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## Employers Must Reimburse Employees for Costs Associated With Work-Related Cell Phone Use

In [Cochran v. Schwan's Home Service, Inc.](#), issued August 12, 2014, the California Court of Appeal held that California Labor Code section 2802 requires employers to reimburse employees for a "reasonable percentage" of their cell phone bills when employees must use their personal cell phones for work-related calls.

Reversing the trial court's order denying class certification to a putative class of 1,500 service managers of a food delivery provider, the Court held that it did not matter for purposes of Labor Code section 2802 reimbursement whether or not employees changed their personal cell phone plans to accommodate work-related usage, had plans with limited or unlimited minutes, or paid the cell phone bills by themselves. Rather, "[t]o show liability under section 2802, an employee need only show that he or she was required to use a personal cell phone to make work-related calls, and he or she was not reimbursed." Though the Court found that employers must reimburse employees for a "reasonable percentage" of their cell phone bills, it did not define how such a percentage should be calculated.

*Cochran* provides a reminder to employers to ensure that they reimburse employees for all necessary expenditures incurred in connection with the performance of the employees' job duties. With respect to work-related usage of a personal cell phone, reimbursement for a reasonable percentage of the cell phone bill is required regardless of who pays the bill, the type of cell phone plan an employee has, or whether the employee has to incur an extra expense for the work calls.

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