

Appendix A

To: DEPARTMENT HEAD

Re: Employee Agreement Concerning the Use of Electronic Communications Resources

I hereby certify that I am the recipient of the following University-provided electronic communications equipment and/or services (check appropriate box):

Equipment - I agree that this equipment is to be used primarily for official University business, and that any personal use of the equipment will be incidental in nature. I agree to reimburse my department for any personal use of this equipment that results in noticeable incremental costs to the University and will exercise appropriate care and caution when using the equipment, in accordance with the policy and procedures set forth in Business and Finance Bulletin G-46, Guidelines for the Purchase and Use of Cellular Phones and Other Portable Electronic Resources (attached). In addition, I understand that all records related to the purchase, use, and disposition of this University-owned equipment, including cell phone statements, are the property of the University and potentially subject to disclosure under the California Public Records Act.

I further understand that I am responsible for safeguarding the equipment, including any data on the equipment, and controlling its use in accordance with BFB G-46. If the University determines that there is no longer a business need for me to possess such equipment, I will return the equipment. Likewise, if I separate from University employment, I will promptly return the equipment to my department.

Services - I agree that this service is to be used primarily for official University business, and that any personal use of the service will be incidental in nature. I agree to reimburse my department for any personal use of this service that results in noticeable incremental costs to the University, in accordance with the policy and procedures set forth in Business and Finance Bulletin G-46. In addition, I understand that all records related to the purchase and use of this University-provided service, are the property of the University and potentially subject to disclosure under the California Public Records Act.

I further understand that if the University determines there is no longer a significant business need for me to utilize this service, the University will discontinue its funding of the service. Likewise, if I separate from University employment, the service will no longer be paid for or reimbursed by the University.

Name: _____ Title: _____

Signature: _____ Date: _____



BFB-G-46: Guidelines for the Purchase and Use of Cellular Phones and Other Portable Electronic Resources

Responsible Officer:	Executive Vice President-Chief Financial Officer
Responsible Office:	FA - Financial Accounting
Issuance Date:	3/30/2012
Effective Date:	3/30/2012
Scope:	<ul style="list-style-type: none">• The policy contained in this Bulletin applies to the Office of the President and the campuses.• This Bulletin does not apply to the Lawrence Berkeley National Laboratory.

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I. POLICY SUMMARY

It is the policy of the University to conform to Internal Revenue Service regulations governing employer-provided cellular devices, computers, peripheral equipment, and related services for use by employees.

II. DEFINITIONS

Not applicable

III. POLICY TEXT

A. *Introduction*

This Bulletin provides guidance as to the appropriate circumstances for University purchase of electronic communications resources for use by employees outside of the workplace. Electronic communication resources include equipment and service support for cellular phones, personal digital assistants (PDAs), pagers, and other electronic communication devices for use by employees outside of the workplace. It also provides guidance on the use of electronic communications resources such as related equipment and software purchased for an employee's home use, including personal computers, laptop computers, phone lines, facsimile (fax) machines, and connection and access to Internet services and e-mail. In addition, the Bulletin establishes the procedures for documenting the use of University-provided cellular phones and reimbursement to the University of any non-incidental personal use of such devices.

Campuses and departments have the option of establishing more restrictive procedures than those described in this Bulletin.

B. *University Policy*

The [Electronic Communications Policy \(ECP\)](#) encourages faculty, staff, and student employees to use electronic communications services and facilities for conducting official University business. There are many work-related situations that require an employee's offsite use of electronic resources, such as issues that require immediate attention, prolonged discussions, or working from home during non-business hours. Some University departments require an employee to be accessible at all times by electronic means, including cellular phones, pagers, computers, and other electronic communication devices. Electronic resources provided by the University, however, shall be used primarily for business-related purposes and any personal use of such resources must satisfy the conditions set forth in section V.B. of this Bulletin.

