

RESOLUTION 23-05

A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURE MANUAL FOR HYRUM CITY CORPORATION TO AMEND RESPONSE TIME AND COMPENSATION FOR EMERGENCY CALL BACK PAY AND SCHEDULED CALL BACK PAY, AND FURTHER DEFINING EMERGENCY AND SCHEDULED OVERTIME.

WHEREAS, on March 19, 1998, the Hyrum City Council adopted a personnel policy manual known as "Personnel Policies and Procedures Manual for Hyrum City Corporation"; and

WHEREAS, said manual sets forth those policies pertaining to personnel conduct, conditions of employment, employment classification, work week, benefits, payroll, and related matters; and

WHEREAS, Section XII of the manual establishes employment classifications and compensation; and

WHEREAS, on September 1, 2022 the Hyrum City Council approved Resolutions 22-15 amending the Personnel Policies and Procedures Manual to allow an employee to reside within 15 miles of Hyrum City rather than 10 miles; and

WHEREAS, upon further review of the manual it was determined a conflict was created with allowing an employee to reside within 15 miles because current policy requires an employee to be within a 15 minute driving distance of Hyrum City when On-Call; and

WHEREAS, there is a need to clarify the definition of scheduled overtime to include that scheduled overtime is any time worked outside of regular work hours with a 24 hour notice; and

WHEREAS, there is also a need to clarify the definition of Emergency Overtime to include the Emergencies as defined in Section XII 9.A.1 Emergencies; and

WHEREAS, when an employee is On-Call and is called back the manual allows employee to be compensated at one and one-half times their regular rate of pay regardless of number of regular hours worked;

WHEREAS, an employee On-Call that receives an emergency call-out is entitled to compensation at a minimum of one hour at one and one-half times their regular rate of pay from the time the employee arrives at a City facility, however, since it is an emergency call-out and not a scheduled call-out the Mayor is requesting the policy

be changed for the employee to be compensated at one and one-half time their regular rate of pay from the time they were notified until employee leaves job site/shop (employee is not paid for drive time after leaving job site/shop).

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum, Cache County, Utah, that Section XII.6, 9 and 10 Employment Classifications/Compensation of the "Personnel Policies and Procedures Manual for Hyrum City Corporation" is hereby amended to read as follows:

1. Section XII.6. ATTENDANCE of the Hyrum City Personnel Policies and Procedures Manual is hereby amended as follows:

6. **ATTENDANCE.** Employees shall be in attendance at their work stations during normal working hours. Employees who are going to be late, have ~~has~~ an emergency, or are is ill he/she should notify a Supervisor (immediate Supervisor preferred) on/or before employees shift starts, or as soon as possible if emergency on each day of absence. An employee must report for work unless he/she is utilizing sick or vacation leave or is entitled to leave under federal or state code.

2. Section XII.9. OVERTIME PAY of the Hyrum City Personnel Policies and Procedures Manual is hereby amended as follows:

9. **OVERTIME PAY.**

A. Definitions:

- (1) Emergencies: Plowing snow, sanding, or other road hazards occurring outside of normal work hours. Interruptions of utility services outside of normal work hours, including electrical power failure, sewer backup, culinary or irrigation water failures, or other situations demanding immediate attention as determined by the Mayor or his/her designee.
- (2) Overtime rate: One and one-half (1 1/2) times the regular straight-time pay for eligible hours worked.
- (3) Emergency overtime: All non-scheduled hours worked beyond work hours identified herein under XII.5 as determined by the Mayor or his/her designee in response to designated emergencies as defined in Section XII.9.A.(1) and other situations identified by the Mayor or his/her

designee as emergencies.

(4) Scheduled overtime: All hours worked in excess of 40 hours per work week including when an employee is required by the Mayor or his/her designee to work outside of normal work hours and/or if employee responds to scheduled overtime when On-Call. Scheduled overtime is not considered emergency overtime. When possible employee should receive a minimum of an 8 hour notice for scheduled overtime. ~~except those hours wherein employee is summoned by the Mayor or his/her designee to respond to emergency situations.~~ All scheduled overtime must be approved by the Mayor or his/her designee.

(5) Compensatory time (comp-time): Time off during normal working hours in lieu of pay for hours accumulated under emergency or scheduled overtime.

- B. Overtime shall be allowed for all hours worked in response to defined emergencies regardless of the number of hours worked during the work week.
- C. Overtime shall be allowed for all scheduled hours worked in excess of 40 hours per work week, which work week is defined under XII.4.
- D. Holidays and vacation hours count towards 40 hour work week.
- E. Comp-time and sick leave do not count toward 40 hour work week.

3. Section XII.10. ON-CALL PAY of the Hyrum City Personnel Policies and Procedures Manual is hereby amended as follows:

10. ON-CALL PAY.

A. Hyrum City recognizes the need to respond to unforeseen, unplanned, or emergency situations. As such, the City has established an On-Call program. On-Call constitutes a program whereby qualified employees are available by telephone, pager, radio, etc. for the opportunity to return to work after hours. Each Department Supervisor will address its department's need for On-Call service with regard to emergency or unforeseen demand for services.

(1) After hours is defined as the time between the employees normal work days and times.

(2) On-Call coverage will be on a weekly rotation from Tuesday evening through Tuesday morning,

with a rotation schedule determined by the Department Supervisor. All employees in each department will be on the rotation schedule to allow for a fair balance of On-Call duties.

(a.) Trading of On-Call shifts is allowed, with approval from Department Supervisor

- (3) All employees On-Call must respond by answering the call or calling back the number within five (5) minutes of the initial notification. Employee must leave to respond within 10 minutes of the initial notification. and be within Employee must be within an actual fifteen (15) mile minute driving distance of Hyrum City. Failure of On-Call employee responding within the above times ~~will~~ may result in disciplinary action.

B. Compensation.

- (1) Employees On-Call are compensated at the rate of \$1.50 per hour during the On-Call shift.
- (2) Employees On-Call during a holiday or holiday weekend (holiday falls on Friday, Saturday, Sunday, or Monday) are compensated at the rate of \$2.00 per hour during the On-Call shift.
- (3) When an On-Call employee is called back for an emergency or scheduled overtime, they are compensated for a minimum of one (1) hour at one and one-half (1½) times their regular rate of pay.
- (4) Once the employee is called back, the \$1.50 On-Call compensation ends for the duration of call-back. (Res. 14-15)
- (5) Employees responding to an emergency as defined in Section XII.9.A.(1) and (3) will be paid one and one-half (1 ½) times their regular rate of pay from the time they are notified of the emergency until employee leaves job site/shop. Employee is not paid for drive time after leaving job site/shop.
- (6) Employees working scheduled overtime including when employee is working On-Call Scheduled Overtime as defined in Section XII.9.A.(1) will be paid one and one-half (1 ½) times their regular rate of pay from the time they arrive at the job site/shop until employee leaves job site/shop.

THIS RESOLUTION shall become effective upon adoption.

ADOPTED AND PASSED by the Hyrum City Council this 2nd day of March, 2023.

HYRUM CITY CORP.

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder