior vice president for finance and administration based upon changes in business conditions.

(c) The stipend is considered taxable income by the university, will be subject to payroll taxes, and will be included on the employees W-2 form each year.

Base salaries are not to be adjusted to accommodate reimbursement of additional pay and these amounts will not be included in the calculation of percentage increases to base salaries when calculating annual base salary amounts.

(d) If this option is chosen, the employee is advised that even though the personal usage of the cellular device is allowed, business use of the device which produces a record is subject to all provisions of the Ohio public record laws. This requirement is no different from business records produced by other personally-owned devices, such as computers and land-line phones. Employees are encouraged to be familiar with public records policies contained in rule 3342-5-15.1 of the Administrative Code.

(e) An employee receiving a stipend is required to maintain usage records contained in the cellular providers billing documents for three months from date of billing.

(2) Discretionary personal use of university-owned cellular equipment with reimbursement provided by employee.

(a) Cellular service and equipment is provided to the employee through a university contract.

(b) Personal usage of the device is not permitted except on an exceptional basis. The employee is required to certify which calls are for business purposes on a monthly basis by signing a cellular



service reimbursement form and attaching the billing document.

(c) Department supervisors are required to review the cellular service reimbursement form and sign to attest that cellular service records are accurate. The employee is required to reimburse the university for all personal usage at a pro rata rate for all calls, messages, data, etc., contained within the base usage limit and at the actual costs for all other personal transactions. In addition to the reimbursement costs, each monthly reimbursement shall include an additional ten dollars to help cover administrative handling costs. The handling fee is periodically subject to adjustment by the senior vice president for finance and administration. The supervisor is responsible for ensuring that all payments received are deposited and recorded and for maintaining all cellular records for at least three years.

(3) Automatic reimbursement option by employee. This option is only available for employees enrolled in the option as of January 1, 2017. No new employees will be added to this option.

(a) With this option the university contracts for cellular service on behalf of the employee in the same manner described in paragraph (E)(2) of this rule.

(b) The employee is charged monthly at a flat rate of twenty-five per cent of the base monthly rate of the standard university plan to allow for limited personal usage. This charge will be collected via payroll deduction. At the end of December and June, the employee will review each of the previous six months of billing documents and complete and sign a cellular service reimbursement form. No additional reimbursement to the university is required if the analysis reveals no personal usage exceeding twenty-five per cent of the base usage allotment. Calls exceeding the twenty-five per cent, but remaining within the base allotment are reimbursed on a pro rata basis. Calls producing added charges to the university above the base fees are reimbursed at the actual cost. Each additional reimbursement shall also pay a ten dollar handling fee as described in paragraph (E)(2)(c) of this rule. The supervisor is responsible for ensuring that all payments received are deposited and recorded and for maintaining all cellular records for at least three years.

(4) Additional terms and conditions.

(a) Use of the cellular device in any manner contrary to local, state, or federal laws will constitute



misuse, and may result in immediate termination of the provision of cellular device/services under this policy, as well as possible disciplinary action.

(F) Procedures.

(1) Formal approval required. Approval under this policy shall be documented using the cellular device authorization form.

All requests shall be signed by the approved department head and division vice president and/or president. The division vice president and/or president reserves the right to revoke the approval at any time.

(2) Confirmation of device required. The department shall have documentation that proves the employee actually obtained the device (i.e. cellular service plan documentation).

(3) Stipend-specific provisions.

(a) Regardless of when the stipend is established, payments will cease at the end of each fiscal year (June thirtieth)

(b) Department heads shall annually review documentation to ensure that a legitimate business purpose continues to exist and the employee shall submit a new cellular device authorization form before the beginning of each fiscal year in order to continue the additional pay.

(c) Termination of the stipend is required at such time the legitimate business purpose no longer exists.

(d) The employee may use the cellular device for both business and personal purposes and may, at the employee's own expense, add extra services or equipment features as desired. Because devices are the property of the employee, cellular devices that are lost or damaged are the responsibility of the employee to promptly replace.

(4) Unavoidable business costs associated with non-typical use. Extraordinary cellular charges (such



as out of country roaming charges) incurred due to a legitimate business need may be presented with appropriate documentation as reimbursement of travel expenses subject to the approval of the senior vice president for finance and administration.

(5) Cellular devices remaining on university contracts. Some departments have multiple staff sharing a single device for on-call rotations and designated departments have been issued a cellular device in the event of a disaster. For these reasons, a number of shared or group devices will remain available via university contracts. Personal calls or contacts are not to be made to/from these devices.

(6) Grants and contract funds. On all sponsored agreements, grants and contract funds, only devices authorized by the terms of the grant will be allowed.

(a) Personal use of the phone shall be documented and reimbursed to the grant and/or reported to the payroll department for appropriate tax reporting, in compliance with the terms of the grant.

(b) The only use of cellular devices on grants and contract funds are those which have allocated funds to be directed to the division of information services and an approved university contract established. In these cases, the use of the cellular device should be fully devoted to the project, necessary for the project, and included in the approved budget.

(c) In cases where it is not in the approved budget, the expense will not be allowable unless approved by grants and contract administration. The bona-fide business purpose documentation must be approved annually by grants and contract administration in order for the expenses to be allocable to a grant and contract account. Personal calls or contacts are not to be made to/from cellular devices approved under this paragraph.

(G) Exclusions.

(1) The division of information services is excluded from this policy where it needs to continue existing or establish new university contracts or acquire electronic access or access devices for testing or to support university information services for such testing devices. Such exclusions shall only be approved by the chief information officer who is responsible for monitoring eligibility and use. The use of these devices are for testing purposes only and personal calls or contacts are not to be



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made to/from these devices.