



***Non Union
Employee Guide***
Updated June 2016

Table of Contents

Guide Welcome	3
Disclaimers	3
City Offices	4
City Departments & Functions	4-5
Definitions	6-7
Equal Employment Opportunity statement	7
Workplace Harassment	7
Types of Positions	7-8
Types of Leave	8-24
Annual Leave	8-10
Holidays	10-12
Sick Leave	12-14
Leave of Absence Notification	14
Short Term Disability Plan	14-16
Family Medical Leave	16-20
Storm Day Policy	21
Funeral Leave	21
Jury Leave	21-22
Court Appearance Leave	22
Military Leave and Annual Duty	22-23
Personal Leave of Absence	23-24
Compensation	24-27
Compensation Guidelines	24-25
Accountability for Short-Term Absences for FLSA-Exempt Employees	26
Hours of Work	26
Break Time for Nursing Mothers	26-27
Paydays	27
Direct Deposit	27
Benefits	27-29
Eligibility	27
Costs	27-28
Health Insurance	28
Dental Insurance	28
Vision	28
Life Insurance	28-29
Flexible Spending Plans	29
Health and Wellness Programs	29-30
Employee Wellness Incentive	29
Health Screenings	30
Reduced Recreation Rates	30
Employee Assistance Program	30
Retirement Benefits	30-34
South Dakota Retirement System	30
Special Death, Disability or Retirement Benefit	31
Retirement Insurance Benefits Plan	31-33
Retirement Special Pay Plan	33
Supplemental Retirement Plans	33-34
Health Insurance Contribution for Medical Disability	34
Employee Educational Loan Program	34-35
Employee Personnel Files	35
Training	36
Travel and Relocation	36
Performance Planning & Review	36
Secondary Employment	36
Safety Equipment	36
Grievance Procedure	36-37
Acknowledgement	38

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.

Disclaimers

This guide is intended to provide general information to the City of Rapid City employees who are not covered by a union contract. All employees who are not members of a collective bargaining unit are considered at-will employees. The City reserves the right to discipline employees at any time and for any reason. The policies and information described, either written or spoken, are not conditions of employment, and the language is not intended to, nor does it, create a contract between the City and the employee.

The City reserves the right to change or eliminate any of the information in this guide at its sole discretion with or without notice. Also, some of the statements in this guide are general in nature and should not be read as including all the details on the subject discussed.

The information included in this guide is not an exhaustive list of all employee obligations. Information contained in official City of Rapid City Policies and City Council Resolutions supersedes the summary of general information contained in this information guide. In addition to the guide, employees must also abide by federal and state laws, regulations, and rules, City ordinances, as well as other City-wide orders, policies, guidelines, directives, and instructions.

If you have questions about the policies or information in this guide, please contact Human Resources.

To review a current copy of this guide, please contact Human Resources or access it on the City's website.

City Offices

The City of Rapid City is an aldermanic form of government. The City Council consists of the Mayor and 10 alderpersons. The Mayor has decision-making authority over City Departments.

"We envision Rapid City to be a vibrant place for all citizens to grow, prosper and provide a high quality of life" – adopted by the City Council on Oct 18, 2007.

City Departments and Functions

Airport: Under the direction of the Airport Board and the Mayor, the Airport provides services to support the mission of safe, efficient, environmentally sensitive, and economically self-sustaining air transportation facilities responsive to the community needs.

City Departments and Functions continued

Attorney's Office: As the City's legal counsel, this office represents the City by providing legal opinions, prosecuting City ordinance violations in court, and performing services as required by ordinance or statute, or as directed by the Mayor or Council.

Civic Center: Under the direction of the Civic Center Board and the Mayor, the Civic Center offers venues for events and gatherings.

Community Resources: Administers programs for community enhancement, code enforcement, community development as well as the human resources functions including recruitment, job analysis, payroll, and employee benefits. This department also manages information technology by maintaining computer, network, and GIS systems to support City operations.

Finance Office: Provides counsel on the City's overall fiscal policy, completes and presents the annual budget plan, and manages the central accounting system.

Fire and Emergency Services: Provides education, prevention and emergency response services to the Rapid City community to minimize loss of life, pain and suffering, property loss, and environmental damage from fire, natural or man-made disasters, and medical emergencies.

Community Planning and Development Services: Provides assistance to the general public regarding land use, services related to air quality via education, air pollution prevention, abatement and control, and services that assist in the overall development of transportation planning.

Parks and Recreation: Provides recreational programs including golf, aquatics, and ice arena for the community and maintains indoor as well as outdoor recreational facilities including parks. The Parks and Recreation Department also maintains the City-owned cemetery.

Police: Provides protection for the community from crime and acts of terrorism by employing professionally trained personnel who provide community policing and crime investigation. The Police Department's personnel also work with local prosecution during the process of those offices bringing criminal cases into court.

Public Works: Provides services for the engineering, design, construction and maintenance of all public infrastructure including transit, roads, sewer and water pipelines, solid waste collection and disposal, traffic signals, street repairs and snow removal.

Rapid City Public Library: Under the direction of the Library Board and the Mayor, the Library provides access to materials and services to help residents of all ages obtain information to meet personal, professional and educational needs.

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 temporary 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.

Temporary Employee – An individual whose employment does not exceed 1,040 hours of work in a payroll calendar year. Temporary 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.

Types of Positions continued

Jobs are described as one of the following types of positions:

1. Full-time or pro-rated benefited position: As defined by the Fair Labor Standard Act (FLSA), benefited positions are considered as either exempt (salaried) or non-exempt (hourly) positions and are compensated accordingly. Exempt positions are not subject to the provisions of the FLSA with respect to minimum wage and overtime. Non-exempt positions are subject to the provisions of the FLSA with respect to minimum wage and overtime.
2. Temporary non-benefited position: Positions that are temporary work less than 1040 hours in a year. Temporary positions do not receive benefits; for this reason some of the following sections are not relevant.

Types of Leave

Annual Leave

1. Eligibility. For the purposes of using paid leave (annual and sick), non-exempt and exempt employees shall be eligible after 90 calendar days from their latest date of hire.
2. Accrual. All non-union full-time regular employees shall accrue annual leave as shown below. Part-time benefited employees shall accrue annual leave on a prorated basis based on the number of hours budgeted for the position.

Fire Battalion Chiefs who oversee operations accrue vacation at a rate proportionate to a 56 hour per week employee and receive their accrual annually in January.

<i>Length of Employment</i>	<i>Biweekly pay period (hours accrued)</i>	<i>Monthly pay period (hours accrued)</i>
Date of hire to completion of 4 years continuous employment	3.08	6.67
After completion of 4 years to completion of 13 years continuous employment	4.62	10.00
After completion of 13 years of continuous employment	6.15	13.33

Annual Leave continued

The Chart below refers to Fire Department Battalion Chiefs only.

