

RESOLUTION 25-11

A RESOLUTION AMENDING SECTION XVI.5. RETIREMENT AND SECTION XVI.6. CELL PHONE REIMBURSEMENT OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HYRUM CITY CORPORATION TO PROVIDE A MAXIMUM OF 2.5% 401k MATCH FOR ALL BENEFITED EMPLOYEES, AND TO SET A STIPEND FOR CELL PHONE USE.

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 on December 5, 2013 readopted the Personnel Policy Manual after major revisions were made; 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, in order to enhance the recruitment and retention of new hires and to provide competitive employee benefits, Hyrum City's Mayor recommends providing a maximum of 2.5% (of employee's earned wages) retirement 401(k) match for all benefited employees; and

WHEREAS, to better define the City's cell phone benefit policy and to ensure fair and equitable reimbursement for position-related use, Hyrum City's Mayor recommends amending the current cell phone policy to include a tiered level reimbursement plan; and

WHEREAS, upon recommendation from Hyrum City's Mayor, the City Council has determined there is a need to amend Hyrum City's Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum, Cache County, Utah, that Sections XVI.5. Retirement and XVI.6. City Cell Phones and Cell Phone Stipend Benefits of the "Personnel Policies and Procedures Manual for Hyrum City Corporation" are hereby amended to read as follows:

1. Section XVI.5. of the Hyrum City Personnel Policies and Procedures Manual is hereby amended as follows:

SECTION XVI BENEFITS.

5. RETIREMENT. SYSTEM

A. Hyrum City is a member of the Utah State Retirement System.
Participation in the System is mandatory for all employees

who meet the eligibility requirements established by the Utah State Retirement System as defined in Title 49 of the Utah State Code. For details concerning the State Retirement System, benefits derived under the System, and retirement options, employees should contact the Human Resource Department, consult written literature describing the system, or contact the Utah State Retirement System directly.

- (1). Hyrum City shall contribute to the Utah Retirement System the required employer and employee defined benefit contributions for all employees defined as Tier I by the retirement system.
- (2) Hyrum City shall contribute to the Utah Retirement System the required employer amount for all employees defined as Tier II by the retirement system.
- (3) Employees in the following classifications are excluded from participation in the Utah Retirement system and are not otherwise eligible for benefits paid to Full-Time Appointed, Full-Time, and Part-Time with Benefits Employees:
 - (a) Part-Time Non-Benefited
 - (b) Temporary
 - (c) Seasonal
 - (d) Temporary Agency
 - (e) Volunteers
 - (f) Interns
 - (g) Independent Contractors
- (4) All Full-Time Appointed Officials are eligible for URS benefits.
- (5) All Full-Time and Part-Time with Benefits employees are eligible for URS benefits.
- (6) All other defined contribution plan provisions are governed by the applicable Utah Retirement System defined contribution plan and Title 49 of the Utah State Code.
- (7) The Utah State Retirement and Insurance Benefit Act states that employees of the City can purchase service credits towards their retirement. Hyrum City is permitted to participate in the purchase of these credits. If the City does participate in the

purchase of service credits it will do so in accordance with Utah code 49-13-408, 49-12-409, 49-22-309, 49-23-308 and without regard to race, religion, age, disability, gender, color, national origin, sexual orientation or gender identity.

(8) Employees in the following positions are eligible to request exemption from the Utah State Retirement System under Utah State Law 49-13-203(4). Employee must file an Exemption Form with the Human Resource Director within the first 60 days of employment.

(a) Mayor - Elected

(b) City Council Member - Elected

(c) Judge - Elected

(d) City Recorder - Appointed

(e) City Treasurer - Appointed

(f) Department Heads (Directors and Superintendents)

Exemption from Utah State Retirement System can only be made by the above employees if position meets the qualification for eligibility to participate in the URS. (Res. 19-06)

B. Hyrum City allows for employees to voluntarily enroll in the Utah State Retirement System Roth IRA, Traditional Roth, 401K or 457 plans.

(1) Hyrum City shall provide a matching contribution to Appointed Full-Time, Full-Time, Part-Time with Benefits employee's 401(k) defined contribution plan with the Utah Retirement System as follows:

(a) The matching contribution by Hyrum City for a given pay period shall be equal to two and one-half percent (2.5%) of the employee's earnings in that pay period or the amount of the eligible contribution made by the employee for that pay period, whichever is less.

(b) All matching contributions shall be based on an employee's earned wages but shall not include any other payments, or reimbursements.

(c) An employee drawing a pension from the Utah Retirement System is not eligible for a City contribution.

C. Hyrum City may also make other retirement related contributions as permitted and/or required by State or Federal law. (Res. 19-06)

5. RETIREMENT SYSTEM. ~~Additional details are available from the Mayor, or his/her designee.~~

~~**A.** All full time Hyrum City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. A permanent part time with benefits employee employed in a position requiring at least twenty nine (29) hours of service per week is also covered.~~

~~**B.** The cost of this program is paid for by Hyrum City and the employee in the percentages set by action of the City Council.~~

~~**C.** Employees in the following positions are eligible to request exemption from the Utah State Retirement System under Utah State Law 49-13-203(4). Employee must file an Exemption Form with the Personnel Director within the first 60 days of employment. (1) Mayor—Elected (2) City Council Member—Elected (3) Judge—Elected Exemption from Utah State Retirement System can only be made by the above employees if position meets the qualification for eligibility to participate in the URS. (Res. 19-06)~~

2. Section XVI.6. of the Hyrum City Personnel Policies and Procedures Manual is hereby amended as follows:

SECTION XVI BENEFITS.

