

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF RAPID CITY AND THE FRATERNAL ORDER OF
POLICE RELATING TO OVERTIME PROCEDURE**

This Memorandum of Understanding (“MOU”) is made and entered into by and between the CITY OF RAPID CITY, a municipal corporation, and the FRATERNAL ORDER OF POLICE, SOUTH DAKOTA LODGE, #2A.

WHEREAS, the parties have previously entered into that certain collective bargaining agreement dated December 21, 2009, and titled Agreement By and Between the Fraternal Order of Police South Dakota Lodge #2A and the City of Rapid City for the Period of January 1, 2010, to December 31, 2013, hereinafter called the “Agreement”; and

WHEREAS, the parties agree that it is in the best interests of both parties to temporarily suspend that certain part of the Agreement relating to the procedure for overtime distribution in order to test new methods for overtime distribution; and

WHEREAS, the parties desire to enter into this MOU to reduce their mutual agreements to writing.

NOW, THEREFORE, it is agreed as follows:

1. Recitals. The recitals set forth above constitute an integral part of this MOU and are incorporated herein by this reference as if fully set forth herein as agreements of the parties.
2. Temporary Suspension of Article 36. Except for subsection 36.05 entitled “Emergencies,” Article 36 of the Agreement, which Article is entitled “Overtime Distribution,” is hereby declared temporarily suspended. Except for section 36.05, neither party shall have any rights or responsibilities arising out of Article 36 of the Agreement for the term of this MOU. During the term of this MOU, neither party shall have the ability to enforce, through the grievance procedure or any other legal process, any of the terms of Article 36 of the Agreement.

3. Term. This MOU shall be effective upon execution by both parties. It shall cease to be effective on April 1, 2012.

4. Early Termination. This MOU may be terminated by either party for its convenience upon fourteen (14) days written notice to the other party.

5. Purpose. The purpose of this MOU is to allow the Rapid City Police Department to test a new proposal for communication and distribution of extra-duty overtime events. The new proposal is enumerated in the document titled “2012 Test Protocol for Communication and Distribution of Extra-duty Overtime Events,” attached hereto as Exhibit A, and incorporated herein by reference (the “Test”).

6. No Expectations upon Termination. Upon expiration of this MOU, whether via paragraph three or paragraph four of this MOU, the parties agree they shall meet to discuss the results of the Test. The parties further agree that the contemplated post-Test discussion is not a promise by either party to negotiate a permanent amendment to the Agreement based on the outcome of the Test. Upon termination of this MOU, Article 36 of the Agreement shall be reinstated in its entirety and remain in full force and effect for the remainder of the term of the Agreement, unless the parties agree otherwise in writing.

7. Consideration. The parties agree that this MOU and the temporary suspension of Article 36 of the Agreement for the term of this MOU is for each party’s mutual benefit. Both parties stand to benefit from the ability of the Rapid City Police Department to test and evaluate temporary changes to the overtime distribution policy.

8. Balance of Agreement. The rest and remainder of the Agreement shall remain in full force and effect as it existed prior to this MOU.

9. Time of Essence. Time is of the essence of this MOU.

10. Amendments. This MOU may only be amended by a written document duly executed by all parties.

11. Entire Agreement. This MOU constitutes the entire agreement between the parties, and supersedes all prior negotiations, agreements and understandings, whether oral or written.

12. Counterparts. This MOU may be executed in counterparts; each such counterpart shall be deemed an original and when taken together with other signed counterparts, shall constitute one MOU.

13. Headings. The headings and numbering of the different paragraphs of this MOU are inserted for convenience only and are not to control or affect the meaning, construction or effect of each provision.

Dated this ____ day of _____, 2012.