Fire Department Battalion Chiefs Length of Employment	Annual Accrual
Date of hire to completion of 4 years continuous employment	120
After completion of 4 years to completion of 13 years continuous employment	168
After completion of 13 years of continuous employment	216

3. Additional Accrual for Exempt Employees. In addition to the accrual established by #1 above, with written Department Director approval, non-union full-time regular employees who are exempt from overtime pay may accrue an additional 1.54 hours per biweekly pay period or 3.33 hours per month, provided:
 - a. they are consistently required to work at least six hours per month beyond the normal 173.33 hours per month; and,
 - b. the additional accrual will not provide more than a total of 160 hours annual leave accrual per year;
4. Use of Sick Leave as Annual Leave. Any employee who has accumulated a combined 960 hours or more of Part A sick leave and Part B sick leave as of any January 1 will have the option to use up to 40 hours of sick leave for annual leave purposes during that calendar year, granted as "other annual leave" and subject to all other rules and provisions concerning annual leave. These hours will be charged to Part A sick leave on the timesheet and marked as "other annual leave". This provision applies only for years through the 13th year of service. This provision shall not apply to those exempt employees affected under Annual Leave paragraph 2.
5. Administrative Leave. Department Directors and Division Managers, or their equivalent by another title, may authorize occasional time off to attend to personal affairs when they are consistently required to perform additional work beyond normal scheduled hours of operation. The Department Director may authorize absence of up to three days per calendar year and longer absences may be authorized with approval of the Mayor.
6. Use of Annual Leave. Except as otherwise noted, annual leave will be granted as requested by the employee, consistent with the operational requirements of

the work unit. When such operational requirements limit the number of employees who may be absent at any one time the immediate supervisor or

Annual Leave continued

Department Director will decide preference in scheduling absences. Those Department Directors responsible for continuous operations may defer annual leave as appropriate or require advance scheduling of annual leave to provide for adequate staffing levels and the orderly operation of their departments, provided that doing so will not result in employees forfeiting accrued annual leave under the maximum carryover provisions contained in paragraph 6 below.

7. Maximum Carry Over of Annual Leave. Non-union full-time regular employees may carry over to the following calendar year the previous calendar year's accrual of annual leave plus 40 hours. Accumulations in excess of this amount shall be forfeited on January 1. An exception may be granted by the Department Director and Mayor to allow additional amounts of carry over when operational requirements precluded the usage of the excess accumulation of annual leave.

When a carryover of annual leave is authorized, the excess accumulation of annual leave must be used by April 30th of the carry over year or be forfeited.

8. Donation of Annual Leave. The City of Rapid City has a policy in place to allow benefitted eligible employees to donate annual leave (subject to limitations) to other City employees who may be experiencing a need for additional time off in excess of their available leave time. Please refer to the City of Rapid City Leave Donation Policy for specific details and further information.
9. Payment for Annual Leave.
 - a. Employees shall not be allowed to waive annual leave and receive double pay by working during annual leave.
 - b. In the event an employee leaves City employment for any reason, the employee shall be paid for all accrued and unused annual leave.

Holidays

1. The following are recognized and observed as holidays by the City of Rapid City:
 - a. The first day of January, commonly known as New Year's Day;
 - b. The Friday immediately preceding Easter, commonly known as Good Friday;
 - c. The last Monday in May, commonly known as Memorial Day;
 - d. The fourth day of July, commonly known as Independence Day;
 - e. The first Monday in September, commonly known as Labor Day;
 - f. The 11th day of November, commonly known as Veterans Day;

Holidays continued

- g. The fourth Thursday in November, commonly known as Thanksgiving Day;
 - h. The Friday immediately following Thanksgiving Day;
 - i. The 25th day of December, commonly known as Christmas Day; and
 - j. Any other day declared by the City to be a holiday.
2. Whenever any of the recognized holidays fall on Sunday, the Monday following the holiday shall be observed as the holiday, except for personnel engaged in continuous operations, who shall observe the actual day listed in paragraph 1 above.
 3. Whenever any of the recognized holidays fall on Saturday, the Friday immediately preceding the holiday shall be considered as a holiday, except for personnel engaged in continuous operations, who shall observe the actual day listed in paragraph 1 above.
 4. Employees eligible under this Policy will receive eight hours of pay at their regular rate of pay for each recognized holiday on which no work is performed.
 5. Battalion Chiefs in charge of operations will observe holidays utilizing the "Kelly Days" system. (See IAFF contract for Kelly Days)
 6. Employees in non-exempt positions working holidays shall be paid at the premium rate of one-and-one-half times the regular rate of pay for all hours worked, and, in addition, will be paid their holiday pay (8 hours of pay at the regular straight-time rate.)
 7. Any holiday which falls during the employee's regular scheduled work week shall count towards the computation of overtime in the work week.
 8. In addition to the holidays set out in paragraph 1. of this section, each eligible employee shall be granted one personal holiday per calendar year except Public Library employees who shall be granted a total of three personal holidays per calendar year and Solid Waste employees who receive two personal holidays per calendar year (as the Library and Solid Waste conduct business on some designated City holidays). The Library Board designates Library holidays. Non-union employees at the Police Department do not receive a personal holiday and instead take Native American Day as a paid holiday.

To be eligible for personal holidays, the non-exempt employee must complete 90 calendar days of employment prior to October 15; exempt employees are immediately eligible for personal holidays.

Personal holidays will normally be granted when requested by the employee and will be selected the same as annual leave. The personal holiday does not need to be used prior to annual leave. The personal holiday cannot be carried over to the next calendar year. In the event an employee leaves City

Holidays continued

employment for any reason, the employee shall be paid the balance of any unused personal holiday hour(s).

Sick Leave

1. All regular full-time and part-time benefitted employees will be allowed sick leave with regular pay. Fire Battalion Chiefs in charge of Operations shall be allowed and accrue sick leave at the rate of a 56 hours per week employee.
2. An eligible employee may use available sick leave in the following situations:
 - a. Personal illness or injury;
 - b. Illness of a parent, spouse, child, or stepchild. Use of sick leave for this purpose is limited to an aggregate or total of five (5) work days per calendar year per employee. The employee's supervisor or department director may require a doctor's statement specifying the nature of the illness which will be the employee's responsibility to provide. If the child or stepchild is medically (not economically) required to be attended to outside the Rapid City area, the 5-day per calendar year limitation above shall not apply;
 - c. Death in the employee's or a spouse's immediate family. Use of sick leave for this purpose is limited to three days per funeral. The immediate family is defined as parent, grandparent, grandchild, spouse, spouse's parents or grandparents, spouse of an adult child, step-parent, child, stepchild, brother, or sister of the employee or spouse;
 - d. Services as a pallbearer are limited to 12 hours per calendar year;

Three (3) days sick leave shall be granted upon request for paternity leave. Up to five (5) full days may be granted if there are medically verified complications with the wife or child. All sick leave under this section shall be taken prior to the eighth (8th) calendar day following the birth of the child.
3. After 90 calendar days of employment, each regular employee will be credited with 30 hours of sick leave and will accumulate 10 hours of sick leave per month thereafter until the first January 1st following the completion of 90 calendar days of employment. Of the initial 30 hours of sick leave, 15 hours shall be available for use under the general provisions of the sick leave policy (Sick A) and 15 hours shall be pooled for use in the Short Term Disability Plan (Sick B). Thereafter, 10 hours of sick leave per month shall be divided equally, with five hours available for use under the general provisions of the sick leave policy (Sick A) and five hours for use in the Short Term Disability Plan (Sick B).

