



|         |               |
|---------|---------------|
| Book    | Policy Manual |
| Section | 700 Property  |
| Title   | Cell Phones   |
| Number  | 711           |
| Status  | First Reading |
| Adopted | July 12, 2006 |

### **Purpose**

The Board understands that the use of cellular phones provides for effective communication in the course of conducting district business. Furthermore, the Board recognizes the necessity of providing a mode of communication that will extend a safe learning environment for staff and students while away from school facilities.

### **Authority**

The Board directs that cellular phone service be made available by the Schuylkill Haven Area School District for use by appropriate district staff and directs the Superintendent to develop guidelines that allow for reasonable use of cellular phones.

### **Delegation of Responsibility**

The Superintendent or his/her designee shall establish procurement procedures for cell phones and is responsible for internal review of cell phone invoices.

Cell phone users are responsible for adhering to Board policy and following administrative regulations.

### **Guidelines**

#### **Employee Use of Electronic Devices: Cellular Phone Reimbursement**

When a district employee's position requires frequent use of a cell phone, the Superintendent or designee shall provide either a cell phone for the employee's use or an allowance to the employee for the business use of his/her personally owned cell phone.

In determining whether an employee's position requires frequent use of a cell phone, the factors to be considered shall include, but not be limited to, whether the job responsibilities require:

1. An ability to communicate frequently but access to a district landline is not readily available
2. An ability to communicate immediately to ensure the safety of district staff and students, or the security of district

property

3. A level of accessibility which is impossible because of the employee's frequent job-related absence from the worksite

When an employee is paid an allowance for the use of his/her personally owned cell phone for district business, the Superintendent or designee shall, from time to time, verify that the employee's cell phone contract is active. If an employee chooses to receive an allowance, the entire amount of the stipend will be taxable income.

The Superintendent or designee shall develop a system for reviewing employees' use of district-owned cell phones and the reimbursement of costs for employees' business-related use of their personal cell phones. Employees shall be responsible for fees and charges associated with any misuse or overuse not attributable to district business.

If the Superintendent or designee determines that an employee no longer needs a cell phone or other mobile communications device to perform his/her job responsibilities, any fees or charges associated with cancellation of the service contract shall be the responsibility of the district.

Reimbursement for cell phones are as follows:

| <b>Categories of Use</b>                      | <b>Maximum Reimbursement/Month*</b> |
|---|-------------------------------------|
| Staff members requiring just a cell phone     | \$20                                |
| Staff members requiring a cell phone and data | \$40                                |

\* Annual verification of the cost of a personal cell phone is necessary to determine reimbursement.

Eligible Positions:

| <b>Employee</b>                        | <b>Cell</b> | <b>Text</b> | <b>Data</b> |
|--|-------------|-------------|-------------|
| Custodians                             | X           | X           |             |
| Buildings/Grounds                      | X           | X           |             |
| Assistant Supervisor Buildings/Grounds | X           | X           | X           |
| Supervisor Buildings/Grounds           | X           | X           | X           |
| School Nurse                           | X           | X           |             |
| Business Manager                       | X           | X           | X           |
| Director CIT                           | X           | X           | X           |
| Network Administrator                  | X           | X           | X           |
| Director of Special Education          | X           | X           | X           |
| Director of Athletics                  | X           | X           | X           |
| High School Principal                  | X           | X           | X           |
| High School Assistant Principal        | X           | X           | X           |
| Middle School Principal                | X           | X           | X           |

|                      |   |   |   |
|----------------------|---|---|---|
| Elementary Principal | X | X | X |
| Superintendent       | X | X | X |

### ***IRS Guidance Regarding Employer-Provided Cell Phones***

Many employers provide their employees with cell phones primarily for noncompensatory business reasons. The value of the business use of an employer-provided cell phone is excludable from an employee's income as a working condition fringe to the extent that, if the employee paid for the use of the cell phone themselves, such payment would be allowable as a deduction under section 162 for the employee.

**An employer will be considered to have provided an employee with a cell phone primarily for noncompensatory business purposes if there are substantial reasons relating to the employer's business**, other than providing compensation to the employee, for providing the employee with a cell phone. **For example, the employer's need to contact the employee at all times for work-related emergencies**, the employer's requirement that the employee be available to speak with clients at times when the employee is away from the office, and the employee's need to speak with clients located in other time zones at times outside of the employee's normal work day are possible substantial noncompensatory business reasons. A cell phone provided to promote the morale or good will of an employee, to attract a prospective employee or as a means of furnishing additional compensation to an employee is not provided primarily for noncompensatory business purposes.

This notice provides that, when an employer provides an employee with a cell phone primarily for noncompensatory business reasons, the IRS will treat the employee's use of the cell phone 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** and, solely for purposes of determining whether the working condition fringe benefit provision in section 132(d) applies, the substantiation requirements that the employee would have to meet in order for a deduction under §162 to be allowable are deemed to be satisfied. In addition, the IRS will treat the value of any personal use of a cell phone provided by the employer primarily for noncompensatory business purposes as excludable from the employee's income as a *de minimis* fringe benefit. The rules of this notice apply to any use of an employer-provided cell phone occurring after December 31, 2009. The application of the working condition and *de minimis* fringe benefit exclusions under this notice apply solely to employer-provided cell phones and should not be interpreted as applying to other fringe benefits.

### **EFFECTIVE DATE**

This notice is effective for all taxable years after December 31, 2009.

Last Modified by Policy Staff on November 8, 2017