6. CITY CELL PHONES AND CELL PHONE STIPEND ~~**CELL—PHONE REIMBURSEMENT.**~~ Hyrum City recognizes that allowing and requiring certain personnel to use a cell phone is helpful to efficiently conduct City business.

A. City Cell Phones: Cell phones and plans may be provided to designated employees for business-related purposes and must not be used for personal use. The Mayor or City Administrator approves positions for this purpose.

(1) Employees who have a City Cell phone are responsible for any and all damage to city cell phone unless Mayor or City Administrator authorizes repair or replacement.

B. Cell Phone Stipend: Employees may receive compensation in the form of a cell phone stipend to cover costs for using a personal cell phone for city business.

C. Stipend Amount: The monthly cell phone stipend amount shall be allocated to individual employees based upon estimated time usage:

Level 1 \$25.00 - Business use represents 20% or less of the total cell phone use, including responding to phone calls and text messages as required during working hours, and access to internet data. This includes part time employees in animal control, community improvement, and other positions as approved by the Mayor or City Administrator.

Level 2 \$35 - Business represents 50% or less but more than 20% of total cell phone use, to include responding to phone calls, text messages, photos, emails during working hours and on-call hours, and be able to access internet data. This level is reserved for part-time employees who are directors, and all full time employees that are not listed in Level 3.

Level 3 \$85.00 - Business use represents greater than 50% of the total cell phone use and/or employees must have a cell phone for their position and must respond to email, text messages, phone calls during and after regular work hours, and be able to access internet data quickly. This level is reserved for full time employees who are superintendents, directors, elected, and appointed officials.

D. Stipend Payment: The approved cell phone stipend will be paid monthly as part of the employee's paycheck and subject to all applicable payroll taxes. This stipend does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to salary increases or promotions.

E. Employee Responsibilities: Employees must retain an active cell phone contract as long as a stipend is in place. Their current phone number must be provided to their department and Human Resources. Should the cell phone number change, the employee must notify their department head and Human Resources within a reasonable amount of time. The employee is required to keep the phone charged and available for use during business hours and after hours for employees who are On-Call (this policy doesn't supersede On-Call requirements) if receiving the Level 1 or 2 stipends. Employees receiving the Level 3 stipend must keep the phone charged and available for use at all times and respond in a reasonable time frame if receiving the Level 3 stipend. Because the employee owns the cell phone personally, and the stipend provided is

taxable income, the employee may use the phone for both business and personal purposes. Personal use during business hours should be minimal and follow all applicable City policies. Any cell phone use contrary to federal, state, or local laws will constitute misuse and may result in immediate termination of the cell phone stipend.

~~A. When the job duties of an employee require the frequent use of a cell phone to conduct City business, the City Administrator may approve a city cell phone or authorize a monthly allowance for that employee to use his/her personal cell phone.~~

~~(1) Approved employees have a choice of a city cell phone (for city business only) or receive a monthly allowance for city business only to help defray costs related to their work as a City employee which are incurred under the employee's personal cell phone plan. Use of a city cell phone is restricted to city business only and will be monitored by the City Administrator.~~

~~(a) Any costs incurred in excess of the monthly allowance are the sole responsibility of the employee. Hyrum City will not give out personal cell phone numbers to the public but it will be listed on the personnel list.~~

~~(2) Employees who receive a city cell phone are responsible for:~~

~~(a) Maintenance of the equipment. Employees are responsible for any and all damage to city cell phone unless City Administrator authorizes repair or replacement.~~

~~(b) Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.~~

~~(c) Keeping the phone calls and/or text messages at a minimal.~~

~~(d) All costs associated with personal phone calls and/or text messages.~~

~~(e) Employee is required to return the City cell phone upon separation of employment with Hyrum City.~~

~~(3) Employees who receive a cell phone allowance are responsible for:~~

~~(a) Purchase and maintenance of the equipment. Employees are responsible for any and all damage to cell phone unless City Administrator authorizes repair or replacement. (b)~~

~~Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.~~

~~(c) Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone and all voice, text, data and all other charges.~~

~~(d) Notifying the City immediately if the phone is out of service.~~

~~(e) Upon request of the city, and after a documentable incident, providing recent billing statements reflecting all calls conducted during work hours.~~

~~B. Use of the cell phone in any manner contrary to local, state or federal laws constitutes misuse and will result in immediate termination of the city cell phone or cell phone allowance and, depending on the severity of the offense, may result in disciplinary action.~~

This Resolution shall take effect July 1, 2025.

ADOPTED AND PASSED BY the City Council of Hyrum, Utah, this 1st day of May, 2025.

HYRUM CITY CORP.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder