



POLICY NAME	Mobile Communication Device Usage Policy	POLICY NO.	BA412
APPROVING BODY	President/Cabinet	VERSION NO.	01
RESPONSIBLE DEPARTMENT	Business Affairs – Purchasing		
EFFECTIVE DATE	15-DEC-2014	REVIEW/REVISION DATE	12-SEP-2024

PURPOSE:

To address the use of mobile communication devices for business purposes; and methods for making communication devices available to employees.

POLICY:

OVERVIEW

The University, in order to ensure compliance with IRS regulations, will allow two methods for providing an employee use of cellular telephones, smartphones and mobile data devices (hereafter, referred to as mobile communication devices) for official university business when the employee has a bona fide business need for a mobile communication device.

TWO METHODS FOR MOBILE COMMUNICATION DEVICES TO BE AVAILABLE TO EMPLOYEES:

UNIVERSITY OWNED MOBILE COMMUNICATION DEVICES

A department may purchase and own mobile communication devices which may be loaned temporarily to individual employees. The mobile communication device is University property and will be used by the employee for university business purposes only. University owned mobile devices can only be used for university business except in an emergency situation. This may result in employees carrying two mobile communication devices; one owned by the University and one for personal usage.

This option is limited to personnel whose responsibilities require them to assume intermittent on-call responsibilities as part of their job requirements. This is also available to departments utilizing the service for limited, job specific purposes. To qualify under the on-call provision, the mobile communication device is assigned to the employee only during on-call periods. No WNMU employee may be issued a university owned mobile communication device and service on a permanent basis.

ESTABLISHMENT OF SERVICE

A department wishing to obtain a university owned device can make arrangements through the Purchasing Office at 575-538-6169. The most economical service plan that meets individual business needs must be chosen. Dean/Department Chair/Director or designee must provide written justification for a university-owned mobile communication device and the associated service plan by submitting a completed WNMU Mobile Communication Device On-Call Justification Form to the Purchasing Office. By virtue of the roles and responsibilities of the WNMU Admissions Recruiters an on-call form will not be required.

Western New Mexico University currently utilizes the State of New Mexico contracted provider. The contract provides discounted pricing and the ability to move between service plans. Call the Purchasing Office at 575-538-6169 for more information.

DEPARTMENTAL RESPONSIBILITIES

The Vice President and Dean/Director/ Department Chair or designee are responsible for:

1. Determining if an employee's duties necessitate the need for a mobile communication device;
2. Identifying the funding source;
3. Determining the monthly plan amount based on business need;
4. Completing the WNMU Mobile Communication Device On-Call Justification Form and submitting to the Purchasing Office;
5. Establishing a procedure for checking in and out the mobile communication device and documenting usage; and
6. Reviewing and approving payment of the itemized invoice sent from Accounts Payable for payment promptly. By approving the invoice, the Vice President and Dean/Director/Department Chair or designee is certifying all calls are business related.

The Purchasing Office will be responsible for ordering the mobile communication device and need accessories if applicable.

University policy requires that the department and the on-call employee(s) substantiate all business-related usage by certification via signature by approving for payment the monthly itemized invoice provided by the Accounts Payable Office to comply with IRS requirements.

Personal use of a university owned device is strictly prohibited. The "lending" of university owned mobile communication devices is considered a working condition fringe benefit and the value of all substantiate business use is excluded from the employee's gross income. Any unsubstantiated or personal usage must be reimbursed to the University within ten (10) working days of invoices received via email from the Accounts Payable Office.

If either of the above requirements is not met, the total value of usage (business and personal) must be included in the employee's gross income. (Employees may then be able to deduct business usage on their personal income tax return under the miscellaneous itemized deduction requirements).

It is the department's and employee's responsibility to report all unsubstantiated or personal use to the Accounts Payable Office in order for the employee to be taxed according to IRS regulations on the monthly bill.

EMPLOYEE RESPONSIBILITIES

The employee is responsible for:

- Signing the WNMU Mobile Communication Device On-Call Justification Form;
- Ensuring the mobile communication device is only used for business use;
- Ensuring the mobile communication device is protected from damage or unauthorized use;
- Ensuring the mobile communication device is checked in and out based on departmental procedure; and
- Providing detailed documented usage of the mobile communication device.

EMPLOYEE-OWNED MOBILE COMMUNICATION DEVICES

A department may elect to provide a monthly allowance to cover employee's mobile communication device expenses for business purposes. The monthly allowance is determined by estimating the anticipated level of service required in the performance of an employee's duties.

The department may provide an additional allowance, initially and on a periodic basis every two years, for the activation and the purchase or upgrade of a mobile communication device, if necessary, for the performance of the employee's job duties.

