

Policy: Cell Phones and Other Data-Enabled Devices	Effective Date:
Number: 710-3-012	Reviewed/Revised: July 2022
Authorized By: Jill Remington Love, Executive Director	
Authority:	

I. Purpose:

The Department of Cultural and Community Engagement (CCE) is committed to maintaining a work environment that is safe, empowering, and promotes the individual value of each of the Department’s employees. This cell phone and other data-enabled device policy is intended to reimburse employees for state business use of certain personal mobile devices when it is determined that there is a business purpose for employees to use personal devices.

II. Definitions:

For the purposes of this policy, “mobile device” means a cell phone, mobile phone, data-enabled cell phone, data-enabled mobile phone, tablet, wireless data-enabled device, or any other device that provides voice and data services through a wireless provider or carrier.

III. Policy:

CCE does not purchase mobile devices for employees. CCE will provide a stipend to employees to reimburse business use of a personal cell phone, mobile phone, data-enabled cell phone, or data-enabled mobile phone. CCE will not reimburse business use of personal tablet, or any other personal mobile device. CCE will purchase mobile devices, including data-enabled mobile devices, for use as the Bookmobile branch phone on Bookmobiles in the State Library. It is intended that the data-enabled mobile devices and phones assigned to each Bookmobile remain on the Bookmobile and serve as the primary contact number for the Bookmobile. CCE will purchase a cell phone for the Human Remains program in State History. It is intended that the CCE-purchased phone is always with the employee on-call to respond to the statutory requirements of the program. Additionally, CCE will purchase data-enabled mobile devices (tablets) for Administration and the State History Division for the purpose of processing credit card payments in the course of every day business and at events.

Guidelines:

CCE has determined that the most cost effective means of providing mobile device service to CCE employees is to reimburse eligible employees for business use of personal mobile devices. CCE will provide an ongoing reimbursement stipend when business need has been demonstrated.

Stipends paid under this policy will be discontinued when the business need for cell phone and/or data service is no longer justified or the employee is no longer employed by the Department. According to IRS regulations, stipends for an employee-provided mobile device are non-taxable if there is a demonstrated business need for providing the service, the stipend amount does not exceed the cost of the service, and the service is not provided for compensatory reasons.

Employees of CCE may be eligible to receive a mobile device stipend if one or more of the following business needs is met:

1. CCE requires that the employee regularly travel from the primary work site for extended periods;
2. The employee has a statutory requirement to be on-call outside of normal business hours;
3. CCE needs to be able to contact the employee outside of normal business hours for business purposes, beyond contact outlined in the CCE emergency operations plan;
4. CCE requires that the employee be available to communicate with co-workers, customers and management and respond to important emails or other communications while away from the primary work site;
5. CCE and the employee mutually agree that it is most efficient for the employee to use her/his personal mobile device as a primary means of business-related communication;
6. CCE and the employee mutually agree that it is most efficient for the employee to use her/his personal mobile device as a primary business telephone in lieu of a state-issued desk telephone;
7. Other business-related needs as determined by the Executive Director or designee.

Employees wishing to receive a stipend shall sign a Mobile Device Stipend Agreement. The employee's supervisor must approve the agreement. The agreement states that the employee will comply with this policy and the following conditions:

1. The employee agrees to use the personal mobile device for the business purposes identified in the Mobile Device Stipend Agreement;
2. The employee is responsible for the purchase of and payment for all mobile device equipment, accessories, and service plans;
3. The employee agrees to comply with any applicable security policy or rule issued by the State, the Department of Technology Services, or CCE;
4. The employee acknowledges that personal data on the device is private, but may be viewed by a state officer or court in response to a GRAMA request or court action related to the business data;
5. The employee will notify the Department immediately if the device is lost or stolen;
6. The employee will notify the Department immediately if the actual monthly cost decreases below the amount of the provided stipend;
7. The employee will keep copies of monthly cell phone bills on file for one year for audit purposes;
8. The employee and CCE will review and initial the agreement annually and the employee will annually include a copy of her/his mobile device bill for review to ensure compliance with this policy.

Employees eligible for a stipend may use the stipend to pay for a second mobile or cell phone as long as they comply with the previous conditions.

Any personal information on the cell phone is considered private when an employee receives an allowance for business use of a personal mobile device. However, because personal data may be co-

mingled with business data, personal data may be viewed by a state officer or court in response to a GRAMA request or court action related to the business data.

IV. **Procedure:**

Business Use Stipend Calculation: CCE shall determine a **Monthly Service Amount (MSA)** at the beginning of each fiscal year based on the typical market-based contract cost for mobile device services. A calculated stipend amount for each employee will be a percentage of the MSA, based on 2 different usage levels as approved by the employee's supervisor and paid by the division:

75% of MSA - Heavy use of mobile device for phone call and data services:

Employee uses a mobile device as a primary means of business communication:

- Employee has or agrees to have MDM (Mobile Device Management) software installed on the device.
- Employee routinely travels away from the primary work site and depends upon a mobile device for business phone calls and to read and send business emails and texts.
- Employee routinely reads and sends emails from the mobile device.
- Employee accesses CCE applications (such as Salesforce) from the mobile device.
- Employee responds to or makes business related calls or texts several times per day on the mobile device.
- Employee routinely shares or will share the mobile device number as a primary contact number for business purposes.

35% of MSA - Heavy use of mobile device for phone call services: Employee uses a mobile device as a primary business telephone:

- Employee responds to or makes business related calls or texts several times per day on a mobile device.
- Employee routinely shares or will share the mobile device number as a primary contact number.

State of Utah-Issued Desk Phones:

Any employee eligible for a cell phone stipend and willing to forego use of a desk telephone may receive a 10% stipend increase, if elimination of the desk phone is determined to be efficient and is approved by the employee's supervisor and Division Director.

Stipend Stipulation:

In no case may the stipend amount exceed the actual cost of the service. In such cases the employee will receive the actual cost of the service as a stipend.

Stipend Distribution: Stipends will be processed through the State payroll system as a nontaxable item based on the following formula:

Monthly calculated stipend amount X 12 months / 26 pay periods = allowance amount per pay period.

