

<b>Title:</b> Cellular/Data Stipend Eligibility	<b>Procedure Number:</b> 6-D	Page 1 of 2
<b>Board Policy or Policies:</b> 6.4, 6.24, 6.26	<b>Adopted by:</b> Carrie Besnette Hauser, President  <b>Date of Last Revision:</b> July 5, 2016	

Effective July 1, 2016, only staff who are required to be available for business purposes at nonconforming times (evenings, weekends, and early mornings), who are required travel away from their primary office regularly as part of their assigned duties, and those who are required to be “on call” to respond to campus emergencies after regular working hours will receive a stipend for cellular/data service. In general, stipends will be limited to personnel exempted from overtime.

This change was discussed and recommended by the College Council in June 2016 in order to create greater consistency across the college, to clarify the intention of the cellular/data stipend program, and to ensure the college’s conformance with the overtime provisions of the Fair Labor Standards Act (FLSA).

If remote communications to/from staff *without* a cellular/data stipend are necessary, the staff member without a stipend may claim reimbursement of \$.10/minute for all phone calls and \$.10 for text messages in addition to counting the time necessary to complete the call/text/email. Such reimbursements must be claimed on a monthly basis and require the requesting employee to produce documentation verifying that the calls were made or messages sent.

Employees who use their employee-owned cell phones for College business use shall submit a reimbursement request with the cell phone bill highlighted for business use. Reimbursement will be calculated at \$.10 per minute or \$.10 per text message and should not exceed \$20/month.

Staff who received a cellular/data stipend in June 2016 but are ineligible for continuing subsidies due to the classification of their position will receive a final stipend payment for July 2016. After August 1, 2016, all cellular/data stipend payments must conform to this procedure.

Note: for non-exempt staff, the time used to perform communications after normal working hours must be accommodated within a normal 40-hour work week. It is the exempt staff member and their supervisor’s responsibilities to ensure that overtime is used for exceptional circumstances only and not routine business activities that can be accomplished in a normal 40-hour work week.

Rationale for this adjustment: According to the Fair Labor Standards Act, all non-exempt employees who perform work outside of the normal 40-hour work week must be compensated at 1.5 times their normal hourly wage. In addition, according to existing CMC policy, all

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overtime must be pre-approved in advance by the employee’s supervisor. According to the FLSA, overtime must be paid, regardless of how it was authorized, so all “after-hours” communications must be compensated as overtime if they result in the employee working more than 40 hours in a standard work week. Receiving a cellular/data stipend implies that work during non-regular hours is expected. This is not the case unless the employee is required to be on call for emergencies or if he or she is required to work in nonconforming times or locations due to the nature of his or her position.