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# **Non Union Employee Guide**

**Updated October 2019**

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## ***A Warm Welcome to Existing and New Employees***

The City of Rapid City welcomes you as an employee. The City desires that your job will live up to your expectations and that your tenure will be a rewarding one. If you are a current employee, the City sincerely appreciates your valued service. You, the City's employees, are its greatest asset.

Along with other policies and procedures approved by the City Council, this Non Union Employee Guide outlines the personnel policies and practices in effect at the City. The Guide will be a helpful reference during your association with the City. You are encouraged to freely ask questions of your supervisor or manager, and department head regarding the policies and procedures contained within this Guide. Please also feel free to contact Human Resources with any questions about this Guide, your employment or benefits.

Our responsibility as representatives of the City of Rapid City is to provide our citizens, business community and others with service that is courteous, dependable, efficient and economical. Your role in accomplishing these objectives is very important, and you were selected for your position based on the knowledge, skills and abilities you possess for performing your job. The City takes pride in delivering excellent customer service, and trusts that you will always do your best to help maintain this high standard.

The City has set very high standards for you and expects you to conduct yourself in a way that reflects favorably on the City and its administration. At the same time, the City is committed to providing you with challenges, appropriate compensation and benefits to help you reach your goals and objectives.

By working together in this way and by remembering that our first duty is to serve the citizen and the customer, the future of the City of Rapid City will be both productive and prosperous.

Again, welcome, and know you are wished success in your endeavors with the City.

## **Definitions**

Active Employment – receiving compensation from the City, not including worker's compensation.

Complete Month – for annual leave purposes, a full calendar month.

Continuous Benefited Employment – the continuous and uninterrupted period for which an employee receives benefits from the City.

Continuous Operation – Seven days per week operation.

Days – unless specifically noted as "working days", the term "days" shall mean "calendar days".

Department – shall consist of all work units assigned to that Department and represented by a Department Director.

Department Director – those who are appointed by the Mayor and confirmed by City Council who have supervisory authority over an entire City department; including but not limited to, the City Attorney, Community Resources, Finance, Fire, Community Planning and Development, Parks & Recreation, Police, and Public Works, and those that are hired by a board which is appointed by the Mayor, which include the Airport, Civic Center and Library.

Part A Sick Leave – Individual employee's sick leave bank of hours.

Part B Sick Leave –Short Term Disability Plan benefit found in this guide.

Part-time Benefited Employee –

An employee who is not a non-benefited employee who receives benefits and works less than an average of 40 hours per week, but never less than 20 hours per week.

The following proration applies to part-time benefitted employees:

1. For employees who work hours that are less than a FTE (full time equivalent), all accruals will be prorated based on an 8-hour day and according to the employee's equivalency, e.g. a .75 FTE is 6 hours for accrual purposes, a .5 FTE is 4 hours for accrual purposes.
2. An employee will work hours in accordance with their prorated FTE.
3. Annual leave time will be prorated based on an 8-hour day and will be taken and recorded on timesheets in accordance with the employee's FTE, e.g. a .75 FTE is 6 hours, a .5 FTE is 4 hours.
4. Holidays and personal holidays will be prorated based on an 8-hour day.

### ***Definitions continued***

Regular Benefited Employee – an employee in continuous benefited employment with the City working a fulltime regular schedule.

Supplemental Employment – performing employment for pay from an employer other than the City.

Non-Benefited Employee (Temporary)– An individual whose employment does not exceed 1,040 hours of work in a payroll calendar year. Non-benefited employees are not benefitted employees.

Work Unit – the City operation to which an employee is assigned (for example, Parks, Streets, Water, et al that is covered by this policy).

### ***Equal Employment Opportunity Statement***

The City is an Equal Opportunity Employer. The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements, the City complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has facilities. This policy statement applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

### ***Workplace Harassment***

The City expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of the City's employees to perform their job duties may result in discipline up to and including discharge.

### ***Types of Positions***

All non-union positions with the City of Rapid City are classified as at-will and may be terminated for any reason at any time. At-will or employment at-will refers to a non-contractual employment relationship between the employer and the employee, where either party can terminate the relationship without notice, at any time, and for any reason not prohibited by law.

## ***Grievance Procedure***

There is hereby established by the City of Rapid City a grievance procedure for non-union employees. All employees covered by a collective bargaining agreement are covered by the grievance procedure contained therein. Notwithstanding the establishment of this grievance procedure, all non-union employees are employees-at-will and may be terminated at anytime with or without cause. This grievance procedure provides a mechanism for non-union employees to discuss grievances, but does not grant any substantive rights.

Grievance means a complaint by an employee or group of employees concerning the interpretation, application or alleged misinterpretation or misapplication of the regulations, ordinances, policies or rules of the City of Rapid City, which complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. Prior to filing a formal grievance, an employee must attempt to rectify the situation with the immediate supervisor, unless that attempt would be futile. No person shall be discriminated and/or retaliated against because of the filing of or involvement in a grievance.

Failure by an employee to comply with any time limitation contained in this procedure shall constitute a withdrawal of the grievance. If the City fails to respond within the time limitation set out in this procedure, then the employee shall have the right to move to the next step in the grievance procedure.

Within fourteen (14) days after an employee has knowledge of or should have knowledge of an occurrence giving rise to a grievance, the employee shall submit to the Department Director or designee a written grievance, which shall be known as Step I. The Department Director or designee shall meet with the employee within seven (7) days of the receipt of the grievance. The Department Director shall submit a written answer within seven (7) days following the meeting.

If the employee disagrees with the decision of the Department Director, the employee may file not later than fourteen (14) days after receipt of the Department Director's decision a written grievance with the Mayor, which shall be known as Step II. Within fourteen (14) days of the receipt of the grievance, the Mayor or designee will meet with the employee to discuss the grievance. Within fourteen (14) days of this meeting, the Mayor will submit a written decision to the employee.

If the employee disagrees with the Mayor's decision, the employee may, not later than thirty (30) days after receipt of the decision, initiate an appeal to the Department of Labor, whose decision shall be binding on the employee and the City in accordance with provisions of SDCL 3-18-15.2, subject to either party's right of appeal pursuant to SDCL 1-26.