

# Mobile Communication Device (MCD) Allowance

Version 1

 Print

<b>Policy</b>	REG08.10.01
<b>Title</b>	Mobile Communication Device (MCD) Allowance
<b>Category</b>	Information Technology
<b>Sub-category</b>	Technology Use
<b>Authority</b>	Chancellor
<b>History</b>	Approved December 1, 2011
<b>Contact</b>	Rhonda Anderson, Human Resources (252) 328-9861
<b>Related Policies</b>	Mobile Communication Devices The University of North Carolina System Policy UNC Finance Policy 539 ( <a href="https://www.northcarolina.edu/apps/policy/doc.php?id=59">https://www.northcarolina.edu/apps/policy/doc.php?id=59</a> )
<b>Additional References</b>	OMB Circular A-21 OMB Circulars (pdf) ( <a href="https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A21/a21_2004.pdf">https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A21/a21_2004.pdf</a> ) North Carolina Public Records Law (N.C. General Statute Chapter 132) NC Public Records Law ( <a href="https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html">https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html</a> )

## 1. Introduction

### 1.1 Definition: Mobile Communication Device (MCD)

A mobile communication device is defined as any wireless electronic device used for contacting or communicating with East Carolina University (ECU) personnel and includes pagers, mobile phones, Blackberries, and devices similar to the Blackberry.

### 1.2 Purpose

The purpose of this regulation is to authorize appropriate ECU employees to receive a set allowance for the use of a personal MCD in the execution of duties associated with employment. The objective is to provide a monthly allowance, from non-state funds, to designated employee(s) to offset the cost of using such devices for ECU business purposes.

### 1.3 Allowance Description

The allowance provided is not an entitlement related to the employee's position, and it must be applied to an operational requirement for a MCD in order to fulfill the particular employee's duties. The allowance does not increase the employee's base salary, and it will be treated as a taxable benefit to the employee.

## 2. General

### 2.1 Service

East Carolina University provides services to a dynamic population of faculty, staff and students on a continuing basis. To ensure services are uninterrupted, certain employees are often required to be accessible by MCD when out of the immediate work area. To ensure continuity of service supervisors are authorized to allow identified employees to utilize personal MCD's. This enables departments to maintain contact throughout both business and, if appropriate, during non-business hours (e.g., for on call/emergency purposes in evenings or on weekends). This regulation does not establish expectations that an employee shall be available outside of normal business hours (Such matters are subject to Human Resources policies and regulations).

### 2.2 Convenience MCD's

Due to the nature of their business, some departments may need to maintain a University Contracted MCD. If a state supplied MCD is required normal ITCS requesting procedures should be used (see Business Manual)

## 3. Procedures

### 3.1 Designating Authority

The authority to designate which employee(s) will receive an allowance to use a personal MCD for ECU business purposes is delegated to the appropriate Vice Chancellors. Allowances for Vice Chancellors will be approved by the Chancellor. The Chancellor's allowance must be approved by the President of the North Carolina system.

### 3.2 Application

An application for the personal MCD allowance (attachment-Application for Mobile Communication Device (MCD) Allowance) must be completed and signed by the employee and his/her immediate supervisor, as well as the appropriate Vice Chancellor. Each request for a MCD allowance must include a clear UNC business need for individual wireless access. The allowance will be effective upon receipt of a properly authorized form in the campus payroll office. There is no retro-active pay for this allowance. The signatures of the employee and his/her immediate supervisor on the Application for the personal MCD Allowance (Attachment) will serve to verify that the employee's job responsibilities require that the employee be accessible by university personnel on a continuing basis.

### 3.3 Electronic Personnel Action Form (EPAF) Submission

Once the application has been approved by the appropriate Vice Chancellor, an ECU Electronic Personnel Action Form (EPAF) must be submitted via BANNER HR, for each person, indicating the appropriate MCD allowance amount. Departments will be responsible for budgeting for MCD allowance expenses. No exceptions to this policy are allowed without the written approval of the Vice Chancellor, Administration & Finance.

It should be noted that the allowance is not intended to pay the full cost of the MCD, but is intended only to cover the reasonable cost that the employee incurs while conducting university official business. Should it be determined that an employee no longer qualifies for the allowance, the department will submit another ECU EPAF via BANNER HR to end the allowance. The university will bear no responsibility for any termination fees associated with an individual who may choose to terminate a personal mobile device contract.

The MCD allowance will not be added to the employee's salary base, however, the allowance is subject to withholding in accordance with federal and state guidelines.

