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**Subject: Mobile Communication Devices**

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1. Purpose ..... 1  
2. Policy ..... 1  
    2.1 Eligibility Requirements ..... 2  
3. Procedures..... 2  
    3.1 Mobile Communication Device Options ..... 2  
        3.1.1 Option 1: University Provided Devices, Service Plans, and Responsibilities ..... 2  
        3.1.2 Option 2: Allowance Payment for Business Use of a Personal Device ..... 4  
    3.2 Data Security ..... 5  
4. Definitions ..... 5  
5. References..... 6  
6. Approval and Revisions..... 6

## **1. Purpose**

The university is committed to providing critical business-related tools for employees in a manner that promotes the proper stewardship of assets and complies with regulatory requirements. Recognizing that appropriately used assets, including mobile communication devices and other electronic devices, facilitate university business, this policy strives to manage the risks and administrative burden associated with such use. The purpose of this policy is to provide guidance and establish parameters regarding the issuance and use of mobile communication devices and services.

## **2. Policy**

*Mobile communication device* is defined as any electronic communication device with a service plan attached. Access to a mobile communication device is provided to employees to aid in improving the efficiency and effectiveness of service delivery and communications. The university has two options available to accommodate the provisioning of mobile communication devices to employees who need such devices in the course of carrying out their job responsibilities:

- Option 1; issuing a university-provided device and service plan, OR
- Option 2: granting an allowance to reimburse employees for a business use portion of their personal device and service plan.

Under a university-provided device and service plan, the department pays for the device and service plan and the university holds the rights to each. Under an allowance option, the device and plan belong to the employee and the university reimburses the employee for a portion of each. It is ultimately the department head’s responsibility, working in conjunction with the employee, to determine the most appropriate option to maintain job effectiveness and efficiency.

Employees must meet at least one of the eligibility requirements as outlined in section 2.1 of this policy to obtain a mobile communication device. The department head must approve the issuance of a university device and service plan or the provision of an allowance. Issuance of a device with a service plan or providing an allowance is not intended to serve as a formal means of personal compensation or benefit. Employees who have been issued a university-provided device and service plan and desire to change to a reimbursement allowance or vice-versa must

receive approval from their respective department head. If approved, departments must notify Communications and Network Services (CNS) and cancel the existing university plan to terminate the associated charges.

## 2.1 Eligibility Requirements

Approval for a mobile communication device will be granted in writing by a department head. Eligibility will be based on one or more of the following criteria:

1. The employee has been deemed “Essential Personnel” and must be available outside of normal business hours or be accessible to faculty, staff, students or external stakeholders on a continual basis;
2. The employee is “required personnel” for emergency response situations;
3. The employee is not routinely present at a fixed workstation in proximity to a land line telephone and must be accessible;
4. The employee is required to travel frequently and/or for long periods; or
5. The employee’s nature of work requires extensive data transmission for remote research activity.

After a department head determines that an employee meets one or more of the criteria listed above, two options are provided to fulfill this need. These options include:

- Option 1 - University provided Mobile Communication Device and Service Plan, or.
- Option 2 - Allowance to reimburse employee for estimated business use portion of their personal device and service plan: This option is provided for employee convenience, while providing cost savings to the university, and should be selected only when mutually agreed upon by the department head and the employee. The Allowance option is not intended to solely be a means of cost reduction for the department, particularly if such action would inappropriately burden an employee.

## 3. Procedures

### 3.1 Mobile Communication Device Options

#### 3.1.1 Option 1: University Provided Devices, Service Plans, and Responsibilities

Upon approval by the department head, the department procures a device and service plan and issues it to employees for business use. The cost of the device and the monthly service plan charges are departmental costs. IRS Notice 2011-72 addresses the tax treatment of employer-provided mobile communication devices for non-compensatory purposes when the device is not a substitute for a portion of the employee’s regular wages. The Notice provides that, for tax years after December 31, 2009, the IRS will treat the employee’s use of employer-provided mobile communication devices for reasons related to the employer’s trade or business as *a working condition fringe benefit, the value of which is excludable from the employee’s income*. However, the device must be issued primarily for non-compensatory business reasons. Additionally, *limited personal use of the employer-provided device will be treated as a de minimis fringe benefit, excludable from the employee’s gross income* under § 132(e) of the Code. In general, a de minimis benefit is one for which, considering its value and the frequency with which it is provided, is so small as to make accounting for it unreasonable or impractical. A service plan should be selected based on the anticipated and/or actual business use. Thus, the university recognizes limited personal use of the mobile communication device as de minimis use of a device. The de minimis use should not exceed the calling and/or data plan provided to the

employee. Employees must reimburse the university for any additional charges incurred due to the personal use of the university provided device that exceeds the provided calling and/or data plan.