Sick Leave Rates for Fire Battalion Chiefs will accrue at the rate applicable to 56 hour operations. After 90 calendar days of employment, Fire Battalion Chief

Sick Leave continued

employees will be credited with 22.5 hours in Sick A and 22.5 hours in Sick B, and will continue to accrue 7.5 hours (Sick A), and 7.5 hours (Sick B) per month.

4. At the beginning of each calendar year thereafter, each regular employee will be credited with 112 hours sick leave. This amount shall be divided equally, with 56 hours available for use under the general provisions of the sick leave policy (Sick A) and 56 hours pooled for use in the Short Term Disability Plan (Sick B).

For Fire Battalion Chiefs (based on a 56 hour workweek), each employee will be credited with 168 hours of sick leave. The amount will be divided equally, with 84 hours pooled to Sick A and 84 hours pooled to Sick B.

5. In the event of sickness, employees must notify their supervisor as far in advance of commencement of the shift as possible that they will not be reporting to work.
6. Maternity leave will be treated in the same manner as other qualified absences.
7. An employee may be required to submit a physician's statement or other satisfactory evidence to support the absence and the use of sick leave pay for time absent. The employee may be required to submit to an examination by a physician approved by the City, and such examination shall be without charge to the employee.

Upon request, the employee will be further required to provide the City a written authorization to release medical information in regard to that illness or condition. Failure to submit to examination or to sign the release shall be an automatic forfeiture of benefit and may result in discipline up to and including termination. Prior to returning to work from any sickness or injury, an employee may need to provide a written return to work release signed and dated by their healthcare provider.

8. The rate of pay for each day of Part A sick leave shall be at the employee's regular rate of pay.
9. Sick leave pay will be granted to supplement pay received under workers compensation. If an employee qualifies for workers' compensation pay from the City, the City will allow sick leave up to the maximum number of hours sick leave accrued to the employee. Sick leave pay will be at the employee's straight time base rate, 40 hours per week, less the amount received by the employee per week from workers' compensation.
10. An employee, who as the result of a work-related injury incurred as an employee of the City of Rapid City becomes eligible for temporary disability benefits under South Dakota workers' compensation, and whose Part A sick leave balance would be reduced to less than 40 hours, shall retain this 40 hours or less in the Part

Sick Leave continued

A sick leave account for Part A sick leave use, and shall receive supplementary pay for worker compensation temporary disability from the Short Term Disability (Part B). Workers' compensation reimbursements are first applied to Part B sick leave until fully reimbursed, and then to Part A sick leave.

An employee incurring a work-related injury who seeks medical treatment the same day shall not be charged a loss of pay for any approved absence on the day of such injury. Any absence after the first day shall be charged in accordance with existing provisions in effect.

11. All sick leave allowance to which an employee may be entitled shall terminate on the effective date of termination of employment.
12. The payment of sick leave benefits terminates on the effective date of long-term disability, as determined by the South Dakota Retirement System.

Leave of Absence Notification

Benefited employees who may need to request an extended leave of absence (typically beyond 3 consecutive days) for maternity/paternity leave or other types of leave (i.e. surgery), should contact the Human Resources Manager as soon as possible to discuss potential FMLA and Short Term Disability options and benefits.

Short Term Disability Plan

1. All benefitted employees who are participating members of the South Dakota Retirement System are eligible for the City's Short Term Disability Plan benefit, also referred to as Part B Sick Leave, provided the employee qualifies as set-out below to receive said benefit. Part-time benefitted employees who are eligible for benefits under the Short Term Disability plan shall receive benefits pro-rated based on the employee's normal schedule as compared to 2080 hours, consistent with the schedule applicable to the employee's length of service. Benefits commence if the employee has exhausted all but 40 hours or less of their available Part A Sick Leave balance.

Employees must be off work for three consecutive working days prior to receiving the Short Term Disability Benefit and that time will be charged to the employee's Part A Sick Leave balance first, second to the employee's vacation balance, and lastly the employee will be required to take leave without pay to satisfy the three consecutive working days requirement.

Short Term Disability Plan continued

To qualify for such payment, the employee must be under the care of a physician who must provide written evidence of the disability. Payments under the short-term disability plan for a single disability shall be limited as follows:

At 100% salary continuation --

Years of Service	Maximum Hours Paid	
	40 hr/wk	56 hr/wk
90 days - 3 years	80	120
3 years - 4 years	240	360
5 years - 6 years	440	660
7 years - 8 years	640	960
9 years -10 years	840	1,260
More than 10 years	1,040	1,560

At 60% salary continuation --

Years of Service	Maximum Hours Paid	
	40 hr/wk	56 hr/wk
90 days - 3 years	160	240
3 years - 4 years	800	1,200
5 years - 6 years	600	900
7 years - 8 years	400	600
9 years -10 years	200	300
More than 10 years	0	0

2. When a health care provider certifies that the employee is permanently disabled to the extent that the employee is unable to perform the essential functions of the job, with or without reasonable accommodations, the disabled employee may petition the South Dakota Retirement System (SDRS) for disability benefits. This program is administered and governed by SDRS. To apply or if you have questions, contact SDRS directly. No payment of sick leave or short-term disability benefits will be made in such instances unless the appropriate petition has been submitted to the SDRS within 10 days of receipt of the doctor's certification of permanent disability.

3. An employee on authorized absence for more than 10 days due to illness, or for any period due to injury, shall return to duty only after examination and release for work by the employee's treating physician. The City may, at its own expense, require an examination by a physician of its choice. In case of a dispute between the employee and the City regarding any condition of disability, a review of the case will be conducted in the following manner:
 - a. The City may request that a copy of the findings of the medical physician chosen by the employee be furnished to a medical physician chosen by the City for verification.

Short Term Disability Plan continued

- b. If the findings are verified by the City medical physician, no further review shall be conducted;
- c. In the event the findings of the medical physician employed by the employee do not agree with the findings of the medical physician employed by the City, the City will at the written request of the employee ask that the two medical physicians agree upon and appoint a third qualified and impartial medical physician for the purpose of making a physical examination of the employee;
- d. Such three physicians, one representing the City, one representing the employee, and one impartial physician approved by the employee's physician and the City's physician, shall constitute a board of three, a majority vote of which shall decide the issue;
- e. The expense of the employment of the third medical physician shall be borne one-half by the employee and one-half by the City.