IV. COMPLIANCE / RESPONSIBILITIES

Function	Responsibilities
Executive Vice President- Chief Financial Officer	<ul style="list-style-type: none"> • Establish and update the policies set forth in this Bulletin.
Associate Vice President – Finance	<ul style="list-style-type: none"> • Delegated authority to issue the implementation procedures under this Bulletin.
Chancellors	<ul style="list-style-type: none"> • May establish more restrictive procedures than those described in this Bulletin.
Campus Controller’s Office	<ul style="list-style-type: none"> • Ensure that departmental payment or reimbursement requests for expenditures related to the purchase and use of electronic communications resources are made in accordance with the procedures set forth in this Bulletin.
Department Heads	<ul style="list-style-type: none"> • Approve the purchase of cellular phones, pagers, and similar electronic communications devices, and the accompanying services under which the University is the official “customer” to be billed. • May approve purchases of personal computers, fax machines and Internet access in accordance with campus guidelines for employees who work from home. • Ensure that any purchase of electronic communications resources for use by an employee conforms to the requirements of this Bulletin. • Ensure that claims submitted for payment or reimbursement includes the appropriate supporting documentation. • Monitor the personal and business-related use of cellular phones to ensure that its employees are utilizing the most appropriate plan and for obtaining reimbursement for any personal use that burdens the University with noticeable incremental costs, in accordance with this Bulletin.
Employees	<ul style="list-style-type: none"> • Responsible for safeguarding and controlling the use of assigned University electronic communications equipment. • Required to reimburse the University for any personal use of a cellular phone that result in noticeable incremental costs to the University and should annually review the contract to ensure that the calling plan is appropriate for his or her business use. • Expected to avoid using a cellular phone or any other type of electronic communications equipment under any circumstances where such use might create or appear to create a hazard, including use while operating a motor vehicle. <ul style="list-style-type: none"> ○ This requirement does not apply to: <ul style="list-style-type: none"> ❖ Emergency response personnel, e.g., police, fire, traffic enforcement, environmental health and safety, health care, and disaster response personnel, including facilities management personnel who may use a cellular telephone for emergency purposes; and

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	<ul style="list-style-type: none">❖ Any University employee who uses a cellular telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.• Should immediately report the loss or theft of assigned University electronic communications equipment to his or her department and to the service carrier, if applicable.• Required to promptly return assigned University electronic communications equipment to the University upon separation from University employment.
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V. PROCEDURES

A. *Criteria for Purchasing*

The University may provide employees with electronic communications resources for use in conducting official University business outside the workplace when there is a significant business-related reason for doing so. To this end, a department head may authorize University purchase of electronic resources only when the primary use of the resources will be for University business. When an employee's use of an electronic communications resource will not be primarily for University business, University funds may not be used to purchase the resource. However, an employee may request reimbursement for any business-related use of an employee-purchased electronic communications device or service that result in noticeable incremental costs to the employee (see V. E below).

The department head should consult the following criteria in evaluating the business-related reason for purchasing electronic resources for employee use:

1. Cellular Phones, PDAs, Pagers, and Other Electronic Communication Devices

Cellular phones, PDAs, pagers, and similar electronic communication devices and services may be purchased for those employees whose jobs entail the following responsibilities:

<u>Responsibility</u>	<u>Description</u>
Travel	Employees who frequently travel or are out of the office and need to be in contact with staff, clients, managers, or other University business associates.
Work Location	Employees who typically work in the field or at job sites where access to electronic communications devices is not readily available.
Emergency Response	Employees who need to be contacted and/or to respond in the event of an emergency or are required to be available during non-business hours.
Other	Employees who are required by their department to be accessible at all times by electronic means.

When purchasing equipment and services, the department should seek out cost-effective products, such as flat rate, fixed charge, mega minutes, and other discounted service plans. Cellular phone contracts should also be selected to reflect the level of expected business-related use (e.g., number of minutes per month). Departments and employees should review cellular phone billing statements each month to confirm charges for business and personal calls, and annually review and adjust service contracts to reflect the average business-related use and to maximize cost savings. Employees who are consistently incurring overage charges due to the volume of business calls should be moved to a calling plan with more minutes; employees consistently *underutilizing* a plan should be moved to a plan with fewer minutes.

2. Office Equipment Located at Home and Internet Connection and Access

The University may purchase personal computers and related software, printers, telephone lines, fax machines, and Internet and e-mail service for employees who telecommute or frequently work from home. The department head will approve such purchases in accordance with campus guidelines for employees who work from home. The employee is responsible for ensuring that University equipment in the employee's off-site workspace is maintained in a safe and secure condition and is used primarily for University business. In addition, the department head should ensure that the employee is informed regarding the University's information security requirements for electronic communications equipment set forth in Business and Finance Bulletin [IS-3](#), Electronic Information Security.

