



CITY OF RAPID CITY

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MEMORANDUM

TO: Mayor Steve Allender
Common Council

FROM: Allison Creelman, Assistant City Attorney

DATE: May 27, 2016

RE: Updates to the Non Union Employee Guide

The updated Non Union Employee Guide (the “Guide”) will be before the Legal and Finance Committee on June 1, and before the full Common Council on June 6. This memo serves to highlight the substantive changes that have been made to the Guide. Minor changes, such as correction of typographical errors or changes to the order of placement of provisions are not noted.

As always, please contact me if there are any questions.

- A welcome section has been added to set a tone of appreciation, and an expectation of high standards in carrying out the work of the City and in serving the community.
- As both departmental organization and the names and contact information of elected officials change on a regular basis, the organizational chart and elected officials’ information has been removed.
- In the definitions section, “Seasonal employee” was removed, as employees now are considered regular benefitted employees, part-time benefitted employees, or temporary non-benefitted employees.
- The term “Short Term Disability” was removed as a stand-alone definition, as it was incorporated into the “Part B Sick Leave” definition.

- The City’s Equal Employment Opportunity statement has been updated to comply with current federal law requirements.
- A “Workplace Harassment” prohibition has been added.
- Regarding holidays, currently non-union non-exempt employees do not receive pay for City-observed holidays and personal holidays until after 90 calendar days of employment. Under the new version of the Guide that’s before the Council for its consideration, non-union non-exempt employees would receive pay for City-observed holidays, and would continue to receive pay after 90 calendar days of employment for personal holidays.
 - The current union contracts contain clauses that stipulate that union employees do not receive pay for City-observed holidays until after 90 calendar days of employment. If the Council affirmatively votes to adopt the new Non-Union Guide, the City Attorney’s Office will work with the Unions to provide this updated holiday pay policy to all union employees that would benefit.
- The Employee Severance Plan has been removed from the Guide. This is because pursuant to Resolution No. 2012-064 of the Council there are only three Mayor-appointed employees who retain this benefit, and are therefore “grandfathered” into the plan. Those employees are Wade Nyberg, Dale Tech, and Allison Creelman. Resolution No. 2012-064 is attached to this agenda item for your benefit.
 - If the Council affirmatively votes to adopt the new Non-Union Guide, Resolution No. 2012-064 and the then existing Employee Severance Plan will be placed in the personnel files of Wade Nyberg, Dale Tech, and Allison Creelman, along with a memo explaining the history of the plan, and the fact that each employee is a beneficiary of the same.
- The Family Medical Leave Act section has been updated to reflect current law.
- The “Inclement Weather Policy” has been removed and replaced with the “Storm Day Policy.”
- The Funeral Leave section has been updated to allow for funeral leave for the death of grandchildren.
- Two provisions have been added to the Compensation Section.
 - A provision entitled “Accountability for Short-Term Absences for FLSA-Exempt Employees” sets out how salaried absences apply to exempt employees under the Fair Labor Standards Act (FLSA).

- A provision entitled “Break Time for Nursing Mothers” sets out the City’s policy for the same, which is in compliance with the Patient Protection and Affordable Care Act amendment of the FLSA.
- The “Cancer/ICU Health Insurance” section has been removed, as that optional program is no longer offered by the City.
- The Employee Educational Loan Program has been updated to reflect the currently allowed maximum amount of outstanding loan balance of \$5,000.
- An Acknowledgement and Receipt has been added for employees to sign to acknowledge they have received a copy of the Guide. The Acknowledgement and Receipt will be kept in the employee’s personnel file, with a copy provided to the employee.