Family and Medical Leave Act

1. Introduction. The City complies with The Family and Medical Leave Act (FMLA). The Act entitles eligible employees of covered employers to take job-protected leave for specified family and medical reasons with continuation of group health insurance under the same terms and conditions as if the employee had not taken leave. To be eligible for absence under the FMLA, the employee must have been continuously employed by the City for a 12-month period immediately preceding the request for absence, and during that 12-month period have worked at least 1,250 hours. If approved, the leave may be a combination of paid and unpaid leave. If the FMLA is amended and the provisions of the updated law conflict with the specific provisions of this Article, the provisions contained in federal law will control the application of FMLA benefits under this Agreement. Complete details of the FMLA law may be found online at the United States Department of Labor (DOL), Wage and Hour Division website. Please note that the DOL website will always contain the most updated information, including any mandatory legislative changes to benefits and/or eligibility.
2. Basic Leave Entitlement. Eligible employees are entitled to twelve (12) workweeks of leave in a 12-month period for:
 - a. The birth of a child and to care for the newborn child within one year of birth;
 - b. The placement of a child with the employee for adoption or foster care and to care for the newly placed child within one year of placement;

Family and Medical Leave Act continued

- c. To care for the employee's spouse, child, or parent who has a serious health condition;
- d. A serious health condition that makes the employee unable to perform the essential functions of his or her job.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. For purposes of FMLA leave, the twelve month period in which leave may be taken is a 'rolling' 12-month period measured backward from the date of any FMLA leave usage. Employees taking FMLA leave will be required to use available sick leave and/or annual leave during any FMLA absence in accordance with City policy.

- 3. Special military family leave entitlement. The FMLA also provides additional leave for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty." Pursuant to this benefit the employee is permitted twenty-six (26) work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent or next of kin (military caregiver leave).
- 4. Employee Responsibilities. When the need for leave is foreseeable, an employee must provide the City with thirty (30) days advance notice of their intent to take FMLA leave. When thirty (30) days advance notice is not possible, the employee must provide the City with notice as soon as practicable and generally must comply with normal call-in procedures. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification supporting the need for leave.
- 5. Benefits and Protections. During FMLA leave, the City must maintain the eligible employee's health coverage under any "group health plan" on the same terms and conditions as if the employee had continued to work. Upon return from

Family and Medical Leave Act continued

6. FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. During the term of paid family or medical leave (for example, if the employee is utilizing available accrued vacation, sick and/or short term disability leave), vacation accrual continues. Employees on an approved FMLA leave who are receiving a paycheck will be paid for applicable holidays while on leave. During the term of unpaid family or medical leave, no pay or other benefits shall accrue, with the exception of any group health insurance benefits that were in effect at the time of the commencement of such leave, or new group health insurance benefits which are provided by the employer during the FMLA leave. Group health insurance shall be continued in force for the duration of FMLA leave and the City shall continue to pay that portion of the benefits normally paid by the City. The employee shall be responsible for payment of any premiums normally paid through payroll deductions. Such payments must be made by mail or in person to reach the Finance Department no later than the last working day of the month prior to the next following month of insurance coverage.
7. Certification. When required by the City, a request for FMLA leave shall be verified by providing a certification from a qualified health care provider. The certification from the qualified health care provider shall contain the following:
 - a. The date when the serious health condition began;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
 - d. If the leave is due to the employee's serious health condition, the certificate must include a statement that the employee is unable to perform the functions of his position;
 - e. If planned medical treatment is the reason for the leave and employee wants intermittent leave or leave on a reduced time schedule, the date when the treatment begins and the estimated duration of the treatment; or
 - f. If the leave is necessitated by a serious medical condition of the employee or the employee's child, spouse or parent, the certificate shall state that there is a medical necessity for the leave and an estimate of how long the leave will be needed.

A second or opinion may be required at the City's expense from a health care provider designated by the City. If the second opinion conflicts with the first opinion, the City may request a third opinion at the City's expense. The City and

Family and Medical Leave Act continued

the employee must jointly agree on the health care provider to render the third opinion, whose determination shall be final and binding.

8. Effect on Seniority. During any FMLA leave, the employee shall remain on the seniority list and continue to accrue seniority as provided elsewhere in the Agreement.
9. Effect on Reemployment and Other Rights. Upon expiration of an authorized absence under this Section, the employee shall be reinstated to the same position held at the time such leave commenced, or to a position which is equivalent to or higher in pay, benefits, and other terms and conditions of employment. No employee shall be interfered with, discriminated against, disciplined, or otherwise restrained from exercising his rights under the Family and Medical Leave Act.
10. Spouses Jointly Employed By the City. Eligible spouses entitled to leave under this policy are limited to a combined total of 12 workweeks of leave in a 12-month period to share for the following FMLA-qualifying reasons:
 - a. The birth of a son or daughter and bonding with the newborn child;
 - b. The placement of a son or daughter with the employee for adoption or foster care, and bonding with the newly-placed child; and
 - c. The care of a parent with a serious health condition.

Eligible spouses jointly employed by the City are also limited to a combined total of 16 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness if each spouse is a parent, spouse, son or next of kin of the servicemember (commonly referred to as "military caregiver leave"). This limitation also applies to a combination of military caregiver leave and leave for the other qualifying reasons listed above.

These limitations do not apply to two employees working for the City who are not legally married, even if they are living together or have a child or children together, or to siblings or other relatives who are working for the City.

If only one of the spouses is eligible for FMLA leave, that individual is entitled to the full 12 workweeks of leave. This limitation does not apply to leave:

- a. For one's own serious health condition, such as the recovery period following the birth of a child;
- b. To care for a spouse, son, or daughter with a serious health condition; or

Family and Medical Leave Act continued

- c. For any qualifying exigency arising out of the fact that the employee's son, daughter, or parent is a military member on "covered active duty."

Where a spouse uses a portion of his or her leave for an FMLA-qualifying reason that is subject to the combined 12-workweek limit, that employee has the remainder of his or her 12 workweeks of entitlement for leave for an FMLA-qualifying reason that is not subject to the combined limit.

- 11. Intermittent or Reduced Schedule L leave. Under certain circumstances, an employee is entitled to take FMLA leave on an intermittent or reduced schedule basis when medically necessary for the following reasons:
 - a. An employee's own serious health condition;
 - b. To care for a spouse, parent, son, or daughter with a serious health condition;
or
 - c. To care for a covered service members with a serious injury or illness.

The need for such leave must be certified by the healthcare provider in the certification paperwork.

An employee is also entitled to take intermittent or reduced schedule leave for qualifying exigencies.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's/department's operations.

- 12. Fitness for duty/return to work authorization. Employees on approved FMLA leave may be required to present a fitness-for-duty certification (also known as a return to work authorization) to be restored to employment. If the City does not receive the certification in a timely manner, the employee's return to work may be delayed until the certification is provided.
- 13. Failure to Return to Work. If the employee fails to return to active City employment upon the expiration of the maximum leave provided under this section (to include any paid annual leave or sick leave that may have been taken in conjunction with the absence), along with any other approved leave, the employee shall be responsible for repayment of any City paid premiums during the unpaid portion of the absence, unless the failure to return is based upon the continuance, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. In such instances, the employee must provide in a timely manner a certification by a health care provider attesting to the employee's inability to return to active employment. Once all FMLA leave (paid and unpaid) is exhausted, the employee may be terminated.

Storm Day Policy

To be eligible for a storm day leave, non-exempt employees must complete 90 calendar days of employment; exempt employees are eligible immediately. The City will provide each eligible employee with up to sixteen (16) hours per calendar year of Storm Day Leave provided the following conditions are met: Storm Day leave shall only be used if the Mayor or designee declares a day as a storm day and notifies employees either not to report to work or notifies employees to discontinue work due to storm conditions. This leave is separate from any other annual or sick leave and will not be used to reduce any leave accumulated in those leave banks.

To be eligible to use Storm Day Leave, the employee must have been scheduled to be at work on the day and the time the Storm Day is declared. Employees scheduled for a holiday, vacation, or who are on sick leave Part A or Part B are ineligible to use Storm Day Leave. Storm Day Leave does not count towards overtime. In the event that an employee has utilized all of his/her Storm Day Leave, the employee may use annual leave, personal holiday, or leave without pay for a declared storm day.

Storm Day leave hours are non-accumulative. In other words, if hours are not used, they do NOT rollover to the next calendar year.

Funeral Leave

Funeral leave of three (3) days per funeral with pay shall be granted to each eligible employee and may be used in cases of death of spouse, child, stepchild, parents, spouse's parents, grandparents, grandchildren, and employee's brother or sister. For the above family members, the employee may also receive benefits under the Sick Leave policy found in this guide.

Jury Leave

1. Any benefited employee who is called to jury duty will be paid in full by the City. Any payment from the Court shall be endorsed by the City Finance Department and the employee will be reimbursed for mileage. Employees may be required to provide documentation to verify jury duty. Employees involved in private litigation may use annual leave, personal holiday or leave without pay.
2. If the jury duty pay includes both worked and non-worked days, the employee shall reimburse the City the jury duty pay received for workdays only. If the employee is not selected for jury duty, the employee must report back to the work place with reasonable travel time allowed.
3. Employees who are absent from work due to jury duty will not be dismissed or suspended from employment and shall retain and be entitled to the same job

Jury Leave continued

status and pay as they had prior to performing jury duty. Persons who are to be absent due to jury duty must notify their supervisor or manager in advance. If no prior notification is given, the employee may be subject to disciplinary procedures for failing to provide notification.

4. An employee called for jury duty must return to work for each day or portion of the day the employee is scheduled to work and not required to be in court in connection with jury duty. The employee shall not receive pay unless necessarily absent on jury duty.

Court Appearance Leave

If, as a direct result of employment by the City, an employee is required to report to a court hearing, deposition, or other legal proceeding, the City will release the employee from work, if necessary, for such appearance. Pay for such appearance shall be according to the following:

1. If time is lost from the employee's regular work assignment, payment for all time lost will be made at the employee's regular rate of pay;
2. The payment provided shall be reduced by the amount of witness fees received, if any;
3. The payment shall be made only if the employee presents the verification of the time spent in such attendance and the amount of witness fees received, (if any), and further; only if the employee notifies the immediate supervisor upon release from such appearance of the employee's availability for work;
4. If the appearance is required because the employee exceeded the scope of his/her position duties, or performed unauthorized or illegal acts, no payment will be made.

Military Leave

1. Subject to and consistent with the Uniformed Services Employment and Reemployment Rights Act (USERRA), any employee, other than a temporary employee, who reports or performs duty in any branch of the Armed Forces of the United States, shall be entitled to reinstatement with the City, provided:
 - a. The employee makes written application for reinstatement to the position held prior to or within 90 days of release from the service, or within 90 days after hospitalization continuing after such release for not more than one year; and,

Military Leave continued

- b. The position with the City still exists; and,
 - c. The employee is capable of performing the potential essential tasks of the position; and,
 - d. Separation from the Armed Forces was other than dishonorable.
2. The employee shall not be entitled to pay during such leave.
3. An employee, other than a temporary employee, who is a duly qualified member of a reserve component of the Armed Forces, or a member of an organized military unit required to receive military training with the Armed Forces, shall be entitled to a leave of absence not to exceed 15 days in any one calendar year. An employee shall be returned to city service, provided they are still able to perform the duties of the position, without loss of status, pay, or seniority, provided:
 - a. The employee has given 10 days' notice prior to the time of departure;
 - b. The employee has satisfactorily performed the requirements of the prescribed training; and
 - c. The employee returns to his/her city position immediately upon being relieved from military service and not later than the expiration of the time herein limited for such leave, unless prevented from returning by physical or mental disability, other cause not due to their own fault, or is required by proper authority to continue in military service beyond the time herein limited for such military leave.
4. If the military pay allowances for the 15-day period are less than the employee's regular straight-time rate of pay for 40 hours per week, payment of the difference shall be paid by the City if the employee provides a certified true copy of the wage compensation received while on military leave.

Personal Leave of Absence

1. A regular benefited employee requesting a leave of absence for legitimate personal reasons, which include but are not limited to leaves for educational purposes, shall make written application to the immediate supervisor as far in advance of the need as is known by the employee. A leave of absence may be granted upon application by the employee and approval by the immediate supervisor, Department Director, and the Mayor, or designee, for a period not to exceed 180 days. The employee shall state in the request for leave reasons for requesting the leave, duration of the leave, and the specific dates and

Personal Leave of Absence continued

scheduled shifts the employee will begin the leave and return to work. Any employee who is unable to work because of personal illness or disability, and who has exhausted all sick leave available including Family Medical Leave (FMLA), may be granted a leave of absence, without pay, for the duration of such illness or disability, up to a period of six months.

2. Such leaves of absence may be extended for a reasonable period, with the consent of the Department Director and Mayor.
3. An approved copy of such leave of absence, and any extensions thereof, shall be furnished to the employee before such leave shall become effective.
4. If an employee accepts employment elsewhere during this leave of absence, he/she may be considered to have terminated the leave and to have voluntarily resigned. However, at the sole discretion of the Department Director and/or Mayor, temporary employment during a leave of absence for legitimate personal reasons may be authorized.
5. Failure to return from a leave of absence upon its expiration date shall be considered as a voluntary resignation.
6. Reinstatement of employees who return from unpaid leaves shall be based upon their seniority and their ability to perform the work and availability of the work of the type that they were performing.
7. No employee benefits will be provided during leaves of absence without pay except where required by law.
8. Short periods of unpaid absences not extending into a second or subsequent payroll period may be approved by the Department Director or a designated representative and are not subject to provisions of this Section. Annual leave must be exhausted prior to taking leave without pay.

Compensation

Compensation Guidelines

The following guidelines are provided to Division Managers and Department Directors for placing non-union employees "on-step" within grade as a new hire or for placement into a new position. These guidelines establish a maximum percentage for placement.

The minimum step within any grade shall be no lower than Step 1. Department Directors may request an exception to these guidelines by providing a written justification to the Finance Officer and Mayor. New employees may be hired and

Compensation Guidelines continued

placed on steps 1 through 7. The Mayor's approval (or applicable Board of Directors) is required to begin a new employee at a step higher than Step 1 and up to Step 7; new employees may be hired and placed on steps 8 through 34 with City Council approval and/or applicable Board of Directors.

