

California Employers Beware: cell Phones Present Another area for Class Action Potential

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In August 2014, the California State Court of Appeals (2nd Circuit, Division 2) decided in *Cochran v. Schawan's Home Service* that **employers were responsible for reimbursing employees for the business use of personal cell phones**. Most cell phone users have unlimited minute plans so the question before the court was whether reimbursement was warranted even if the employee did not incur an extra expense. The answer: reimbursement is always required. The California Supreme Court has denied a petition to review this case so this holding stands. Employers with employees in the state of California should be mindful of this decision and take steps to implement policies which comply with the law (e.g., provide company cell phones, provide for reimbursement of actual cell phone usage for business-related calls, or provide a flat amount of reimbursement per month per employee).

Hinshaw attorneys are available to assist employers implement and enforce such policies.

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