

WS Directive

4.190 3/1/2007

REIMBURSEMENT FOR GOVERNMENT USE OF PRIVATE CELLULAR PHONES

1. PURPOSE

To provide guidelines for reimbursement of employees who use private cellular phones for official government communication purposes.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 4.190 dated 3/20/2006.

3. DEFINITIONS

Basic Service Costs. The normal monthly service costs of a cell phone service provider.

Basic Minimum Needs. The cell phone communication capabilities an employee is required to maintain, or authorized to maintain for official use, as determined by the supervisor. Basic minimum needs will include a cell phone, cell phone charger, voicemail capabilities, area of coverage and number of cell phone call minutes per month that the employee is required or authorized to be able to use for official purposes.

4. BACKGROUND

Ready access to communication capabilities is important for WS personnel to be able to carry out job-related activities that advance the mission of the WS program. Mobile telephones (cell phones) have been recognized for a number of years as being capable of providing the necessary ready access to communication. Many WS employees routinely use cell phones while performing their jobs to communicate with agency personnel and cooperators, or are determined to be critical links to emergency services.

Agency personnel that require cell phone capabilities can presently obtain such services through government procurement of cell phones and cell phone service plans. However, many employees also use cell phones for personal needs which results in employees carrying and maintaining two devices. It is advantageous to the government to allow employees in these situations to use their personal cell phones for governmental purposes and to be reimbursed at a fair rate for the benefit of such use to the government.

The Government Accountability Office (GAO) has previously reviewed requests by other Federal agencies to allow reimbursement to employees for official use of private cell phones. This policy is consistent with the prior GAO determinations.

5. POLICY

Supervisors may elect to reimburse their employees for use of private cell phones for official government purposes through a basic minimum needs analysis or actual expense reimbursement.

a. Reimbursement for Maintaining “Basic Minimum Needs” Cell Phone Communication Capabilities. The supervisor will determine the basic minimum needs for cell phone communications purposes for each employee. Basic minimum needs will include a cell phone and charger, voicemail capabilities, area of coverage, and number of minutes per month in which the employee is required to be available. Reimbursement may include such costs as activation and maintenance fees, and procurement of supplies and support services (e.g., replacement phones, batteries, belt clips, hands-free voicemail capability, etc.). Once basic minimum needs requirements have been determined, the employee can be reimbursed for the actual expense of obtaining and maintaining a private cell phone and service activation plan that meet the minimum needs, as long as the following conditions are met:

1. The employee cannot be reimbursed more than (a) the cost that the government would have to pay for a government-procured cell phone and service plan that would meet the basic minimum needs and also not more than (b) the cost that the employee actually pays for the personal cell phone and service.
2. The supervisor is responsible for obtaining cost data to verify the amounts reimbursed are less than or equal to the cost option for a comparable and available government-procured cell phone and service plan that meet the basic minimum needs. In determining comparable government costs, the supervisor must obtain cost data on at least three cell phone/service plans, or as many as are available in the employee’s area of operation (whichever is less), that would meet the basic minimum needs. Factors that should be taken into consideration in the cost comparison include activation fees, free or discounted phones, adequacy of the service coverage area, and extra cost factors, such as roaming charges, long distance charges, etc.

EXAMPLE: The supervisor has determined that a cell phone, charger, voicemail capabilities, and local area coverage with 200 minutes per month is the required basic minimum needs for an employee. The supervisor determines through a comparable cost analysis that the government plan which best meets the required basic minimum needs is \$35.00 per month. The employee has a personal cell phone and plan that costs a total of \$55.00 per month. The employee will be reimbursed for the actual cost of the personal cell phone service (equivalent to the basic minimum needs determined by the supervisor) up to and including \$35.00 per month. However, the supervisor may not reimburse the employee for basic service costs of a personal cell phone which are greater than \$35.00 per month in this example.

A cost analysis is provided herein (Attachment 1) which shows comparable costs to provide a government-procured cell phone, charger, and voicemail capabilities for a national service plan with a minimum of 300 minutes, including free long distance and no roaming charges. All WS supervisors who determine employees require these basic minimum needs may use this cost analysis for determining the basic minimum need in reimbursing personal cell phone costs to employees.