1. Transfer, Promotion, or Reclassification: If an employee is promoted or transfers to a grade that is higher than his or her current grade, the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a ten percent (10%) increase in pay.
2. Voluntary / Involuntary Transfer to a Lower Grade: Whenever an employee voluntarily transfers to a position in a lower grade or is demoted for disciplinary reasons, the employee shall be placed on the step within the appropriate grade that provides the closest to a 10% decrease. The minimum step within any grade shall be no lower than Step 1.
3. Same Grade/Lateral Transfer: The employee does not receive an increase in grade and stays at the same step.
4. Temporary Assignment (out of class): If an employee is temporarily assigned out of class duties in a position in a higher grade, the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a 10% increase in pay. At conclusion the employee will return to the original pay grade and step inclusive of any salary increases that occurred during the temporary assignment.
5. Overtime: All work performed in excess of forty (40) hours in one work week by non-exempt (hourly) employees.

Accountability for Short-Term Absences for FLSA-Exempt Employees

The following policy statement and method for recording salaried absences applies to all employees who are exempt under the FLSA and not eligible for overtime.

Exempt-level (salaried) employees who are defined as exempt by the Fair Labor Standards Act are not eligible for additional compensation or time off based on the number of hours worked. Salary includes total compensation for all hours worked.

Exempt-level employees will not be allowed to take annual, sick leave or personal leave in less than four (4) hour increments. No leave time or salary deductions from the employee's pay check can be made for absences of less than four (4) hours. Exempt-level employees may leave the work site for less than four (4) hours and need not take leave for that time. For example, a salaried exempt-level employee may take three (3)

Accountability for Short-Term Absences for FLSA-Exempt Employees continued

hours off a number of days during the pay period and not be required to take leave. If the employee is absent from the job for a period of four (4) hours or more, some type of leave must be taken, unless prior approval is obtained from the applicable reporting Department Director or the Mayor.

Managers are expected to set the normal working hours. Exempt-level employees will be allowed to adjust their work-week to meet the demands of the position with approval of and/or direction by their immediate supervisor.

When requesting and approving time away from the job, exempt-level employees and managers should consider that exempt-level employees are compensated not for the amount of time spent on the job, but rather for the general value of the services performed. Exempt-level employees are expected to be available to the public, co-workers and subordinates to provide assistance and guidance on policy problems and questions during the normal working day. Before time away from the job is approved, management and exempt-level employees are expected to ensure that the needs of the public and other City employees who depend upon the exempt-level employees can be reliably met.

An exempt-level employee's compensation is not determined by the total number of hours worked. All exempt-level employees will keep and submit complete records of leave time for period of four (4) hours or more.

Hours of Work

Work schedules and hours of work are set by each employee's direct supervisor. Employees are expected to adhere to hours and schedules set by their direct supervisor. Breaks are allowed as operational needs permit* (However, see Break Time for Nursing Mothers provision below). Breaks are not guaranteed and employees must remain available and accessible during breaks to provide for the needs of the department.

Break Time for Nursing Mothers

Work schedules and hours of work are set by each employee's direct supervisor. Employees are expected to adhere to hours and schedules set by their direct supervisor. Breaks are allowed as operational needs permit* (However, see Break Time for Nursing Mothers provision below). Breaks are not guaranteed and employees must remain available and accessible during breaks to provide for the needs of the department.

Break Time for Nursing Mothers continued

The City complied with the Patient Protection and Affordable Care Act amendment of the FLSA (Fair Labor Standards Act) as currently enacted to provide a nursing mother reasonable break time to express milk after the birth of her child. The City will provide:

1. A reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time the employee has a need to express the milk; and
2. A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

The City is not required to compensate an employee receiving reasonable break time under statement 1. above for any work time spent for such purpose.

Paydays

Paydays are biweekly (every other Friday), or monthly on the last working day of the month, unless otherwise noted. For questions, contact your manager or Payroll to confirm your pay schedule.

Direct Deposit of Payroll

Benefited employees are required to participate in direct deposit of payroll. One (1) bank account may be designated for deposit of payroll. This program is available to enable pay to be credited in any financial institution designated by the employee. Contact Payroll for enrollment.

Benefits

Eligibility

Benefits listed in this guide are available to active full-time and part-time benefited employees, unless otherwise noted. Information about the City sponsored health and benefits coverage are included below. The respective summary plan documents for each plan are available for review on the City of Rapid City's Human Resources webpage. Contact Human Resources for further information.

Costs

All premiums that are the responsibility of the employee will be paid via payroll deduction. The most current rates for the Health Insurance, Dental Insurance, Vision

Costs continued

Discount Plan, and Life Insurance can be found on the City's website, or contact Human Resources.

Health Insurance

1. A benefited employee is eligible to participate in City sponsored health insurance coverage one month from date of hire. The City offers a self-funded group health insurance plan administered by a third party administrator. Each benefited employee is eligible to enroll in the plan as well as cover any of their eligible dependents on the plan.
2. The City provides one hundred percent (100%) of the single-coverage premium of the group health insurance plan for each full-time benefited participating employee. The cost of health insurance premiums for part-time benefited employees and their eligible family members shall be prorated based on their budgeted percentage of full-time equivalent hours. Each employee shall have the duty and responsibility to report to Human Resources any change(s) in dependency status that will affect the contribution charged to the City.
3. For those employees having their latest date of hire on or before December 31, 1981, the City will pay the full cost of dependent coverage. For those employees having their latest date of hire on or after January 1, 1982, the City will pay for a portion of the cost of premiums for dependent coverage.

Dental Insurance

The City offers dental insurance through a group plan administered by a third party administrator. Coverage is optional and available to eligible employees and their eligible dependents the first of the month following one month of employment. All premiums (100%) are paid by the employee through payroll deduction.

Vision Discount Plan

The City offers a vision discount plan through a group plan administered by a third party administrator. Coverage is optional and available to employees and their eligible dependents one month from date of hire; all premiums are (100%) paid by the employee through payroll deduction.

Life Insurance

A Group Life Insurance Plan is provided for all non-union employees and participation is mandatory. The City will pay 50% of the cost of the contribution for single or family

Life Insurance continued

coverage for each participating employee. Additional life insurance coverage is optional and available to employees and their families. Premiums are paid through payroll deduction.

Flexible Spending Plans

Healthcare FSA (Flexible Spending Account): This plan offers eligible employees an opportunity to reduce taxable income. This is known as Section 125, or the "Cafeteria/Flexible Benefits Plan", and is optional and allows participants to pay for qualified out-of-pocket medical, dental and vision expenses on a pre-tax basis. Current plan information is available from the City's Human Resources Department.

Dependent Care FSA (Flexible Spending Account): This plan allows eligible employees to pay for qualified dependent (child and/or elder) care on a pre-tax basis. Current plan information is available from the City's Human Resources Department.

Health and Wellness Programs

Employee Wellness Incentive

A wellness incentive is available to benefited employees who commit to maintaining low-risk health habits. Participation is voluntary and if criteria are met, a \$100 payment may be awarded. Fire and Police Department employees who must maintain physical standards to perform the duties for employment are not eligible for this benefit.

