

**SUMMERSET CITY COMMISSION
REGULAR MEETING
SUMMERSET MUNICIPAL BUILDING
7055 LEISURE LANE
THURSDAY, AUGUST 4th, 2022 6:00 P.M.**

Mayor Torno called the Regular Meeting to order at 6:00 p.m. Commissioners Hirsch, Butler, Kitzmiller and Nasser were present. The City Attorney, City Finance Officer, and City Administrator was also present.

Mayor Torno led in the Pledge of Allegiance.

Commissioner Butler gave the invocation.

Motion by Butler, second by Nasser, to approve the agenda for the regular meeting of the Summerset City Commission for August 4th, 2022 as presented or amended. Motion carried.

CONSENT CALENDAR

Motion by Nasser, second by Butler, to approve the minutes of the regular meeting of July 21st, 2022 as presented or amended. Motion carried.

APPROVAL OF CLAIMS

Motion by Hirsch, second by Kitzmiller, to approve the claims and hand checks in the amount of \$65,593.08 from July 21st, 2022 through August 3rd, 2022. Motion carried.

A&B BUSINESS SOLUTIONS	MONTHLY CONTRACTS	709.39
ALLEN, DON	CELL PHONE STIPEND	50.00
AMBROSE, JONATHAN	CELL PHONE STIPEND	50.00
ANGLIN, MITCH	CELL PHONE STIPEND	50.00
AT&T MOBILITY	PD NETMOTION	480.00
BLACK HILLS ENERGY	JULY 2022	6,163.53
BLUEPEAK	FAX, PHONE, INTERNET	1,118.95
Butler, Dave	CELL PHONE STIPEND	50.00
CANDACE SEALEY	CELL PHONE STIPEND	50.00
CARDMEMBER SERVICES	CREDIT CARD FLEET CHARGES	135.19
DAVIS, OWEN	CELL PHONE STIPEND	50.00
DELTA DENTAL	EMP DENTAL INS	1,122.50
DUCHENEAUX, HALAYNA	CELL PHONE STIPEND	50.00
GOLDEN WEST TECHNOLOGIES	GENETEC SOFTWARE INSTALL	150.00
GREENAPSIS	JANITORIAL GOVT BUILDINGS	475.00
Gunderson & Palmer	LEGAL FEES	2,350.00
HAWKINS INC.	DEFOAMER	2,467.20
HEALTH POOL OF SD	EMP MEDICAL INS	16,937.28
HERMANSON EGGE ENGINEERING	2 RESIDENTIAL INSPS	210.00
HIRSCH, CLYDE	CELL PHONE STIPEND	50.00
Humane Society of Black Hills	HUMANE SOCIETY	125.19
JUSO, COLTON	CELL PHONE STIPEND	50.00
KITZMILLER, MICHAEL	CELL PHONE STIPEND	50.00

Kayl, Anthony	CELL PHONE STIPEND	50.00
LEGENDARY ELECTRIC	BREAKER PD	76.53
MACRANDER, MATTHEW	CELL PHONE STIPEND	50.00
MONTILEAUX, CASEY	CELL PHONE STIPEND	50.00
NASSER, ALEXIS	CELL PHONE STIPEND	50.00
NASSER, RICH	CELL PHONE STIPEND	50.00
O'GRADY, BRENDA	CELL PHONE STIPEND	50.00
SCHIEFFER, LISA	CELL PHONE STIPEND	50.00
SCHROCK, BRIELLE	CELL PHONE STIPEND	50.00
SDRS-SUPPLEMENTAL	SUP RET CONTS JULY 2022	545.00
SERVALL UNIFORM & LINEN SUPPLY	MONTHLY FEES	162.89
SMITH, JEFF	CELL PHONE STIPEND	50.00
TORNO, MELANIE	CELL PHONE STIPEND	50.00
TYLER TECHNOLOGIES, INC	MAINT AND ANNUAL FEES	17.27
UNITED STATES TREASURY	PAYROLL TAX DEP JULY 2022	15,776.27
USA BLUEBOOK	WWTP SUPPLIES	473.70
Verizon Wireless	LE VOICE AND MOBILE	190.10
AFLAC REMITTANCE PROCESSING	EMP INS PREMIUMS JULY	156.65
CARDMEMBER SERVICES	CREDIT CARD CHARGES	4,666.58
SDRS	JULY 2022 RET CONTS	9,108.80
SOUTH DAKOTA STATE TREASURER	SALES TAX COLL JULY 2022	975.06

