

RESOLUTION No. 13-05

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this resolution be adopted: Council member Dart

I SECOND the foregoing motion: Council member Leifson

RESOLUTION No. 13-05

A RESOLUTION AMENDING DEFINITIONS IN THE SPANISH FORK CITY EMPLOYEE PERSONNEL POLICY MANUAL

WHEREAS, President Barack Obama signed the Patient Protection and Affordability Care Act (ACA) regarding health care reform in March, 2010; and

WHEREAS, this law is contained in over 2,500 pages, including over 1,100 directives where it is stated that the "Secretary shall..."; and,

WHEREAS, it is anticipated that over 100,000 pages of federal regulations either are or will be written to guide compliance with the ACA; and

WHEREAS, several minor aspects of the ACA have already taken effect; and

WHEREAS, beginning January 1, 2014, the employer responsibility portion of the ACA

takes effect, with major implications for the City; and

WHEREAS, the manner by which employees are defined, hours that employees work, and the relationship between the employer and employee are all conditions of the employer's responsibility to either provide insurance or pay penalties; and

WHEREAS, these relationships, before January 1, 2014, will determine what responsibilities an employer will have to provide insurance to its employees as of January 1, 2014; and

WHEREAS, it is recognized that the complexities and requirements of the ACA are not and cannot be fully understood at this point in time; however, the City desires to make changes and updates to the Employee Personnel Policy Manual as timely as possible, so that the City is acting in good faith to comply with the law and applicable regulations;

NOW THEREFORE, be it resolved by the City Council of Spanish Fork City that the Spanish Fork City Employee Personnel Manual is hereby amended as follows:

1. The definition of **Temporary Employee** is hereby repealed from §1.04.050 and all references thereto are deleted from the rest of the policy.

2. The following terms in §1.04.050, Definitions, are amended or enacted as follows:

Benefits Normally Provided means sick leave, vacation leave, accrued comp time, retirement contributions, and health, dental, and life insurance - with their respective shared costs. Employer contributions for insurance, mandated by state or federal law, are not considered benefits normally provided.

Full-time employee means one who has successfully completed the initial probationary period and is expected to work approximately forty (40) hours per week and approximately 2080 hours per calendar year. Full-time employees receive benefits normally provided by the City and have an expectation of receiving those benefits from the beginning of their employment.

Part-time employee means one who is expected to work no more than 130 hours in any month and less than 1560 hours in a year.

Permanent Part-time employee means one who works a minimum of 1,040 hours and a maximum of 1,560 hours per calendar year, and is eligible to receive benefits at a rate set by the City Manager.

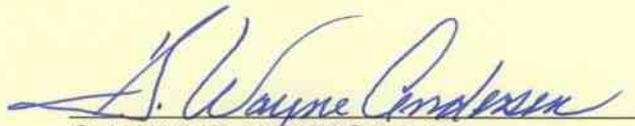
Personnel Committee or Committee means the seven (7) member committee, composed of the mayor, two city council members, the city manager, assistant city manager, and two (2) city employees.

Seasonal employee means one who is expected to work during the specific period or season. The City has two seasons: from March 15 to September 15 and from May 15 to November 15 to meet division personnel needs during the season. Seasonal employees will not work more than 1560 hours during the season. (i.e. swimming pool, golf course, streets, parks, etc.)

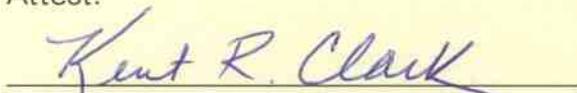
Variable employee means an employee whose schedule may be uncertain and erratic from month to month and throughout the year. A variable employee may work more than 130 hours in any given month or for a few consecutive months, however, a variable employee cannot work more than an average of 130 hours each month over the course of an entire year.

2. This resolution is effective immediately upon passage.

DATED this 21st day of May, 2013.


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder

