

RESOLUTION NO. 2012-126

A RESOLUTION AMENDING THE NON-UNION EMPLOYEE INFORMATION GUIDE RELATING TO GRIEVANCE PROCEDURES.

WHEREAS, the City has adopted the Non-Union Employee Information Guide which provides non-union employees with information on various policies and procedures adopted by the City; and

WHEREAS, one of the policies outlined in the Non-Union Information Guide is the procedure for handling grievances filed by non-union employees; and

WHEREAS, the Mayor and City Council have determined it is in the best interests of the City to clarify the grievance procedure to address situations when grievances are presented to elected officials, rather than through the normal chain of command, and clarify the ability of members of the City Council, at the request of the employee, to observe a grievance in front of the Mayor if they choose to do so.

NOW THEREFORE, the section on grievances in the City's Non-Union Information Guide is hereby modified to read as follows:

GRIEVANCE PROCEDURE

There is hereby established by the City of Rapid City, as required by SDCL § 3-18-15.1, a grievance procedure for non-union employees. All employees covered by a collective bargaining agreement are covered by the grievance procedure contained therein. Notwithstanding the establishment of this grievance procedure, all non-union employees are employees-at-will and may be terminated at anytime with or without cause. This grievance procedure provides a mechanism for non-union employees to discuss grievances, but does not grant any substantive rights.

Grievance means a complaint by an employee or group of employees concerning the interpretation, application or alleged misinterpretation or misapplication of the regulations, ordinances, policies or rules of the City of Rapid City, which complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. Prior to filing a formal grievance an employee must attempt to rectify the situation with the immediate supervisor, unless that attempt would be futile. No person shall be discriminated against because of the filing of or involvement in a grievance.

Failure by an employee to comply with any time limitation contained in this procedure shall constitute a withdrawal of the grievance. If the City fails to respond within the time limitation set out in this procedure, then the employee shall have the right to move to the next step in the grievance procedure.

Within fourteen (14) days after an employee has knowledge of, or should have knowledge of, an occurrence giving rise to a grievance, the employee shall submit a written grievance to the

Department Director, their designee, or to the City's Human Resources Office. ~~a written grievance, which shall be known as Step I.~~ The initial written grievance to the Department Director or the Human Resources Office shall be known as a Step I grievance. The Department Director or their designee shall meet with the employee within seven (7) days of the receipt of the grievance. The Department Director or their designee shall submit a written answer within seven (7) days following the meeting. If a grievance is submitted to an elected official, they should immediately provide it to the Mayor, the City's Human Resources Office, or if applicable the City Attorney's Office.

If the employee disagrees with the decision of the Department Director, the employee may file not later than fourteen (14) days after receipt of the Department Director's decision a written grievance with the Mayor, which shall be known as a Step II grievance. Within fourteen (14) days of the receipt of the Step II grievance, the Mayor or their designee will meet with the employee to discuss the grievance. The employee may request in writing that a member of the City Council be allowed to observe the meeting with the Mayor on a Step II grievance. If the employee requests a City Council member to be present, then the Mayor or Department Director is also allowed to invite an additional member of the City Council to be present. In no case shall there be a quorum of the City Council present. Any City Council member present during the Mayor's meeting with a grievant will be there as a neutral observer and will not directly participate in the process. Within fourteen (14) days of this meeting, the Mayor will submit a written decision to the employee. The written decision from the Mayor shall contain a brief summary of the grievance.

If the employee disagrees with the Mayor's decision, the employee may, not later than thirty (30) days after receipt of the decision, initiate an appeal to the Department of Labor, whose decision shall be binding on the employee and the City in accordance with provisions of SDCL 3-18-15.2, subject to either party's right of appeal pursuant to SDCL 1-26.

Dated this _____ day of _____, 2012.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)