APPROVAL OF PAYROLL – July 2022 – SDCL 6-1-10

Motion by Kitzmiller, second by Nasser to approve the payroll for July 2022. Motion carried.

Dept. 4000 - \$18,367.24 Wastewater/Public Works

Dept. 4110 - \$2,333.32 Commission

Dept. 4120 - \$1,083.33 Mayor

Dept. 4140 - \$12,447.82 Finance

Dept. 4210 - \$26,824.23 Police

Dept. 4652 - \$0.00 Planning & Zoning

UTILITY BILLING ADJUSTMENTS

Motion by Butler, second by Nasser to approve of utility billing adjustments of \$1,531.02 for the period July 1st thru July 31st, 2022. Motion carried.

COMMISSIONER REPORTS

Commissioners gave report on monthly activity.

BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS 2023 DUES PRESENTATION – JENNIFER SIETSEMA, EXECUTIVE DIRECTOR

J. Sietsema presented to the Board the history on the dues and what to expect for 2023. Sietsema also discussed new funding for South Dakota Housing eligibility.

PAYROLL CHANGE TABLED FROM 7/21/2022 – PUBLIC WORKS DIRECTOR/ANTHONY KAYL

Motion by Nasser, second by Kitzmiller to open 90-Day Review - currently at \$25.00. Effective July 4th, 2022. For review. Motion carried.

Motion by Kitzmiller, second by Butler to table. Motion carried.

PAYROLL CHANGE – WASTEWATER OPERATOR/OWEN DAVIS

Motion by Butler, second by Hirsch to open 90-Day Review from \$18.00 to \$19.00. Effective July 26th, 2022 for discussion. Motion carried.

Motion by Butler, second by Nasser to approve. Motion carried.

POLICE DEPARTMENT – ADDITIONAL PERSONNEL DISCUSSION

Motion by Hirsch, second by Butler to open for discussion. Motion carried.

Motion by Nasser, second by Hirsch to table for August 18th meeting. Motion carried.

GOLDEN WEST TECHNOLOGIES QUOTE – REPLACING SECURITY TOTAL CARE/GENETEC

Motion by Hirsch, second by Nasser to open for discussion. Motion carried.

Motion by Butler, second by Nasser to close discussion. Motion carried.

Motion by Hirsch, second by Nasser to table until August 18th meeting. Motion carried.

RESOLUTION 2022-16 A RESOLUTION CONCERNING ON-SALE AND OFF-SALE LIQUOR LICENSES AND ESTABLISHING FEES.

Motion by Butler, second by Nasser to open for discussion. Motion carried.

Motion by Hirsch, second by Butler to table for August 18th meeting. Motion carried.

SUMMERSET PERSONNEL POLICY HANDBOOK – DRAFT VERSION (Pages 1 – 22).

Motion by Nasser, second by Kitzmiller to open for discussion. Motion carried.

CITIZENS INPUT

None

UPCOMING EVENTS

FY Budget Hearings are set for August 22nd, 24th, and 25th.

Piedmont Valley Event August 20th.

ITEMS FROM CITY ATTORNEY

None

ADJOURNMENT

Motion by Nasser, second by Kitzmiller, to adjourn at 7:41 p.m. Motion carried.

(SEAL)

ATTEST:

Candace Sealey
Finance Officer

Melanie Torno
Mayor

Published once _____ at a cost of \$_____.

Check Register Report

Date: 08/15/2022

Time: 10:51 AM

Page: 1

City of Summerset

BANK BANKWEST

Check Number	Check Date	Status	Void/St op Date	Reconcil e Date	Vendor Number	Vendor Name	Check Description	Amount
BANKWEST Checks								
25723	08/15/22	Printed			1833	AARON REMINGTON	UB REFUND	50.00
25724	08/15/22	Printed			1837	AMY HARMER	UB REFUND	50.00
25725	08/15/22	Printed			0021	BLACK HAWK WATER USERS DISTRIC	MONTHLY USAGE	33.25
25726	08/15/22	Printed			1841	CAT CONSTRUCTION	UB REFUND	100.00
25727	08/15/22	Printed			1504	CBH CO-OP	GOVT FUEL	5,048.22
25728	08/15/22	Printed			1840	CHRIS BECKET	UB REFUND	50.00
25729	08/15/22	Printed			0036	CITY OF RAPID CITY	SOLID WASTE DISPOSAL	4,035.76
25730	08/15/22	Printed			1093	DAKOTA PUMP, INC	WWTP ENCLOSURE	393.26
25731	08/15/22	Printed			1839	DAVID DOWNS	UB REFUND	50.00
25732	08/15/22	Printed			0468	DELTA DENTAL	EMPLOYEE DENTAL INS	1,013.70
25733	08/15/22	Printed			0765	DEMERSSEMAN JENSEN	LEGAL SERVICES	4,222.50
25734	08/15/22	Printed			0709	DIAMOND D WATER	MONTHLY USAGE	142.60
25735	08/15/22	Printed			1011	ELECTRICAL ENGINEERING & EQUIP	GENERATOR MAINT	1,755.86
25736	08/15/22	Printed			1452	FIRE PRO	RECHARGE	36.50
25737	08/15/22	Printed			1159	FMG ENGINEERING	STREET TESTING	374.05
25738	08/15/22	Printed			0246	GOLDEN WEST	OFFICE 365, COMP SERVS	3,477.50
25739	08/15/22	Printed			1133	HDR ENGINEERING, INC	ENG FEES	52,058.75
25740	08/15/22	Printed			1287	HILLS SEPTIC SERVICE	PUMP SS LIFT	237.50
25741	08/15/22	Printed			1832	JAMIE VOLLMER	UB REFUND	5.00
25742	08/15/22	Printed			1838	JOSEPH EDDINGTON	UB REFUND	50.00
25743	08/15/22	Printed			1831	JULIE ZIELINSKI	UB REFUND	50.00
25744	08/15/22	Printed			0124	KIEFFER SANITATION	TEMP PORTABLE TOILETS	300.00
25745	08/15/22	Printed			1834	LARRY MOFFAT	UB REFUND	50.00
25746	08/15/22	Printed			1836	LOGAN KUPITZ	UB REFUND	50.00
25747	08/15/22	Printed			1101	MEADE COUNTY AUDITOR	DISPATCH JULY 2022	2,136.09
25748	08/15/22	Printed			1110	MID-AMERICAN RESEARCH CHEMICAL	WWTP SUPPLIES	807.90
25749	08/15/22	Printed			1433	MIDCONTINENT COMMUNICATIONS	WWTP TELEPHONE	203.17
25750	08/15/22	Printed			1157	MIDCONTINENT TESTING	TESTING	321.00
25751	08/15/22	Printed			1413	NORTHERN TRUCK EQUIPMENT CO	SEAL KIT	73.15
25752	08/15/22	Printed			1826	ON-SITE FIRST AID & SAFETY	FIRST AID SUPPLIES	19.65
25753	08/15/22	Printed			0008	RAPID CITY JOURNAL	JULY PUBLISHINGS	736.28
25754	08/15/22	Printed			1631	SDARWS	ANNUAL DUES	640.00
25755	08/15/22	Printed			1835	SUSAN KEFFELER	UB REFUND	50.00
25756	08/15/22	Printed			1825	TALLGRASS LANDSCAPE ARCH	MASTER PLANNING	4,000.00
25757	08/15/22	Printed			0056	UNITED STATES POSTAL SERVICE	FIRST CLASS PRESORT	275.00
25758	08/15/22	Printed			1024	USA BLUEBOOK	WWTP SUPPLIES	431.56
					Total Checks:	36	Checks Total (excluding void checks):	83,328.25
					Total Payments:	36	Bank Total (excluding void checks):	83,328.25
BANKWEST EFT Checks								
117	08/15/22	Printed			1125	FIRST NATIONAL TRUST AND	ACH PAYMENT P&I	24,975.77
					Total Checks:	1	Checks Total (excluding void checks):	24,975.77
					Total Payments:	1	Bank Total (excluding void checks):	24,975.77
					Total Payments:	37	Grand Total (excluding void checks):	108,304.02