CITY OF RAPID CITY

By: _____
Sam Kooiker, Mayor

ATTEST:

Finance Officer

(SEAL)

FRATERNAL ORDER OF POLICE

By: _____
Cathy Bock, Its President

2012 Test Protocol for Communication and Distribution of Extra-duty Overtime Events

- DISSEMINATION BASED UPON SENIORITY
- OVERTIME NOTICES ARE SENT TO ALL OFFICERS ON OVERTIME AVAILABILITY LIST
- OFFICERS THAT DECLINE OR DO NOT RESPOND TO OVERTIME NOTICES, WILL MAINTAIN THEIR POSITION ON THE AVAILABILITY LIST
- THE OVERTIME AVAILABILITY LIST WILL BE PUBLISHED ON THE SHAREPOINT WEB SITE (so officers can see where they are on availability list... and on large details, can see how many slots(maybe in order of preference) they want to submit)
- ASSIGNMENT DATE AND NATURE OF ASSIGNMENT WILL BE NOTED ON THE LIST (see comment flag)
- NO OFFICER WILL HAVE MORE THAN ____ AVAILABLE POSITION(S) ON THE LIST (officer declined or did not respond to any assignments on prior column – see example list... red shaded box reflects more than one open position).

- FOR EVENTS MORE THAN SEVEN (7) DAYS OUT
 - NOTIFICATION MADE BY E-MAIL/TEXT WITH 48-HOURS TO RESPOND
 - NOTIFICATION OF ASSIGNMENT SENT TO OFFICERS VIA E-MAIL/TEXT WITHIN 8-HOURS OF DEADLINE
 - OFFICER MUST ACKNOWLEDGE ASSIGNMENT WITHIN 24-HOURS (DIRECT COMMUNICATION OR E-MAIL RETURN RECEIPT)
 - IF OFFICER DOES NOT ACKNOWLEDGE ASSIGNMENT BY DEADLINE, ASSIGNMENT WILL BE GIVEN TO NEXT OFFICER FROM RESPONSE LIST

- FOR EVENTS THREE (3) TO SEVEN (7) DAYS OUT
 - NOTIFICATION MADE BY E-MAIL/TEXT WITH 24-HOURS TO RESPOND
 - NOTIFICATION OF ASSIGNMENT SENT TO OFFICERS VIA E-MAIL/TEXT WITHIN 8-HOURS OF DEADLINE
 - OFFICER MUST ACKNOWLEDGE ASSIGNMENT (DIRECT COMMUNICATION OR RETURN RECEIPT WITHIN 24 HOURS)
 - IF OFFICER DOES NOT ACKNOWLEDGE ASSIGNMENT BY DEADLINE, ASSIGNMENT WILL BE GIVEN TO NEXT OFFICER FROM RESPONSE LIST

- FOR EVENTS ONE (1) TO THREE (3) DAYS OUT
 - NOTIFICATION MADE BY E-MAIL/TEXT OR PHONE WITH 2-HOURS TO RESPOND
 - NOTIFICATION OF ASSIGNMENT WILL BE THROUGH DIRECT COMMUNICATION WITHIN 2-HOURS OF DEADLINE
 - IF DIRECT COMMUNICATION IS NOT POSSIBLE (officer does not answer phone), ASSIGNMENT WILL BE RE-ASSIGNED TO NEXT OFFICER FROM RESPONSE LIST

- **FOR EVENTS LESS THAN ONE (1) DAY OUT**
 - NOTIFICATION MADE BY E-MAIL/TEXT OR PHONE WITH 1-HOUR TO RESPOND
 - NOTIFICATION OF ASSIGNMENT WILL BE THROUGH DIRECT COMMUNICATION AT TIME OF DEADLINE
 - IF DIRECT COMMUNICATION IS NOT POSSIBLE (officer does not answer phone), ASSIGNMENT WILL BE RE-ASSIGNED TO NEXT OFFICER FROM RESPONSE LIST
- **FOR EVENTS LESS THAN 4-HOURS OUT**
 - NOTIFICATION MADE BY E-MAIL/TEXT OR PHONE
 - ASSIGNMENT WILL BE GIVEN TO THE FIRST OFFICER TO RESPOND
- **IF MORE THAN ONE OVERTIME NOTICE IS ACTIVE, ASSIGNMENTS WILL PRIORTIZED BY THE DEADLINE DATE/TIME; AND OFFICERS CANNOT WITHDRAW FROM AN OT ASSIGNMENT AFTER DEADLINE FOR THE PURPOSE OF A POSITION ON ANOTHER ACTIVE LIST (would be way too confusing).**