University-provided mobile communication devices are obtained through the university's Communications Network Services (CNS) department: [http://www.cns.vt.edu/cellular\\_main.html](http://www.cns.vt.edu/cellular_main.html). Device upgrades are to be within the natural terms of the existing contract and/or at no additional cost to the department. Replacement for lost/stolen, broken, or malfunctioning devices must be addressed on a case by case basis by the department head.

### Department Responsibilities

- Determining employee eligibility to receive a mobile communication device based upon his/her job responsibilities and maintaining appropriate documentation for authorization for issuance of a device and/or plan and selection of a service plan. *See associated [Mobile Communication Device Procedures](#) for required forms and documentation.*
- Evaluating device service plans on an annual basis, at a minimum, to ensure that the plan is reasonable compared with actual business use and that the service plan chosen is the most cost effective option offered by CNS. Documentation of the annual review should be captured on the [Virginia Tech Mobile Communication Device Request Form](#) each December.
- Maintaining appropriate supporting documentation such as a cell phone number, copy of the service plan agreement, and departmental authorization in the departmental files. Departments are required to retain mobile communication device records in compliance with university record retention policies ([University Policy 2000, Management of University Records](#)). Note: because the use of mobile devices is subject to public interest, this documentation could be requested to respond to appropriate inquiries by internal and external entities.
- Ensuring timely payment of all charges related to the mobile communication device.
- Ensuring the mobile communication device is returned to the department head or designee at any point based on the discretion of the department head as it relates to business need and/or termination of employment with the university.
- Developing internal processes for review of CNS statements as part of the monthly reconciliation process. Employees should be notified of any overages on a timely basis. Reimbursements of any overages incurred due to personal use should be collected and processed through the university Bursar's office within 30 days of the CNS statement being received by the department.

### Faculty and Staff Responsibilities

- Ensuring the monthly service plan agreement is not exceeded. If the plan agreement is exceeded, employee should reimburse the university for additional charges that are incurred as a result of personal use.
- Taking reasonable precautions to prevent physical damage and unauthorized use of the device.
- Mobile communication devices are provided at the discretion of the department head. Employees are responsible for returning a mobile communication device upon request from the department head or designee and/or upon termination of employment with the university.

### 3.1.2 Option 2: Allowance Payment for Business Use of a Personal Device

In a memorandum for all field examination operations dated September 14, 2011, the IRS determined that “*Employers that require employees, primarily for non-compensatory business reasons, to use their personal cell phones for business purposes may treat reimbursements of the employees' expenses for reasonable cell phone coverage as nontaxable*”. The IRS guidance further stated that “*where employers reimburse employees for business use of their personal cell phones, tax-free treatment is available without burdensome recordkeeping requirements.*” Based upon the IRS guidance, the university can provide an allowance option for the business use of a personal mobile communication device.

Option 2 provides for the monthly payment of an allowance to the employee through Payroll as a non-taxable reimbursement for the business use of a personal device and service plan. Selecting this option requires careful consideration to ensure that an employee is not inappropriately burdened. To qualify for an allowance, the employee is responsible for obtaining a mobile communication device and monthly service plan that meets, at a minimum, the level of service required to fulfill job responsibilities as determined by the department head. The department head will determine if an employee requires Voice/Text or a Voice/Text plus Data package based on business use and job responsibilities (For example, an employee required to respond to e-mail, view their calendar, or access web pages would need a plan with a data component). In consideration that the university and employee are sharing the device and plan, the monthly allowance amount should reflect one-half (½) the typical market cost of a device and service plan with one of the major market providers. The allowance amount will be determined by The Office of the University Controller and reviewed periodically to ensure the target of one-half (½) the typical market cost is sustained. The [Mobile Communication Device Procedures](#) provides additional guidance and a detailed explanation of the calculation of the monthly allowance amount.

It is understood that under option 2, the device is owned by the employee, and the payment of the associated costs for the device and service plan are the responsibility of the employee, not the university. The allowance may be reviewed and adjusted periodically to accommodate current market services and pricing. Beyond the normal device, service plan, and related access charges, Virginia Tech is not responsible for any additional fees associated with a personal plan such as early termination fees, insurance on the device, accessories, device trade up charges, added applications, special features, etc. The allowance option is limited to salaried employees.

