



CITY OF RAPID CITY

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MEMORANDUM

TO: Legal and Finance Committee
FROM: Mayor Sam Kooiker *Sam Kooiker*
DATE: October 10, 2012
SUBJECT: Update on Grievance Process

At the June 5, 2012 Council meeting, then-Council President Dave Davis offered a motion requesting information on five items:

1. Updated travel expense report
2. Updated council contingency report
3. Update on the escalating costs of Fish Garbage case
4. Report on the Mayor's Office stationery costs
5. Development of a policy to refer employee grievances against the Mayor to a third party

At the October 1, 2012 Council meeting, former Council President Dave Davis implied the issue regarding the grievances had not been followed up on. The concern originated in April 2012 when there was a dispute between an employee and supervisor. A grievance was filed against the supervisor, who is a department director. Because of a misunderstanding, the employee included me in the grievance. The request was for the employee to negotiate their departure, to include a taxpayer funded severance package. Since the complainant is not a department director, there is no provision for such a package. The grievance (Step II) was therefore denied on April 26, 2012.

All council members are now notified of rulings in Step II grievances. This notification policy was implemented in 2011, at my request, to prevent the kind of miscommunication that resulted in the retaliation against our firefighters by a prior administration. Dave was on the City Council until July 2, 2012 and is fully aware of the April 26 ruling. He is also aware the dispute between these two valued employees was peacefully resolved with the assistance of the city's independent, 3rd party Employee Assistance Program. Both employees are still working for the City of Rapid City in their same capacities.

Following the June 5, 2012 Council meeting, City Attorney Joel Landeen again explained the process and reminded Dave that under our aldermanic form of government, employees can appeal to the Department of Labor (Step III). In this case, the employee chose not to appeal the ruling.

I want to thank Dave Davis for supporting my commitment to transparency and accountability.

