

WIRELESS OR CELLULAR TELEPHONE USE

The President/Superintendent or Vice President, Administrative Services shall determine if it is in the best interests of the District to provide a cellular or wireless telephone or related stipend at District expense.

The District pays cell phone stipends to some classified employees in certain District positions per a 2008 negotiations side letter. Cellular phone stipends paid to employees for use of their own wireless or cellular telephones for business purposes are reportable as taxable income and will be included on the employee's annual W-2.

A cellular phone with an employer funded stipend or reimbursement may create a legal business relationship wherein calls, texts and cellular phone use can be requested and made public under a public information act request. When the cellular phone is subsidized by the District, District business transactions may be subject to the Freedom of Information Act (FOIA) regardless of cellular phone ownership. FOIA discovery issues may arise related to the use of personal phones for District use when employees are receiving a stipend for cellular phones.

Use Guidelines for Stipend Recipients

- Personal Use – The cellular phone may be used by the staff member for both personal and business related calls. Employees are not required to track business verses personal use.
- Institutional Benefit – The stipend is in place so that the personally owned device is available for business access. An employee receiving a stipend must maintain active cellular service. The employee agrees to carry the cellular phone with them, keep it charged and in operational condition and be accessible for business use as required by their department head or supervisor.
- Appropriate Use – Staff agree to use the cellular phone in ways consistent with District policy and all applicable local, state or federal laws. Inappropriate or unlawful use of cellular phone features is prohibited.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device

Reference: Vehicle Code Sections 12810.3, 23123, and 23124, 26 U.S. Code Sections 274(d)(4) and 280F(d)(4)

Adopted: May 14, 2018