EXAMPLE -

- >7-day notice published on May 9 1200 hrs for Rush Game with deadline of May 11 at 1200 hrs
 - 3-7 day notice published on May 10 1600 hrs for DUI checkpoint with a deadline of May 11 1600 hrs
 - <3-day notice published on May 11 at 0800 hrs for Airport duty with a deadline of May 11 at 1000 hrs
- Order of assignments will be based upon responses received for Airport duty first, then Rush Game and then DUI checkpoint. If Officer Smith submitted for all three and decides after the deadlines that he wanted the DUI checkpoint rather than the Rush Game, too bad. He might have been able to see it coming by watching OT availability list and withdraw from the Rush Game list BEFORE the Rush Game deadline.

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EXAMPLE FOR EVENT MORE THAN 7-DAYS OUT – E-MAIL/TEXT message sent to all officers on list on 5-1-11 at 1000 hours

Rush Game

05/15/11 1800-2200 hrs

OFFICERS NEEDED: 4

RESPONCE DEADLINE: 5/3/11 at 1000 hours

If you are interested in the above listed overtime assignment, please respond via e-mail or direct communication (telephone or in person) before the posted notice deadline. If you are allotted the above noted assignment, you will be notified within 8-hours of the deadline (not to include Saturday/Sunday). All assignments must be confirmed via e-mail or direct communication within 24-hours.

ASSIGNMENT NOTIFICATION – sent on 5-3-11 at 1200 hrs

OVERTIME ASSIGNMENT CONFIRMATION FOR : Rush Game

ASSIGNMENT DATE/TIME: 05-15-11 1800-2200 HRS

OFFICERS ASSIGNED: Officer Smith
 Officer Jones
 Officer Brown
 Officer Miller

CONFIRMATION DEADLINE: 5-4-11 at 1200 hrs

Please confirm you intend to work the above assignment before the noted confirmation deadline, via e-mail or direct communication. If you do not confirm you intent to work this assignment, the position will be filled by the next available person on the response list.

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EXAMPLE FOR EVENT 3-7 DAYS OUT - E-MAIL/TEXT message sent to all officers on list on 5-5-11 at 1200 hours

City Council Meeting

5-9-11 1900-2200 hrs

OFFICERS NEEDED: 1

NOTICE DEADLINE: 5-6-11 AT 1200 hours

If you are interested in the above overtime assignment, please respond via e-mail or direct communication (telephone or in person) by the posted notice deadline. If you are allotted the above noted assignment, you will be notified within 8-hours of the deadline. All assignments must be confirmed via e-mail or direct communication within 24-hours. If confirmation is not received, the position will be filled by the next officer on the response list.

ASSIGNMENT NOTIFICATION – sent on 5-6-11 at 1300 hrs

OVERTIME ASSIGNMENT CONFIRMATION FOR : City Council Meeting

ASSIGNMENT DATE/TIME: 05-9-11 1900-2200 hrs

OFFICERS ASSIGNED: Officer Black

CONFIRMATION DEADLINE: 5-7-11 at 1300 hrs

Please confirm you intend to work the above assignment before the noted confirmation deadline, via e-mail or direct communication. If you do not confirm you intent to work this assignment, the position will be filled by the next available person on the response list.