Eligibility requirements include: must be an active, benefited employee and participant of the City of Rapid City Healthcare Benefit Plan, and have served at least 12 consecutive months as a benefited employee as of the date of application for the incentive. Eligible employees may submit an application for Wellness Incentive no more than once annually directly to Human Resources, and must submit supporting documentation as indicated in the application. Participation in this program is voluntary. The application and supporting documentation will be confidential and maintained in an employee-access only section of the employee's personnel file. Such files will not be used as a basis for future promotion, reassignment, transfer, utilization, or other career decisions.

Please refer to the Application for Wellness Incentive from the City's Human Resources Department or contact Human Resources for further information.

Health Screenings

If there is sufficient interest on an annual basis, reduced-price health screenings may be offered to benefited employees who are currently enrolled in the City of Rapid City health insurance plan. Screening costs are payable by the employee and will count toward the employee's annual wellness benefit. The City of Rapid City contracts with qualified healthcare professionals to conduct the screenings. Information on screenings and costs are communicated to employees in advance.

Reduced Recreation Rates

Benefited employees are encouraged to utilize the numerous City operated recreational facilities to improve and maintain a healthy lifestyle. As such, employees are eligible for reduced rates for annual Parks and Recreation Passes. Payroll deduction is also available to employees to pay for the cost of the pass(es). For more information regarding the types of passes available, cost, and other details; contact the Parks and Recreation Administrative Office.

Employee Assistance Program

An Employee Assistance Program is provided at no cost to benefited and temporary employees and their families. It provides confidential, professional services to help resolve problems that affect their personal life and job performance. These may include family problems, marital conflict, alcoholism, financial problems, stress, legal concerns, emotional illness, chemical dependency, domestic violence, eating disorders, grief and other issues. Complete benefit information is available from the City's Human Resources Department, or you may contact Human Resources with questions.

Retirement Benefits

South Dakota Retirement System

The City participates in the South Dakota Retirement System (SDRS). Eligible benefited employees become SDRS members upon hire. Eligible benefited employees/members in Class A are mandated to contribute 6% of their earnings on a pre-tax basis with the City matching 6%. Eligible benefited employees/members in Class B are mandated to contribute 8% of their earnings on a pre-tax basis with the City matching 8%.

To be fully vested in the system, an employee must have three (3) years of credited service with SDRS. For additional information regarding retirement benefits, contact the South Dakota Retirement System.

**Please note that the SDRS website will always contain the most updated plan information, including any mandatory legislative changes to benefits and/or eligibility.*

Retirement Benefits continued

Special Death, Disability or Retirement Benefit

A benefited employee retiring pursuant to the qualifications of the South Dakota Retirement System or who dies while in the employment of the City shall be entitled to a special benefit provided by the City of Rapid City as hereinafter provided. The maximum benefit shall equal 50 percent of all accumulated hours of sick leave in excess of 960 hours, provided that the maximum benefit payable shall not exceed 25 percent of the employee's last twelve months earnings from the City. Payable upon retirement or disability, it shall be paid solely to the same beneficiaries as provided for by the employee under the indicated designation for the South Dakota Retirement System.

The rate of pay shall be the rate applicable at the time of retirement, death or disability. The 25% above shall be increased as follows:

Age at Death, Retirement or Disability		Maximum Percentage Last 12 months earnings
To/Including	51	25%
	52	26%
	53	29%
	54	32%
	55	35%
	56	38%
	57	42%
	58	45%
	59	48%
	60 +	50%

Retirement Insurance Benefits Plan

1. City paid retiree: A benefited employee who is a member of the South Dakota Retirement System (SDRS) and who is also a member of the group healthcare plan for at least (5) five years immediately preceding the time of retirement may retain individual coverage in that plan at no cost to the retiree until attainment of age 65 or eligibility for Medicare, whichever comes later, provided the following criteria are met at the time of retirement:
 - a. The employee retires in accordance with the provisions of the South Dakota Retirement System and employed with the City at least 20 years;
 - b. The employee must have participated in the City's Health Insurance plan at least five (5) years immediately preceding such retirement; and

Retirement Insurance Benefits Plan continued

- c. Retiree makes election in writing on a form provided by the City within 30 days of their separation date from the City. In other words, the option to elect
 - d. the City paid retiree benefit expires thirty (30) days from the date of retirement from the City.
2. Self-paid retiree: An employee who is a member of the South Dakota Retirement System and who also is a member of the group insurance plan for the City of Rapid City and who does not meet the provisions of #1 above may, at the time of retirement, remain as a member of the group health insurance plan provided the employee pays all cost of the premiums. Any such payments shall be made at the time specified by the Finance Officer, and it shall be the retiree's responsibility to make the payments on or before the date specified. Failure to make such payments when due may cause the insurance to lapse. It is the responsibility of the former employee to ensure timely premiums are paid to the City Finance office as billing statements will not be sent.

To qualify for this benefit:

- a. Eligibility for retention of group insurance shall be contingent on the employee meeting the requirements of retirement as set forth under the provisions of the South Dakota Retirement System, and such requirements shall be those pertaining to the class of employee under which the eligibility is earned;
- b. The employee must have been employed by the City of Rapid City immediately preceding the retirement date;
- c. The Retiree must make the election in writing on a form provided by the City within 30 days of their separation date from the City. In other words, the option to elect the City paid retiree benefit expires thirty (30) days from the date of retirement from the City.

Any employee at normal retirement age, as defined in the South Dakota Retirement System, who is eligible to retire but chooses not to select an annuity, shall be eligible for group health insurance coverage under the provisions of this Section as if they remained in the system. This Section shall allow an employee to also secure from the City's insurance carrier, if offered by the insurance carrier, a Medicare supplemental policy at the sole cost of the employee'

It shall be the retiree's or dependent's responsibility to pay the dependent's premium. Eligible dependents of a retiree, if covered by the health insurance at the time of retirement, shall have the right to continue the health insurance. Such payments shall be made on or before the date specified by the Finance Officer.

Retirement Insurance Benefits Plan continued

Failure to make such payments when due may cause the insurance to lapse. It is the responsibility of the former employee to ensure timely premiums are paid to the City Finance office as billing statements will not be sent.

Upon the death of an active employee or retired member who satisfies the eligibility requirements of this section and who is participating in the group health insurance plan at the time of death, the eligible dependents may retain dependent coverage as if the employee or retiree's insurance had not terminated, provided that affected dependents pay all premium costs of the plan and confirms their election in writing. Dependent eligibility will exist under this provision under the same conditions as if the employee or retired member were still alive, in accordance with the provisions of the master plan and only if all provisions of this section are complied with.

***IMPORTANT INFORMATION ABOUT COBRA:** By electing any of the preceding benefits under 1 or 2 above, an employee relinquishes their COBRA rights.

Retirement Special Pay Plan

SDRS (South Dakota Retirement System) offers a Special Pay Plan, which is an additional retirement plan funded by an eligible employee's termination pay. Special Pay may include unused annual leave, unused sick leave or other lump-sum termination pay that is eligible for contribution into the Special Pay Plan. An eligible employer's non-elective contributions of special pay to the Special Pay Plan are forever excluded from the employee's gross income for purposes of Social Security (FICA) withholding and SDRS contribution payment. Also, an employer's special pay contributions to the SPP are not included in an employee's gross income, so the contribution any income or earnings would not be subject to federal income tax until distributed from the Plan.

