

## Cellular Device Policy

### POLICY OVERVIEW

This policy governs the use of, and payment for, cellular devices (e.g., cellular telephones; smart telephones) required for business purposes by Washington State University.

This policy applies when a supervisor and appointing authority determine that an employee holds a position which meets the eligibility criteria as described below.

Approval is based on actual job requirements of the faculty or staff member. The supervisor and appointing authority are responsible for determining if the position duties and responsibilities require an employee to receive a University issued device, or an allowance to offset the expense associated with the business use of a personal device. (See also *BPPM* 60.10 regarding appointing authority and *BPPM* 55.70 for procedures regarding cellular device allowances.)

### Not an Entitlement

The University does not consider provision of a University issued cellular device or an allowance for a personal cellular device to be an entitlement of employment. The University expects that relatively few positions will meet the eligibility requirements. (See [Eligibility Criteria](#).)

Provision of a University-issued cellular device or an allowance for a personal cellular device may be withdrawn by the University at any time.

### Not a Requirement

Use of a University-issued or personal cellular device is not a requirement to participate in multi-factor authentication to access University systems.

### Eligibility Criteria

Supervisors and appointing authorities authorizing use of a University-issued cellular device or a cellular device allowance must attest that each of the following criteria are met:

- The employee's position duties and responsibilities require that:
  - The employee must be regularly available **at all times** to respond by electronic communication to work-related emergencies, unless on recognized or approved leave status; and
  - Other types of University-issued computing or communication devices do not adequately serve this need.

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### **Eligibility Criteria (cont.)**

Examples include:

- Employee's job requires field work or travel where landline telephones are inaccessible or inefficient;
- Employee's job requires immediate or on-call availability;
- Employee needs a cellular device for work-related safety, security, or other emergency reasons.
- The cost of the University-issued device or allowance can be supported by funding sources available to the unit.
- The employee is willing to sign a Cellular Device Authorization and Agreement.

As employee duties and responsibilities change or on an annual basis, whichever is sooner, the supervisor and appointing authority are responsible for ensuring that the noncompensatory business need for the cellular device is still applicable. The supervisor and appointing authority are to review the authorization agreement annually.

NOTE: "Noncompensatory" is a specific Internal Revenue Service (IRS) term. For the purposes of this policy (*BPPM 85.45*) it means that the use of an authorized cellular device is not considered to be compensation and is not taxable or reportable for tax purposes.

### **Ineligible Individuals**

Overtime-eligible and student and temporary hourly employees are not eligible to receive University-issued cellular devices or allowances for personal cellular devices used for business purposes under this policy.

### **Exception**

An appointing authority may grant an exception if needed. The appointing authority must document the rationale for the exception on a Cellular Device Authorization and Agreement. The documentation must include consultation with Human Resource Services (HRS) regarding compliance with applicable federal and/or state laws and bargaining unit agreements.

### **UNIVERSITY-ISSUED DEVICES**

The University may issue cellular devices to eligible and authorized employees in accordance with this policy (*BPPM 85.45*). Issuance of University owned cellular devices is not considered to be wages or a fringe benefit, but is exclusively for work purposes.

## **Cellular Device Policy**

### **Sourcing**

Any sourcing of University-owned devices, accessories, voice, service or data plans under this policy must be done through the current State of Washington Department of Enterprise Services (DES) contract. Contact Purchasing Services for the latest information and process for working under the most current DES contract.

### **Use and Management**

Use of University-issued cellular devices is strictly restricted to WSU business only, and must be used in accordance with Washington State ethics laws and all University policies, including, but not limited to, *BPPM 20.35*, *20.37*, and *Executive Policy Manual EP4*.

Each employee is responsible for the safekeeping, care, and custody of the assigned mobile device and related data. (See [Use of Devices](#).)

See also *BPPM 87.10* regarding use and management of WSU-issued mobile devices.

### **Device Tracking**

Issuing units must track University-issued devices in accordance with the small and attractive property inventory policy (*BPPM 20.50*). See also *BPPM 87.10*.

### **Cost**

Issuing units are responsible for the cost of University-issued devices.

### **Purchase**

University-issued devices, accessories, and related monthly service plans must be:

- Sourced under the current state DES contract. See [Sourcing](#).
- Purchased with a WSU Procurement Card. Employee reimbursement for such purchases are not allowed.

