

MEMORANDUM OF UNDERSTANDING

WHEREAS, the **CITY OF RAPID CITY**, a municipal corporation as municipal employer, hereinafter referred to as “City,” and **LOCAL 1031, COUNCIL 59, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AFL-CIO**, hereinafter referred to as “Union”, have previously entered into a Collective Bargaining Agreement dated the 4th day of August, 2006, hereinafter referred to as the “Agreement”; and

WHEREAS, the parties have entered into a Memorandum of Understanding dated the 5th day of May, 2006; and

WHEREAS, the parties have entered into a Memorandum of Understanding dated the 5th day of September, 2006; and

WHEREAS, the parties have entered into a Memorandum of Understanding dated the 5th day of September, 2006, to reflect the changes in accordance with SDCL Chapter 3-13 A of the South Dakota Retirement System Special Pay Program Provisions; and

WHEREAS, the parties have entered into a Memorandum of Understanding dated the 19th day of November, 2007, which supersedes the Memorandum of Understanding dated the 5th day of September, 2006; and

WHEREAS, the parties have entered into a Memorandum of Understanding dated the 15th day of September, 2008; and

WHEREAS, under the terms of Article XXXVII, Section 37.01 of the Collective Bargaining Agreement dated the 4th day of August, 2006, the parties reserved the right to reopen the Agreement in the fourth year to discuss up to two (2) issues, excluding wages and healthcare;

WHEREAS, a request was received from the Union on January 1, 2009, to reopen the Agreement to discuss two (2) issues, excluding wages and healthcare;

WHEREAS, negotiations were held between the parties on February 12, 2009, regarding Grievance Procedure and time frame for reviewing agreements before signature;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and conditions herein set forth, it is agreed between the City and the Union that Article VI, Section 6.04 of the Agreement for the period January 1, 2006, through December 31, 2009, shall read as follows:

ARTICLE VI

GRIEVANCE PROCEDURE

6.04 Within fourteen (14) days after the employee had knowledge of its occurrence or should have had knowledge of its occurrence, the employee and/or a representative 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 to discuss the grievance with the employee and/or representative 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.

IT IS FURTHER AGREED that with regard to Memorandums of Understanding, the Union will have seven (7) days in which to approve and sign. Individual employees will have twenty-four (24) hours in which to approve and sign any agreements for which a signature is required.

Dated this ___ day of _____, 2009.

LOCAL 1031, COUNCIL 59, AMERICAN
FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES AFL-CIO

By: _____
President

By: _____
Chief Steward

CITY OF RAPID CITY

By: _____
Mayor

ATTEST:

Finance Officer

(SEAL)