Allowance is not intended to fully reimburse the employee for the out-of-pocket expense for monthly service plan given that the current device is owned by the employee and available for both personal and business use.

Allowances and any payment associated with the allowance plan which are paid to the employee are considered taxable compensation by IRS guidelines and accordingly are subject to required tax withholdings. Taxes incurred are the responsibility of the employee and will not be reimbursed to the employee. Allowance payments are not considered a part of the employee's wages for retirement purposes; therefore, payments are not subject to retirement deductions. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases.

ESTABLISHMENT OF ALLOWANCE

An allowance must be requested using the WNMU Mobile Communication Device Allowance Authorization Form. The request may be made any time during the fiscal year. Once an allowance has been established it will remain in effect until a new allowance form is submitted to initiate a change or termination, unless date of termination is provided on current form. An employee is prohibited from receiving an allowance when the device is no longer active or needed. Allowance will be provided on a prorated basis based on the dates indicated on the

WNMU Mobile Communication Device Allowance Form. Allowance will automatically terminate upon employee termination and will be prorated accordingly.

DETERMINATION OF MONTHLY ALLOWANCE AMOUNT

The monthly plan allowance amount should only cover the estimated business-related costs and may not cover the entire expense. In no case should the amount exceed the cost of the employee's monthly service. Determination of allowance amount is initially made at the department level and indicated on the WNMU Mobile Communication Device Allowance Form. Further approval is required by the Purchasing Office as indicated on the form.

Documentation must be in the employee's name, itemized showing the cost of the service plan and the initial start-up cost, if applicable and must be submitted to the Purchasing Office within 30 days of start date of the allowance authorized for the employee. The employee is responsible for notifying the Purchasing Office of any changes to the service plan as a result of conducting University business. Documentation must be submitted to the Purchasing Office at a minimum on an annual basis but can be requested at any time by the University. Failure to do so may result in disciplinary action and/or the cancellation of allowance payment.

ACQUISITION OR REPLACEMENT ALLOWANCE

The periodic allowance amount for acquisition or replacement of a mobile communication device is available every two years from the date of initial allowance authorization. The rate will be determined based on estimates of current market acquisitions but may not cover the entire expense or exceed the total cost of the acquisition. Please contact the Purchasing Office for current amounts.

Lost mobile communication devices will not be covered, unless it may be covered by the conditions set forth above. Employees are encouraged to purchase insurance through their provider.

FEEES FOR CONTRACT CANCELLATION

If a university action results in termination of the employee's mobile communication device service contract prior to the end of the associated contract period, the University will reimburse any associated cancellation fees. Employees will be required to provide documentation from the service provider certifying the disconnection has occurred. Reimbursement will also require Director/ Department Chair/Dean, Vice President and the Purchasing Office approval.

DEPARTMENTAL RESPONSIBILITIES

The Vice President and Dean/Director/ Department Chair are responsible for:

- Determining if an employee's job duties necessitate the need for continual access to a mobile communication device;
- Identifying the funding source;
- Determining the requested monthly allowance amount based on business need; and

- Completing the WNMU Mobile Communication Device Authorization Form and submitting it to the Purchasing Office.

EMPLOYEE RESPONSIBILITIES

The employee is responsible for:

- Signing the WNMU Mobile Communication Device Authorization Form;
- Providing the Purchasing Office with documentation showing the cost of the service plan and the initial start-up cost, if applicable, within 30 days of the start date of the allowance;
- Notifying the Purchasing Office of change in service plan as a result of conducting university business; Submitting documentation of service plan upon request by the University;
- Retaining an active mobile communication device service plan as long as allowance is disbursed;
- Providing notification to the department within three (3) days of inactivation; and
- Determining contract terms and payment to service provider;
- Providing itemized documentation to Purchasing on an annual basis.

The employee owns the device and may use the device for both personal and business purposes as needed. Additional features or services may be added at the employee's own expense.

DISBURSEMENT OF ALLOWANCE

Approved allowance will be disbursed by Payroll concurrently with the employee's base contract pay. Initial and ending payment of allowance will be prorated according to dates of service required for business purposes.

INFREQUENT USE OF MOBILE COMMUNICATION DEVICES FOR BUSINESS PURPOSES

If an employee's job duties do not necessitate the need for a mobile communication device, then the employee is not eligible for an allowance to cover such expenses. Employees not eligible for an allowance can request reimbursement of business calls incurred on their personal device provided that the reimbursement for per-minute charges is limited to the total overage charge indicated on the invoice and authorization is received in advance in writing, except in an emergency situation.