### **Agreement**

An employee seeking a University-owned device must complete a Cellular Device Authorization and Agreement. The employee, the employee's supervisor and the appointing authority must sign this agreement prior to the purchase of the device. (See [Agreement Retention](#) for records retention requirements.)

### **ALLOWANCE FOR PERSONAL CELLULAR DEVICES**

As an alternative to issuing a University-owned cellular device, the appointing authority may authorize and provide a monthly allowance to employees who meet established criteria. (See [Eligibility Criteria](#).) The allowance serves as an offset for the business use of their personally owned cellular device.

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### **ALLOWANCE FOR PERSONAL CELLULAR DEVICES (cont.)**

Payroll taxes are withheld if required by law. However, the Office of Financial Management (OFM) has determined that payroll taxes do not need to be withheld on any stipend that complies with the requirements of *OCIO Policy* 191 - Mobile Device Usage that have been incorporated into this policy. (The OCIO is the Washington State Office of the Chief Information Officer.)

The maximum amount of the monthly allowance varies depending on the type of access authorized, in accordance with state regulations. (*SAAM* 25.30.40.a)

- Voice access: \$10/month
- Data access: \$30/month
- Voice and data access: \$40/month

NOTE: Allowances for cellular device hardware are not permitted.

The allowance is paid on a semi-monthly basis as part of the normal pay cycle. See *BPPM* 55.70.

The supervisor, the appointing authority, and the employee must sign a Cellular Device Authorization and Agreement. (See [Agreement Retention](#) for records retention requirements.)

#### **Cost**

The issuing unit is responsible for the cost of the allowance.

#### **Extended Leave or LWOP**

Employees on extended leave or leave without pay (LWOP) must not receive an allowance for months not worked. Units are responsible for making appropriate changes to the allowance. (See *BPPM* 55.70.)

### **USE OF DEVICES**

#### **Employee Responsibilities**

Employees who use University-issued and personal cellular devices to conduct WSU business are covered by all policies and laws that apply to the activities, including, but not limited to:

- Public records laws;
- Laws and policies governing the confidentiality of information;
- University data policies

See also *BPPM* 90.05, 90.06, 90.07, and 90.12, and *Executive Policy Manual* EP4, EP8, and EP37.

## **Cellular Device Policy**

### **Personal Device Configuration**

Employees are expected to ensure that personal cellular devices used to conduct WSU business are configured in ways that protect WSU information and networks. (See *BPPM* 87.11 regarding configuration requirements for personal mobile devices. See also *Executive Policy Manual* EP4, EP8, and EP16.)

### **Public Records Management and Response**

WSU and its employees have an affirmative duty under state law (*RCW* 42.56 and *RCW* 40.14) to:

- Retain and preserve public records in accordance with the state-approved University records retention schedule (see *BPPM* 90.01);
- Produce public records in response to a request, including those created, accessed, used, or stored on cellular devices (see *BPPM* 90.05); and
- Preserve and produce records for legal purposes (see *BPPM* 90.12).

These responsibilities and duties apply to University business conducted on personal devices and University-issued devices. (See *BPPM* 90.01 and 90.03.)

### *Definition of Public Records*

Public records include all records and copies of records an employee prepares, owns, uses, receives or retains within the scope of employment, regardless of physical form or characteristics. (*RCW* 40.14.010) Public records include, but are not limited to, texts, voice mail, email, instant messaging, calendars, photos, and video.

NOTE: The billing statement from the cellular service provider is likely to be considered a public record, whether WSU is providing the cellular device or is providing an allowance for a personal cellular device.

### *University Data at Risk*

An employee may be required to provide WSU with unrestricted access to any content on a cellular device that is related to the University if:

- The employee uses a personal cellular device for University business; **and**
- The University determines that the confidentiality, integrity, and availability of WSU information is at risk as a result of that use.

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## BUSINESS POLICIES AND PROCEDURES MANUAL

### Cellular Device Policy

#### CELLULAR DEVICE AGREEMENT

The supervisor, the appointing authority, and the employee must sign a Cellular Device Authorization and Agreement.

#### Agreement Retention

The issuing unit must retain the authorization agreement for six years after termination of the agreement, in accordance with University records retention requirements. (See the records series, Contracts and Agreements, in the All-University Records Retention Schedule: Accounting/Fiscal Records table in *BPPM* 90.01.)