B. *Incidental Personal Use*

Personal use of electronic communications resources must not adversely affect the performance of an employee's official duties or the functions of an employee's department. The ECP allows incidental personal use of a University electronic communications facility or service provided that such use does not violate the circumstances identified in the policy. Such personal use shall not:

- directly or indirectly interfere with the University's operation of electronic communications resources;
- interfere with the user's employment or other obligations to the University; or
- burden the University with noticeable incremental costs.¹

C. *Documentation*

An employee who is to be provided electronic communications equipment or services must prior to receipt of such resources sign a usage agreement acknowledging that primary use of the resources will be for official University business and that any personal use of the resources will be incidental in nature. The Employee Agreement Concerning the Use of Electronic Communications Resources (the "Agreement") in Appendix A is to be used for this purpose.

D. *Reimbursement of Non-Incidental Personal Use*

As provided under the [ECP](#), any noticeable incremental costs for personal use of a University-provided electronic communications resource must be reimbursed by the employee furnished with the resource.

With respect to cellular devices, it is the responsibility of the employee to reimburse the University for non-incidental, personal calls reported on statements billed to the University. When the employee exceeds the package minutes under a cellular phone contract, the University should be reimbursed for any personal calls associated with the excess minutes at the excess-minute rate. If the employee does not exceed the package minutes, reimbursement is not required for any personal calls. However, both the employee and his or her department should annually review the contract to ensure that the employee is utilizing the most cost-effective plan. If the employee is consistently underutilizing the plan minutes to make business calls, the employee should be moved to a plan with fewer minutes (see section V.A.1.).

¹ [ECP](#), Section III.D, Allowable Uses, 8. Personal Use.

Campus guidelines and procedures must utilize similar mechanisms to recover costs associated with the non-incident personal use of other electronic communications resources where there are statements billed to the University that provide sufficient detail to identify such personal use.

E. *Reimbursement of Business Use*

An employee may request reimbursement for the business use of a cellular phone or similar device purchased with the employee's own funds. If the individual incurs additional charges on a calling plan for business calls over the plan limit, the University will reimburse those charges at the excess minute rate, upon receipt of supporting documentation. No reimbursement shall be made for business calls or a percentage of total business calls made within the package minutes covered under the employee's calling plan contract. Similarly, no reimbursement is permitted for the partial business use on an Internet, fax, messaging, or similar service purchased with an employee's own funds.

An employee may request reimbursement for the business use of an Internet, fax, messaging, or similar service purchased with the employee's own funds when it would not be practicable or cost-effective for the University to separately purchase this resource. However, prior to being reimbursed, the employee must complete and sign the Agreement in Appendix A confirming that the service will be used primarily for official University business.

F. *Data Security and Confidentiality*

Business and Finance Bulletin [IS-3](#) identifies the rules regarding the safeguarding of portable equipment. In particular, an individual may retain "restricted data" (as defined in [IS-3](#), Section III.C.2.g., Encryption: Storage) on portable equipment only if protective measures, such as encryption, are implemented to safeguard the confidentiality or integrity of the data in the event of theft or loss.² Regardless of format, all employees are required to handle data in accordance with Business and Finance Bulletin [RMP 8](#), Exhibit D, Rules of Conduct.

Employees should be aware that all records related to the purchase, use, and disposition of University-owned electronic communications equipment, including cell phone statements, are the property of the University and are potentially subject to disclosure under the California Public Records Act.

² Business and Finance Bulletin [IS-3](#), Section III.C.3.e, Portable Devices and Media.

VI. RELATED INFORMATION

- [IRS Notice 2011-72](#), 2011-38 IRB, 09/14/2011
- [President's Policy Issuance Letter about the August 18, 2005 revisions to the University's Electronic Communications Policy, August 18, 2005.](#)
- [Electronic Communications Policy](#), August 18, 2005
- Business and Finance Bulletin [BUS-29](#), Management and Control of University Equipment, Section N, Personal Use of University Property
- Business and Finance Bulletin [IS-3](#), Electronic Information Security
- Business and Finance Bulletin [RMP-8](#), Legal Requirements on Privacy of and Access to Information
- Appendix A Employee Agreement Concerning the Use of Electronic Communications Resources

VII. FREQUENTLY ASKED QUESTIONS

Not applicable

VIII. REVISION HISTORY

- March 14, 2006: Originally published Bulletin.
- March 1, 2007: Revised usage agreement in Appendix A and permitted the reimbursement of Internet and similar service in certain circumstances. Employees are expected to avoid using cell phone equipment when operating a motor vehicle, with the exception of emergency personnel.
- March 30, 2012: Reformatted into new policy format.