### 3.4 MCD Records

Per OMB Circular A-21, the MCD allowance is not an allowable payment as a direct cost on a grant or contract. Any request for unique communications expenses, such as remote location (field study) or emergency access must be made to and approved in writing by the Vice Chancellor for Administration & Finance. In these

situations, convenience MCD's (provided by ECU) must be used so that substantiation of use is documented for audit purposes, rather than a personal communications device paid through allowance. Employees are to be informed that mobile communications device records could be subject to the North Carolina public records law (General Statute 132)

If/when ECU receives notice that either a lawsuit has been filed against the University or a charge is filed with an administrative agency or it becomes reasonably anticipated that a lawsuit or charge may be filed against the University, then the University and all of its faculty and staff members are under a legal duty to preserve all evidence-including potentially electronically stored information in a personal MCD that might be relevant to the lawsuit/charge. Where applicable the Office of the University Attorney or ITCS will timely notify MCD users of the duty to preserve electronically stored information. Those receiving the MCD allowance must cooperate with principal administrators to ensure that the University identifies and preserves all potential sources of electronically stored information in a MCD user's possession or control. Departments may impose more stringent rules for preserving records of MCD communications.

### 3.5 Special Circumstances and Requests

Under unusual circumstances, such as catastrophic weather conditions, where the employee is required to be available to the University throughout the emergency situation, the employee may request additional reimbursement for those charges that can be documented as resulting from the employee conducting official university business due to the unusual circumstances. Employees should use the most economical means available for such communication. This additional payment request (Positive Time Pay Form) must be accompanied by the supporting documentation including a description of the unusual circumstances and copy of the employee's MCD bill. If an employee is scheduled for university work overseas s/he should use the most economical means of conducting official University business back to the United States. That usually involves use of land line devices and can include the use of calling cards or university assigned MCDs that are capable of supporting overseas calling. This is strongly encouraged due to the high cost of using traditional land line communication devices from foreign countries.

In the rare circumstances where an employee must use his/her MCD for official University business overseas, the employee will be required to document the charges and request reimbursement as a travel expense. Under this circumstance the employee will continue to receive his/her full monthly MCD allowance. Employees receiving a MCD allowance or assigned a university convenience phone may not be reimbursed for business calls in the travel reimbursement process. An employee cannot receive a MCD allowance and also have a university provided MCD.

Any employee receiving a MCD allowance who does not make University business calls on his/her personal MCD will be asked to document why s/he is due reimbursement. In cases where a personal MCD does not function or requires a roaming charge, the employee in travel status may request reimbursement for calls made on normal land-line systems. However, this occurrence must be documented when requesting reimbursement.

### 3.6 Allowance Periodic Review

The MCD allowance is subject to periodic review and adjustment by Materials Management, Administration and Finance, and ITCS. At a minimum the allowance will be reviewed and renewed annually and must be approved by the employee's supervisor and the appropriate Vice Chancellor. Employees may be re-certified if all initial eligibility criteria remain applicable and a new MCD allowance form is submitted and approved. Employees will have their MCD allowances terminated if they no longer meet the eligibility criteria, have gone on sabbatical, have left the employ of the university, are not a 12 month employee (employees can receive the allowance for the months they are employed but if they work a schedule of less than 12 months will not receive the allowance for the months they are not working), have had a change in job responsibilities which negate their need for a MCD or have failed to provide the proper documentation to the university.

Application for MOBILE COMMUNICATION DEVICE (MCD) Allowance

The purpose of this program is to allow approved University employees an allowance for the use of their personal MCD's to conduct official University business. Participants in the program will receive an amount based on previous campus cellular telephone usage or anticipated usage. The employee will be compensated per pay period for the use of his/her personal MCD.

The allowance is subject to income and social security taxes. It is not considered as part of the employee's benefit base salary.

#### Guidelines for Participants:

1. During regular work hours the employee shall have the MCD on and respond to calls as needed.
2. This regulation does not establish an expectation that an employee will respond to calls outside of normal business hours or while on leave (Determination of whether an employee is on call should be reviewed with Human Resources).
3. Participants must have a valid business reason for participating in the program.
4. Authorization for participation in the program must be approved by the appropriate Vice Chancellor as outlined in the ECU MCD Allowance policy.
5. Employees utilizing an ECU convenience Cellular Telephone currently under contract may not participate in this allowance program until the existing contract terms and conditions have been satisfied.

By signing below, I certify that I understand the purpose of this program and agree to the guidelines. I will be compensated \_\_\_\_\_ per pay period for University use of my MCD. I further understand that I am responsible for my monthly invoice and that East Carolina University bears no further financial responsibility for personal MCD charges beyond the payment of the appropriate allowance except in unusual circumstances.

#### Allowance Per Pay Period Plan Description

\$15 Basic University MCD usage is expected to be minimal

\$25 Regular University MCD usage is required for normal daily business activity within a limited geographic range

\$30 Extended University MCD usage is required for normal daily business activity within a wide geographic range and high call volume

To be determined Exceptions Allowances higher than set forth previously to be approved by the appropriate University party/body

Employee \_\_\_\_\_ Date \_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Appropriate Vice Chancellor \_\_\_\_\_ Date \_\_\_\_\_

In order to receive compensation for the MCD Allowance, an ECU EPAF must be completed as detailed in the ECU Business Manual.

Attachment

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#### East Carolina University

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