



## Human Resources

---

February 18, 2020

To: Member of the City Council c/o Council President Armstrong

RE: Difference between an employee of the City of Rapid City and an elected official.

Council President Armstrong:

There is an inherent difference between an employee and an elected official, it is often referred to as the employment agreement. The base of any employment agreement, hiring and retaining an employee, is the ability for either side, management or employee, to end the arrangement when it suits their needs. From an employee perspective our state laws allow an employee to leave employment at any time, for any, or no, reason. There are no caveats for giving a mandatory notice, or to provide your employer your motive for leaving. From the management perspective there is a right to end the employment agreement for any reason that is not prohibited by federal, state or local law. In addition to that, South Dakota is a right to work state, meaning that we can end employment for any legal reason, or no reason at all. We do not have to provide justification for ending employment.

When it comes to elected officials, there is no person who was hired into their role at the City who can end the term of the Mayor or a member of City Council. The City has Union contracts and a non-union employee guide that spell out the conditions of employment, including the ways that an employee can be removed from employment by a member of the City's management team. There is no mechanism for a member of management staff to remove a City Council representative. The way to remove a City Council representative during a term must be undertaken by other elected City Council members.

The inability to hold an elected official accountable to a set of expectations, as defined solely by members of the City's management team, and remove them from their position if they do not meet the expectations, creates the difference that proves they are not in the same category as employees of the City.

If you need further assistance or information, please let me know.

Nick Stroot  
Human Resources Director  
City of Rapid City