

A RESOLUTION OF THE CITY OF PITTSTON CITY COUNCIL, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING A NON-TAXABLE CELLPHONE REIMBURSEMENT POLICY AND AGREEMENT FOR CITY EMPLOYEES

BE IT RESOLVED, by the City Council of The City of Pittston, and it is hereby resolved by the authority of the same,

WHEREAS, for many years, the City has had a cellphone reimbursement policy in place for certain city employees who require cellphones to perform their job duties and as part of the implementation of a new payroll system, the city seeks to update the same;

WHEREAS, the reimbursement will be considered a non-taxable fringe benefit to the executive and administrative (non-union) qualified employee;

WHEREAS, the level of reimbursement shall be \$75 per month upon completion of the Cell Phone Reimbursement Agreement;

WHEREAS, The City Administrator will review and set the reimbursement rate on an annual basis and final arbiter of who receives a reimbursement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Pittston that the following policy is hereby established and codified to take effect immediately upon adoption:

CITY OF PITTSTON CELLPHONE REIMBURSEMENT POLICY

Pursuant to the guidance provided in United States Department of the Treasury, Internal Revenue Service Memorandum Control Number SBSE-04-0911-083 and subsequent issuance regarding employers providing reimbursement to employees for personal cellphones, the City of Pittston hereby adopts a Cellphone Reimbursement Policy.

- A. **Eligibility**: Based on job descriptions and duties the City Administrator shall determine which employees and officials of the city qualify under this policy.
- B. **Qualification**: In order to be eligible under this policy the city employee or official must perform a job function that includes:
- a. The city's need to contact the employee/official at all times for administrative operation and or emergency response;
 - b. The city's need for the employee/official in the performance of their job duties to communicate with the city, other city employees, emergency responders, other governmental officials and or citizens at all times;

- C. **Establishment of Reimbursement Policy as Non-Taxable Benefit:** For employees and officials deemed eligible and qualified by the City Administrator under this policy, the City of Pittston hereby establishes a Non-Taxable De Minimis Fringe Benefit Policy for Cellphone Reimbursement under the applicable IRS regulations.
- D. **Administration:** Employees deemed eligible and qualified by the City Administrator under this policy shall receive a non-taxable bi-weekly cellphone reimbursement with their regular pay in a flat-rate amount set from time to time by Motion of the City Council and subject to appropriation in the annual city budget. No employee shall receive a reimbursement in an amount greater than the actual cost of their cellphone and cellphone service.
- E. **Assignment of City Cellphone:** In lieu of reimbursement, the City Administrator may direct that a city-owned cellphone be provided to the employee/official under this policy and that said cellphone is hereby deemed a non-taxable benefit pursuant to this policy. No employee/official shall receive both a city cellphone and cellphone reimbursement.
- F. **Cell Phone Reimbursement Agreement:** Employees deemed eligible and qualified by the City Administrator under this policy will be required to complete the Cell Phone Reimbursement Agreement in order to receive the Non-Taxable Fringe Benefit. The completed and approved Cell Phone Reimbursement Agreement will be placed in the employee's personnel file.

AND IT IS FURTHER RESOLVED that the City Administrator shall transmit a true and original copy of this Resolution to the City's designated City Code publisher for inclusion in Pittston City Code Chapters 23, 72 or a new chapter that may be determined as prudent and necessary.

ADOPTED, ENACTED and ORDAINED by the City Council of the City of Pittston this 20
day of Sept 2023

ATTEST

APPROVED



CITY ADMINISTRATOR



MAYOR