Finance Department Monthly Recap July

Week by Week Essential Functions

- ☐ Cash Receipting & Reports
- ☐ Monthly Cash and Account Reconciliation Reports (Journal Entries to General Ledger after review as needed)
- ☐ Accounts Payable (Beginning & Mid Month): Voucher creation, invoice processing, entering expenditures into General Ledger and creating checks for corresponding vouchers.
- ☐ Revenue/Expenditure review and correspondence with department heads to ensure correct classification of expenditures.
- ☐ Sales Tax, Payroll Tax, Retirement and Quarterly Reporting. Monthly invoicing on SRO contract to the County is done at this time. DOJ reporting and submission for reimbursement and other grant reporting as requested by department heads.
- ☐ Utility Billing (a daily process but month end and day due is most time sensitive) posting payments in Cash Receipts, processing credit card payments to accounts through lockbox, reconciling and adjusting customer accounts, posting late fees and sending penalty and collection notifications, general customer service, monthly billing procedures and statement production and disbursement.
- ☐ Time sheet review, payroll processing, employee cost and deduction review and implementation, human resource updates in Payroll system. Reconciliation of Accounts pertaining to employees and trial balances.

Financial Matters

- ☐ Monthly Revenue/Expenditure Report: Questions? Comments?
- ☐ Utility Billing Adjustments to Customer Accounts
- ☐ 2023 Budget
- ☐ Department Head Meeting Budget
- ☐ Various Phone Calls To Auditors
- ☐

Administrative Operations

- ☐ General Customer Service
- ☐ Website Management
- ☐ Newsletter and Community Updates
- ☐ Document and Records Management and Retention
- ☐ Licensing, Permitting, Inspections
- ☐ Application processing & customer account tracking

Notable Highlights

- ☐ Reconcile Employee Benefits
- ☐ Tech Support
- ☐
- ☐ Incode Meeting with Israel Project Manager
- ☐ 2023 Budget with Dept Heads
- ☐

Utility Billing Adjustments

- ☐ Customer Courtesy Late Fee Removal: our system can do a late fee on an unpaid late fee.
- ☐ Morton & Angels every month
- ☐ NSF Returned Payments
- ☐ Adjust account that was discovered to have no utility account
- ☐
- ☐
- ☐

July 2022 Waster Water Department report

Daily Operations

7-8 Replaced 5 filters in filter building
7-8 Drained and cleaned both filters in filter building
7-11 Met with Danny Ayers with SDRWAS
7-11 Sustained more damage to greenhouse.
7-11 Contacted Tucker Michels with Claims Associates got approval for immediate temp repairs.
7-12 Met with Mike Wheeler to discuss needed items for upcoming litigation against Water Warriors
7-14 Received 90% Expansion Plans from HDR
7-19 Talked to Lindsay from HDR concerning changes to expansion plans
7-20 Submitted 2023 budget items
7-21 3E performed annual generator servicing
7/26-27 Dakota Pump upgraded SCADA computer to windows 10
7/28-29 Dakota Pump upgraded controls for Summerset Lift station
Treated 4,367,000 gal of waste water
No violations to report to DANR

Special Projects

7-5 Jim Gingrass dropped off proposal for land purchase.

