

RESOLUTION NO. 2012-064

**A RESOLUTION CLARIFYING THE EMPLOYEE SEVERANCE POLICY
CONTAINED IN THE NON-UNION EMPLOYEE INFORMATION GUIDE.**

WHEREAS, the City of Rapid City previously enacted an Employee Severance Plan (the "plan") for certain officers of the City who were appointed by the Mayor and confirmed by the City Council; and

WHEREAS, the City Council voted to modify the plan on November 21, 2011; and

WHEREAS, the City Council reduced the number of employees covered under the plan and directed that the severance plan for future employees be reduced to a maximum of three (3) months; and

WHEREAS, the City Council further directed that the current employees who were covered by the plan be "grandfathered" in under the terms of the plan as it existed when they were hired; and

WHEREAS, the written plan needs to be updated and approved by the City Council to ensure that the policy is clear and that there is no confusion about its applicability to current or future employees.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Employee Severance Plan in the Non Union Employee Information Guide be modified to read as follows:

Employee Severance Plan

Any Department Director of the City who is appointed by the Mayor with the advice and consent of the City Council, is entitled to severance under this plan if their employment with the City is involuntarily terminated for any reason other than cause. If it is asserted that an employee covered by this plan was involuntarily terminated for cause they can request that the City Council determine if there was cause for them to be involuntarily terminated. If based on a majority vote, the City Council finds that the employee was not terminated for cause, the employee shall be entitled to the severance. A Department Director hired, appointed, or confirmed by the Library Board of Trustees, the Board of Directors of Rapid City Regional Airport, or the Board of Directors of the Rushmore Plaza Civic Center is entitled to the severance under this policy if it is ratified by the respective board that hired them.

The severance paid under this plan shall be calculated by taking the affected employee's hourly salary at the time of their termination and multiplying it by the amount of hours equal to the affected employee's entitlement of sick leave under the provisions of the City of Rapid City's Short-Term Disability Plan. The severance the employee is entitled to shall be determined by their years of service as defined under the Short-Term Disability Plan. The maximum amount the affected employee is allowed to collect under this plan is an amount equal to three (3) months of the affected employee's current salary.

Any employee who was covered under the provisions of the previously adopted Employee Severance Plan as of November 21, 2011, is "grandfathered" in under the terms of the plan as it existed prior to that date. If an employee who is grandfathered in under the prior plan is involuntarily terminated for any reason other than cause they shall receive the benefits they were entitled to at the time the plan was amended. The amount of the severance for a grandfathered employee is calculated in the same manner as described above. The maximum amount an affected employee may collect under the previous plan is equivalent to six (6) months of the affected employee's current salary. The employee shall retain these benefits City even if they are promoted or accept another position within the City, so long as they remain in continuous employment. If an employee who is grandfathered in under this provision leaves continuous employment with the City and is rehired at a later date they no longer retain their grandfathered status and are subject to the policies in effect at the time they are rehired. The employees who are specifically grandfathered in under this plan are as follows: Public Works Director Terry Wolterstorff, City Engineer Dale Tech, Chief of Police Steve Allender, Fire Chief Mike Maltaverne, Finance Officer Pauline Sumption, Assistant Finance Officer Mary Floto, Assistant City Attorney Joel Landeen, Assistant City Attorney Wade Nyberg, Assistant City Attorney Allison Marsland, Community Resources Director Jeff Barbier, Community Planning and Development Services Director Brett Limbaugh, Parks and Recreation Director Jerry Cole, Library Director Greta Chapman, Airport Executive Director Cameron Humphres, and Civic Center General Manager Brian Maliske.


Nothing in this Section shall be construed to limit the statutory authority of the Mayor to terminate the employment of appointed positions.

CITY OF RAPID CITY



Mayor

ATTEST:



Finance Officer

(SEAL)