

**RESERVOIR TENDER SALARY AGREEMENT  
BETWEEN THE CITY OF RAPID CITY AND RICHARD ARNAIZ**

This Agreement is made by and between the City of Rapid City, a South Dakota municipal corporation, of 300 Sixth Street, Rapid City, South Dakota 57701 (“City”) and Richard Arnaiz, of 731 N. Maple Avenue, Rapid City, South Dakota 57701.

WHEREAS, the reservoir tender is required to live on site and be available for emergencies day or night; and

WHEREAS, he is required to work a regular shift, Monday through Friday, in addition to any after-hours emergencies; and

WHEREAS, he is required to be on-site unless he is using his earned paid leave, Monday through Friday, but also has some required weekend duties; and

WHEREAS, he is free to engage in normal private pursuits while on-site but not working, including sleeping, eating, and entertaining, and he is free to leave the site other than during his regular shift; and

WHEREAS, his overtime hours vary somewhat by season, but are largely unpredictable day to day; and

WHEREAS, both parties agree the position averages 45 hours a week, except during the summer when it is 50-60 hours per week; and

WHEREAS, this position is non-exempt, meaning it is subject to overtime provisions of the Fair Labor Standards Act, which normally requires the employee to account for each hour actually worked; and

WHEREAS, requiring him to document his actual time spent working seems unduly cumbersome, given the odd hours he may work and unpredictable schedule; and

WHEREAS, § 785.23 of the Fair Labor Standards Act allows an employer to enter into a reasonable agreement for compensation in this situation; and

WHEREAS, the parties agree to the convenience of paying Mr. Arnaiz a regular salary, rather than an hourly rate;

NOW THEREFORE, the City and Mr. Arnaiz agree as follows:

**SALARY:** Because of the difficulty in recording exact hours worked, the following salary will be sufficient to fairly compensate Mr. Arnaiz for all regular and overtime hours worked, as recognized above. Beginning February 28, 2021, Mr. Arnaiz will be placed on the new AFSCME salary scale at Grade AU04, Step 9, for a total salary of \$51,454.55. He will thereafter receive any raises negotiated for the AFSCME bargaining unit, under the same terms and on the same schedule as other bargaining unit members.

This salary agreement is intended only to govern the issue of wages. In all other respects, Mr. Arnaiz's employment will be covered by the collective bargaining agreement between the City of Rapid City and the Local 1031, Council 65, American Federation of State, County, and Municipal Employees, AFL-CIO.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF RAPID CITY**

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Mayor

Attest

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Finance Officer

(seal)

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Richard Arnaiz