#### Department Responsibilities

- Determine whether the employee’s position requires a mobile communication device based upon his/her job responsibilities and maintaining appropriate documentation for authorization for issuance of an allowance. See associated [Mobile Communication Device Procedures](#) for required forms and documentation.
- Evaluate the device service plans on an annual basis, at a minimum, to ensure that the allowance is reasonable compared with actual business use. Documentation of the annual review should be captured on the [Virginia Tech Mobile Communication Device Request Form](#) each December.
- Maintain appropriate supporting documentation such as a cell phone number and departmental authorization in the departmental files. Departments are required to retain mobile communication device records in compliance with the university record retention policies ([University Policy 2000, Management of University Records](#)). Note: because the use of mobile devices is subject to public interest, this documentation may be requested to respond to appropriate inquiries by internal and external entities.
- Ensure that the allowance amount is discontinued upon the cancellation of the personal service plan, change in employee job duties such that access to a mobile communications device is no longer required and/or

termination of employment with the university. Note: the department head must alter or discontinue allowance amounts to reflect justified business needs.

### Faculty and Staff Responsibilities

- Maintain an active service plan and device in accordance with the receipt of the allowance.
- Notify the department head promptly upon deactivation of the device. An employee is prohibited from continuing to collect a monthly allowance when the device and/or plan is no longer active or needed for the performance of the employee's job responsibilities.
- The portion of any data related to business use may be subject to The Freedom of Information Act (FOIA) and/or other appropriate legal requests and the device must be available upon request for such information. Note: Personal information stored on the device, while not typically part of a FOIA request, may be examined by Virginia Tech Information Technology and/or other university personnel during the normal course of compliance with such requests.
- Provide the department with a copy of the plan agreement and mobile phone number.

## 3.2 Data Security

It is essential to protect university data that may reside on a mobile communication device. All employees who access university data using a mobile communication device must comply with the university's Information Technology Policies, particularly [Policy 7000, Acceptable Use of Computer and Communication Systems](#); [Policy 7010, Policy for Securing Technology Resources and Services](#); [Policy 7035, Privacy Policy for Employees Electronic Communications](#), and [Policy 7200, University IT Security Program](#), as well as [The Standard for Storing Transmitting Personally Identifying Information](#). Upon permanent departure from the university, for any reason, employees should delete all university data from their personal communication devices. Employees must also familiarize themselves with the Mobile Communication Device Best Practices located in the [Mobile Communication Device Procedures](#).

## 4. Definitions

**Mobile Communication Device** – any electronic communication device and/or service plan attached including but not limited to: cellular phone; voice/text messaging service; cellular phone ISP (Internet Service Provider) data service associated with devices such as smart phones and PDAs; and cellular wireless modems associated with devices such as laptop computers, hotspots, air cards, and jetpacks.

**Service Plan**- A service plan generally consist of some combination of voice, texting, data and associated provisioning fees such as a line access charges and taxes.

**Wi-Fi Service:** Most smart phones come equipped with internal radios that support sending and receiving data over both their carrier's cellular network and any available public or private Wi-Fi networks. The default configuration for many smart phones is to make use of available Wi-Fi networks if possible to avoid lower performing and more expensive cellular data networks. Wi-Fi network service is typically modeled to allow for unlimited usage while cellular data plans often restrict usage to predefined thresholds with overage charges applied when users exceed those

thresholds. The service plan is the calling, texting, and data portion of a phone. Wi-Fi usage is not considered part of your plan.

## **5. References**

Policy 2000, Management of University Records  
<http://www.policies.vt.edu/2000.pdf>

Policy 7000, Acceptable Use and Administration of Computer and Communication Systems  
<http://www.policies.vt.edu/7000.pdf>

Policy 7010, Policy for Securing Technology Resources and Services  
<http://www.policies.vt.edu/7010.pdf>

Policy 7035, Privacy Policy for Employees' Electronic Communications  
<http://www.policies.vt.edu/7035.pdf>

Policy 7200, University Information Technology Security Program  
<http://www.policies.vt.edu/7200.pdf>

## **6. Approval and Revisions**

Approved March 8, 2016 by the Vice President for Finance and Chief Financial Officer, M. Dwight Shelton, Jr.