**TENNESSEE STATE UNIVERSITY**

**CELLULAR TELEPHONES POLICY**

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**I. POLICY STATEMENT**

Tennessee State University does not provide employees with individual cellular telephones or PDAs. Tennessee State University offers a taxable stipend for cellular telephone service to employees whose duties and responsibilities require them to carry cellular telephones. This policy allows the University to meet IRS regulations regarding business versus personal use of cellular telephones. Such requests must be initiated by the department head and approved by the appropriate vice president or president.

Except as stated below, *effective January 31, 2010*, Tennessee State University will no longer provide cellular telephones, cellular telephone-enabled personal digital assistants (PDAs), or similar devices to employees. Tennessee State University will also not provide compensation or reimbursement for cellular telephone charges incurred by any employee, student, volunteer or any other person. The use of personal cellular telephones for business use other than as provided for below is not reimbursable. The University may continue to provide radio service (through cellular telephone carriers) to employees for business use.

A. Pooled telephones for short-term checkout

Under certain unusual circumstances and where it is necessary to share a cellular telephone within a group of faculty, staff and/or students, cellular telephones may be obtained by departments. Personal use of these telephones is expressly prohibited. These phones cannot be assigned to one individual. Circumstances under which a telephone may be checked out are:

1. For events where the safety of students, faculty, staff or visitors may be in question, such as homecoming activities.

2. When a faculty member or staff member is traveling on University business and must be contacted while traveling. Personal calls on pooled telephones are expressly prohibited. A pooled telephone must be checked out (or approved for check-out) by an employee with signature authority for the FOAP that will be charged for its use. All incurred charges will be billed to the department that checked out the telephone.

B. University stipend for use of personal cellular service

Tennessee State University recognizes that some employees may be able to perform their duties and responsibilities more efficiently if they have a cellular telephone. For this limited category of employees, the University will provide a monthly stipend for the use of personal cellular service as follows:

1. Stipend payment for use of personal cellular service. For a limited number of employees, the University may pay an allowance that contributes monetarily to an employee's personal cellular telephone plan by means of a cellular telephone stipend.

2. Qualification:

To qualify for a cellular telephone stipend, an employee must complete a *Cellular Telephone/Stipend Request Form* ([Attachment A](http://www.tnstate.edu/cit/documents/CellularTelephoneStipendRequestForm.docx)) clearly stating why a cellular telephone is required to perform his/her job duties. The form must be approved by the appropriate department head and division head.

**II. PERSONNEL APPROVED FOR STIPENDS**

In addition to those above, the following five (5) key employees are provided PDA stipends because the performance of their jobs requires them to be available for communication at all times, including routinely while off campus, after hours, on weekends, and while routinely traveling or working off-campus on University business and due to being required to respond to situations most appropriately addressed by email, required to have *immediate* communications capability to perform their job duties and to protect the safety of students, staff or the general public.

Key personnel

1.             President

2.             Vice Presidents

3.             Athletics Director

4.             University Counsel

5.             Executive Assistant to the President

The following services employees are eligible for radios, telephones, pooled telephones, or PDAs:

Service Personnel

1.     Media Relations representative (*telephone or PDA*)

2.     Facilities and Campus Police Services employees *(radios or pooled telephones*)

3.     Moveable Property manager (*telephone*)

4.     Telecommuting employees for whom the University does not provide a land line *(telephone)* or computer access *(LAN or T1)* and whose job requires them to be available for communication at all times

5.     CIT staff as needed (*telephones or radios*)

The following emergency responders are eligible for radios, telephones, or PDAs as follows:

Emergency Responders

1.    Chief of Campus Police Services (*telephone or PDA*)

2.    Facilities employees at the level of Assistant Director or above (*radios or telephones*)

Examples of justification for a stipend are:

a. Being an emergency responder for law enforcement with communications needs that cannot be met with other available alternatives, such as pagers or radios

b. Being required to respond to critical system failures or service disruptions

c. Being required to have immediate communications capability to protect the safety of students, employees or the general public

d. Routinely traveling off-campus on University business and needing to communicate with the University while en route

e. Being unable to meet communications needs with other available alternatives, such as pagers or a radios

**III. STIPEND**

A. Amount:

If authorized, employees required to carry a cellular telephone for University business will receive compensation in the form of a cellular telephone stipend. The stipend amount for a cellular telephone will be $60 per month or $120 per month for a data device. This amount is intended to approximate average basic local plan costs and makes periodic equipment replacement and all payroll tax consequences the responsibility of the employee. This amount is subject to annual review and adjustment. TSU Telecommunications will publish any changes in stipend amounts each July. The University reserves the right to increase or decrease the amount or the availability of the stipend at any time.

B. Payment:

The stipend will be paid from departmental funds through the regular payroll process and charged against each department budget. The stipend will be paid monthly. Such stipends are taxable income subject to required tax withholdings. The stipend is not an entitlement and is not part of the employee base salary.

C. Appropriate Use:

All telephone services must be used in compliance with all appropriate laws and regulations of the State of Tennessee.

D. Termination of Telephone Service:

Any employee who receives a stipend must immediately notify his/her supervisor if the employee terminates or reduces business usage of his/her cellular telephone service or if he/she cancels cellular telephone service. The employee is also responsible for verifying with the Payroll Office when and if the phone the employee receives a stipend for has been terminated. Failure on the part of an employee to notify his/her supervisor of termination or reduction of cellular telephone use/service constitutes a terminable offense if the employee continues to receive a stipend.

**IV. DISCONTINUATION OF CELLULAR TELEPHONE SERVICE**

On January 31, 2010, Tennessee State University will terminate all cellular telephone accounts with the exception of department-pool telephones. Any employee needing to avoid disruption in his/her current service is required to request a stipend.

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Adopted: January 4, 2010.

Authority: IRC Section 280F (d)(4)(A)(v).

IRS Section 274(d) (4).

Policy #5:01:01:20, *Telecommuting*

References: [Attachment A](http://www.tnstate.edu/cit/documents/CellularTelephoneStipendRequestForm.docx), Cellular Telephone/Stipend or Data Service Request Form

[Budget Revision form](http://ww2.tnstate.edu/uploads/documents/BANNER%20BUDGET%20REVISION.xls), required for stipend payment budget revision

[Extra Service Pay Request form](http://ww2.tnstate.edu/uploads/documents/PF_Extra_Service_Pay_Request.xls), required for stipend payment through Payroll