

**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	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE	ASSIGN DATE
1	219	PETERSON Clifford		1/8/2011	5/6/2011													
2	235	SENEASAC 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	LAMG 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	JASSCHERICK Wayne																
17	395	EISENBRUN 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	EISENBRUN 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														

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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	STAUFACHER 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	GALLERY Kathleen																	
61	602	DIRKES Scott																	
62	603	SOUJY 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 Kaja																	
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 Jarred																	
80	642	DUCHENEALUX 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																	

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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																	