

**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, whichever is the most cost-effective. 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 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.

*Legal Reference:*

EDUCATION CODE

*35213 Reimbursement for loss or damage of personal property*

*44032 Travel expense payment*

*48901.5 Electronic signaling devices*

VEHICLE CODE

*23123 Wireless telephones in vehicles*

*23125 Wireless telephones in school buses*

UNITED STATES CODE, TITLE 26

*280F Limitation on depreciation for luxury automobiles, etc.*

CODE OF FEDERAL REGULATIONS, TITLE 26

*1.132-5 Working conditions fringe benefit*

Regulation  
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**EVERGREEN SCHOOL DISTRICT**  
San Jose, California