

A RESOLUTION AFFIRMING THE CITY OF RAPID CITY'S INTENT TO FOLLOW
STATE AND FEDERAL LAWS PROHIBITING RETALIATION AGAINST CITY
EMPLOYEES UNDER CERTAIN CIRCUMSTANCES

WHEREAS the law of both the State of South Dakota and the United States Federal Government provides legal protection prohibiting retaliation or adverse employment action against public employees who speak out, in a non-disruptive manner, on topics of public concern, and

WHEREAS adverse employment action is generally understood to mean discharge, refusal to hire, refusal to promote, demotion, reduction in pay, and reprimand; and

WHEREAS the South Dakota Supreme Court has found in the case of *Dahl v. Combined Ins. Co.* (2001) that an employee should not be retaliated against for seeking to aid the enforcement of law or for protecting the safety and/or property of citizens, so long as the employees' actions are not merely private or proprietary, but instead seek to further the public good, and

WHEREAS the United States Supreme Court has established that the First Amendment of the United States Constitution protects public employees who speak on matters of public concern, as long as such speech does not unreasonably disrupt the workplace, and

WHEREAS speaking on matters of public concern means speech related to political, social, or other concerns to the community, rather than merely a personal grievance of interest only to the employee.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City will not retaliate or take adverse employment action against city employees who seek to aid the enforcement of law or protect the safety and/or property of citizens, so long as the employees' actions are not merely private or proprietary, but instead seek to further the public good, and

BE IT FURTHER RESOLVED by the City of Rapid City that the City of Rapid City will not retaliate or take adverse employment action against city employees who speak out on matters of public concern, provided such speech is not unduly disruptive in the workplace.

BE IT FURTHER RESOLVED by the City of Rapid City that this resolution is not intended to replace, add to, or modify existing state or federal law regarding retaliation against public employees. Rather, this resolution seeks to affirm the City of Rapid City's intent to follow the mandate of state and federal law prohibiting retaliation against public employees under certain circumstances.

Dated this _____ day of November, 2002.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)