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ORDER	ID	OFFICER	PHONE #	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE
1	219	PETERSON Clifford		1/8/2011	5/6/2011							
2	235	SENEAC Thomas		1/8/2011								
3	297	HATZENBUHLER Dale		1/3/2011	5/7/2011							
4	310	McCABE Dale		1/9/2011	5/7/2011							
5	317	BITTNER Joseph										
6	320	LANG Michael		1/9/2011	5/7/2011							
7	131	FOX Sue		1/9/2011	5/7/2011							
8	351	CHILDS Alan		1/9/2011	5/7/2011							
9	352	DeGROOTE Christopher		1/7/2011								
10	365	AKERS Kyle		1/8/2011								
11	367	BLACK Marc										
12	370	HALL Christopher		1/9/2011	11/1/2010							
13	371	HOLT Richard		1/10/2011								
14	375	NEAVILL Stephen		1/11/2011								
15	376	OLSON John										
16	392	ASSCHERICK Wayne										
17	395	EISENBRAUN Mark										
18	397	HARRISON Tony										
19	399	OLSON Matt										
20	410	BLENNER Brian										
21	411	BOCK Cathy										
22	412	GARINGER Tom		3/3/2011								
23	415	TERVIEL Ron		3/3/2011								
24	425	ALEXANDER Jeff		3/3/2011								
25	426	CASSEN Craig		3/3/2011								
26	427	DIAZ Eli		3/3/2011								
27	428	DOYLE Sean		3/3/2011								
28	429	FEES Kyle		3/3/2011								
29	431	GANSER Jim		3/3/2011								
30	432	GLASS Marcos		3/3/2011								
31	452	ARLAUD Rick		3/3/2011								
32	456	POCHES Warren										
33	465	BAKER Duane		12/19/2011								
34	479	BLACK Robin										
35	443	MASUR, Kelvin										
36	481	EISENBRAUN Russ										
37	482	HOWER Matt										
38	483	TOLLMAN Trevor										
39	507	THAYER Jeff										
40	509	GLOE Jesse										
41	511	O'REILLY Tim		3/3/2011								

ORDER	ID	OFFICER	PHONE #	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE
43	288	KEEFE Wayne		3/3/2011								
44	515	PALMER Bob		3/3/2011								
45	531	BAXTER Fred		3/3/2011								
46	533	DeNEIRE Dan		3/3/2011								
47	536	HEINLE Todd		3/3/2011								
48	543	HOLMQUIST Eric										
49	544	WATHEN Paul										
50	490	STAUFFACHER Jeremy										
51	563	BECKER Andy										
52	564	SITTS Scott										
53	284	HANSEN Jim										
55	579	LaHAIE Jason										
56	585	SIGEL Christian										
57	587	WATKINS Richard		3/3/2011								
58	588	BLOOMENRADER Cade										
60	590	CALLERY Kathleen										
61	602	DIRKES Scott										
62	603	SOUKY Darren										
63	604	DOYLE Tim										
64	606	FLETCHER Brian		3/3/2011								
65	607	PHILLIPS Ryan		3/3/2011								
66	609	ANDERSON Dan										
67	610	TWEDT Josh										
68	611	MITCHELL Tessa										
69	401	SCHULER Ryan										
70	623	HARDING Elliott										
71	625	CARLSON Kaia										
72	626	HARRIS Evan		3/3/2011								
74	439	TRAINER Dan		3/3/2011								
75	637	SAYLES Chad		3/3/2011								
76	638	DWYER Eric										
79	641	YOUNIE Jerred										
80	642	DUCHENEAUX Cameron										
81	643	TOLAND Mark										
82	644	WEYER Mark										
83	646	SCREMIN Robert										
84	647	SHYNE Mike										
85	648	McCOY Jeff										
87	650	JAMES Matt										
89	652	TROWHILL Kelly										
90	653	LaPRADE Carmen										

ORDER	ID	OFFICER	PHONE #	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE
91	654	GIZZI Justin										
92	656	CARLSON Jans		3/3/2011								
93	658	HUNT Chris										
94	659	MERTZ Dan										
95	660	SPARKS Phillip										
96	661	FRYBARGER Michael										
97	662	THEISEN Kyle										
98	663	RAETZ Dan										
99	664	TAYLOR Maximus										
100	665	PITTS Brian										
101	668	COTE Marc										
102	669	KOCH Adam										