Eligibility: Employees who are SDRS members and have reached the first day of the calendar month prior to their 55th birthday and are receiving special pay of \$600 or more.

Complete details are available online at the Special Pay website or by calling the Special Pay Plan Department at the SDRS.

A special lump-sum payment will be deducted from the employee's final paycheck and submitted to the Special Pay Plan Administrator. Complete details are available by contacting SDRS Special Pay Plan.

Supplemental Retirement Plans

The City of Rapid City offers additional opportunities for benefited employees to save for retirement. Employees may make tax deferred contributions by payroll deduction to

Supplemental Retirement Plans continued

Supplemental Retirement Plans, also known as Deferred Compensation or Section 457 Plans. Certain Internal Revenue Service (IRS) guidelines apply.

The City participates in two plans 1.) South Dakota Retirement System (SDRS) Supplemental Retirement and 2.) International City/County Management Association (ICMA). Benefited employees hired on or after April 1, 2014 will be automatically enrolled in the minimum monthly deferral for the SDRS Supplemental Retirement Plan. An automatically enrolled participant may opt out of the Supplemental Retirement Plan after his/her first payroll date by giving notice as prescribed by the SDRS Board. Contact Human Resources for more information or with any questions.

Health Insurance Contribution for Medical Disability

When an employee as the result of a medical disability becomes ineligible for the City's payment of health insurance premiums because the employee is not receiving any direct compensation from the City for that premium period, the City shall continue to pay the premium at the rate of one month of premium for each full year of credited service, to a maximum of 12 months of premium payments. The credited service year for the purpose of this policy is calculated from the employee's anniversary date, the same date as used for calculation of annual leave benefits.

To qualify for this benefit, the employee must be under the care of a physician who must provide written evidence of the disability.

The payment commences on the month immediately following the loss of eligibility for health insurance premium payment and ceases the month following the benefit expiration, or upon approval for retirement or disability benefits as determined by the SDRS, whichever is earlier. Even upon the employee's separation from City employment, the benefit will continue to be paid until its expiration as outlined above, unless the employment separation is a termination due to the employee having committed fraud, or any other illegal act.

Paid leave of any kind shall not be used in any way other than a consecutive-day progression to satisfy the direct compensation requirement. Payment of the premium by the City shall be on the same basis as would be paid if the employee had not become ineligible for the City's payment of health insurance premiums.

Employee Educational Loan Program

To recognize that continuing education benefits both the employee and the City, and to facilitate such education with minimal hardship to the employee, a loan program is available.

1. To be eligible;

Employee Educational Loan Program continued

- a. The expenses must be directly related to an educational program to qualify the employee for an Associate, Baccalaureate, or Postgraduate program in an accredited educational institution or such other college credit that is transferable to one of the South Dakota state-supported colleges; or, job-related vocational/technical training.
 - b. The employee must provide to Human Resources proof of enrollment in good standing and expenses to equal, or exceed the amount of loan requested and it shall be Human Resources' responsibility to verify that the criteria of this program has been met before approving such requests.
2. The maximum amount of outstanding loan balance, exclusive of interest, shall be \$5,000.
 3. A 1% simple interest shall be assessed to the outstanding balance.
 4. A payroll deduction shall be established which will enable repayment of the outstanding balance, with interest, within 24 months of the date of the loan. If employment is terminated during the term of the loan, the balance owed shall be collected from the employee's final pay to the maximum extent possible and any remainder shall be due and repayable to the City in full.
 5. These provisions shall not apply to other educational assistance programs that may be established from time to time under separate grants or other funding.

Employee Personnel Files

A personnel file shall be maintained by Human Resources for every employee. It is the employee's responsibility to update any contact change information, including a home address or telephone number. Additionally, it is the responsibility of each employee to provide current information regarding family status as any change may relate to benefits provided by the City of Rapid City. Employment status, performance evaluations, and other employment data is provided by the employee's department or division.

A signed waiver is required from the employee for release of any employment related information regarding an employee to any party other than the employee.

There is a fee for printing a copy of the file which is the responsibility of the employee and/or former employee. Contact Human Resources for current fee information.

Training

In-service training may be provided to employees from time to time. Employees are not permitted to decline mandatory training. Training specific to the employee's department or division shall be coordinated or conducted by management.

If travel is necessary for City required training, and the time is outside of the scheduled work day, the non-exempt employee is paid for travel time.

Travel and Relocation

The City maintains a Travel and Training policy which is administrated by the Finance Department. A copy of the current policy is available from the City's Finance Department. The Travel and Training policy includes relocation information.

Performance Planning and Review

Each Department may conduct performance evaluations for its employees. Performance evaluations may be conducted annually, or on an as-needed basis as determined by the Division or Department. The overall objective of the system is to provide an avenue of two-way communication by which employees and their supervisors can discuss mutual expectations, review performance, and plan future goals. For additional information, contact your direct Supervisor, Division Manager, Department Director or Human Resources.

Secondary Employment

Employees shall refrain from engaging in secondary employment that creates a conflict of interest or that creates the appearance of a conflict of interest. Employees who intend to take additional employment shall notify their immediate supervisor.

Safety Equipment

Employees are required to use any safety equipment deemed necessary in performing the employee's job duties. The City may provide personal safety equipment, such as safety boots and safety glasses. See specific department policies for additional details.

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

Grievance Procedure continued

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.

Acknowledgement and Receipt

I have received my copy of the Non Union Employee Guide.

The Non Union Employee Guide describes important information about employment with the City of Rapid City, and I understand that I should consult my direct supervisor or Human Resources regarding any questions not answered in the Non Union Employee Guide. I have entered into my employment relationship with the City of Rapid City voluntarily and acknowledge that there is no specified length of employment.

Accordingly, either I or the City of Rapid City can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law, or City ordinance.

I understand and agree that, other than as authorized by the Common Council of the City of Rapid City, no manager, supervisor, or representative of the City of Rapid City has any authority to enter into any agreement for employment other than at-will; only the Common Council has the authority to enter into any such agreement, and then only in writing, approved by a vote of the Common Council, and then signed by the Mayor and the Finance Officer.

I understand that, except for employment at-will status, any and all policies and practices may be changed at any time by the City of Rapid City, and the City reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Common Council of the City of Rapid City has the authority to adopt any revisions to the policies in this Non Union Employee Guide.

I understand and agree that nothing in the Non Union Employee Guide creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Rapid City is employment at-will, which may be terminated at the will of either the City of Rapid City or myself. Furthermore, I acknowledge that this Non Union Employee Guide is neither a contract of employment nor a legal document.

I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by the City of Rapid City or myself.

I have received the Non Union Employee Guide, and I understand that it is my responsibility to read and comply with the policies contained in this Non Union Employee Guide and any revisions made to it.

Employee's Signature

Date

Employee's Printed Name