3. Employees are responsible for providing documentation verifying the cost of the cell phone service. Copies of this documentation must be included with the employee's requests for reimbursement. However, this documentation is not required by the Payments Section of MRPBS.

4. An employee must provide a copy of an itemized monthly invoice from the cell phone service provider when the employee wishes to claim reimbursement for actual government-related expenses that exceed the basic service costs of the basic minimum needs.

EXAMPLE: The supervisor has determined a basic minimum needs cost of \$35.00 per month, however, the employee's basic service costs (equivalent to the basic minimum needs determined by the supervisor) are \$28.99 per month. The employee will be reimbursed for the actual amount of personal cell phone service, i.e., \$28.99. This month the employee has a higher than normal volume of government related calls, exceeds the number of minutes determined in the basic minimum needs, and exceeds the normal cost of services, which brings the total invoice for the month to \$50.00. The employee must provide itemized documentation showing that the costs above the employee's basic service costs (i.e., \$28.99) are government related. Employees will be reimbursed for actual costs of calls, above the basic service costs, which are deemed government related and in excess of the number of minutes determined by the supervisor's basic minimum need requirements.

b. Actual Expense Reimbursement for Government-Related Calls Only. The supervisor has determined the nature of the employee's position does not require cell phone communication capabilities, but that the program can benefit from the employee's voluntary use of their personal cell phone for official calls. The employee may thus be reimbursed for actual expenses for government-related calls. The amount of reimbursement will be determined based on itemized monthly invoices.

Supervisors have the discretion to limit an employee's use of private cell phones for official government purposes, and the amount of reimbursement for such official government calls, based on funding limitations. Such limitation must be communicated to the employee in advance of the employee incurring costs for official government calls.

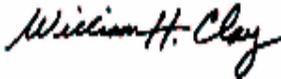
Employees must provide itemized copies of monthly invoices from their cell phone service provider when the employee wishes to claim reimbursement for actual government-related expenses.

c. Congressional criteria. The reimbursement rates and criteria established herein will be superseded by any applicable rates and/or criteria that are subsequently established by Congress.

6. REFERENCES

Government Accountability Office. March 6, 2003. Matter of: Nuclear Regulatory Commission Reimbursing Employees for Official Usage of Personal Cell Phones. File No. B-291076.

Government Accountability Office. October 22, 2001. Matter of: Reimbursing Employees' Government Use of Private Cellular Phones at a Flat Rate. File No. B-287524.

A handwritten signature in black ink, reading "William H. Clay". The signature is written in a cursive style with a prominent "W" and "C".

Deputy Administrator

16-Feb-07

Company	Plan Cost	Minutes	Free Long Distance	Roaming Charges	Nite & Weekend Mintues	Applicable Taxes & Fees	Activation Fee	Free Phone	Recovery of Free Phone or Cost to General Public	Contract	Early Contract Cancellation Fee	Coverage
Nextel/Sprint	\$45.00	450	Yes	No	Unlimited	5%	\$36.00	Yes, with service contract	\$49.99	2 Year	Up to \$200	Fair nationwide coverage. Many areas in west show no service availability.
Alltel	\$39.99	600	Yes	No	Unlimited	5%	\$35.00	Yes, with service contract on some models	\$50-85	2 Year	\$200.00	Good nationwide coverage. Limited service in northeast network area.
Cingular	\$44.99	450	Yes	No	Unlimited	\$10/mo.	\$36.00	Yes	\$119-139	No	No	Adequate nationwide coverage, but Verizon offers much better.
Verizon	\$39.99	450	Yes	No	Unlimited	3%	\$35.00	Yes	\$59.99	1 Year	No	Good nationwide coverage.
T-Mobile	\$29.99	300	Yes	No	Unlimited	4%	\$35.00	Yes	\$119.00	2 Year	Flexible	Very poor nationwide coverage, especially in west and northwest.