Misc

7-16 Had issue with Pine Hills Mobile Home main sewer line clogged
7-21 DANR visited to check on the red worm issue
7-21 Meeting with Mayor, Public Works Director, and City Administrator to discuss actions with Pine Hills Mobile
7-29 Ordered a new computer tower to replace outdated one upon recommendation of Golden West

July

Sanitation

Hauled 262320 lbs of Solid waste, 6020 lbs of recycling, 4740 lbs of cardboard, and 34440 lbs of yard waste to the landfill. Serviced solid waste equipment. Delivered cans to new homeowners. Serviced Equipment. Took Mack to Excel truck and trailer for repair. Repaired a flat tire on a garbage truck. Repaired a tarp on a roll off. Spoke with 3 nonresidents about illegal dumping of yard waste.

Public works

Met with a homeowner over fence concerns. Mowed Sturgis Road, and City property. Met with Simon for a Quote on Siouxland. Met With Meade County concerning Sturgis Road. Spoke with Department of Ag and Natural Resources about two dust complaints. Swept Leisure Lane. Repainted crosswalks and stop bars on Leisure Lane and Sun Valley Drive. Worked on access road for the WWTP and perimeter fence location as time allowed. Called out to assist and assess a plugged sewer line that connects Diamond T to the city sewer system.

Code enforcement

Reviewed and working on a solid code enforcement SOP. Issued multiple violations.

Parks

Mowed and weed-eated parks, picked up trash left by park users. Repaired leaking sprinkler line at Leisure Lane park, and adjusted sprinklers.

Miscellaneous

Trouble shot a malfunctioning ac unit for the Police Department. Manually tested and troubleshot siren by Camping world. Replaced a broken window washer container on the WWTP pickup. Picked up and set up trench box for WWTP.

JULY 2022 CITY ADMINISTRATOR REPORT

ECONOMIC DEVELOPMENT

- Attended the Black Hills Community Economic Development Regional Alliance Meeting.
- Discussion on upcoming Fuel the Growth Seminar.
- Discussion with area economic developers about the National Accelerator Program.
- Completed the SEDC Quarterly Report.

GRANTS

- Researched the Cares Act Economic Recovery & Impact Grant
- Researched the Economic Adjustment Assistance Grant.
- Visited with BHCLG for any upcoming FEMA Grants to do maintenance on sirens and/or replace and additional sirens for the future growth of Summerset.
- Finished grant with BHCLG on Siouxland Road.

PLANNING & ZONING

- Researched requirements for an in-law suite.
- Visited with G. Jensen and S. Delbridge regarding final inspection on fire sprinklers on Memory Care.
- Visited with Aaron from BH Golf Cars regarding future geo-technical testing.
- Visited with J. Seistma regarding 2018 International Building Codes.
- Visited with A. Anglin regarding the discretionary formula and how it would affect future commercial building in the City.
- Visited with L. Shagla regarding Infinity Drive and the next steps.
- Visited with L. Shagla regarding the review of the grading permit documents sent by L. Berg.
- Visited with L. Shagla regarding Norman Ranch and the draft scope of work on flow.
- Visited with P. Olsen regarding potential changes to discretionary formula.
- Met with R. Stevenson regarding drainage and possible new build.
- Met with J. Steiner regarding property lines and easements.
- Completed the sign-off on Constitution and Democracy Roads.
- Visited with P. Olsen regarding sewer timeline.
- Visited with L. Shagla regarding pins and points on easement.
- Researched locked doors/firewalls/ etc. on buildings from M. Wheeler and S. Delbridge.

MISC. CONT

- Visited w/Mayor and T. Wieczorek regarding reply email on Gollnick property.
- Visited with S. Rost regarding if there were any updates on the draft of the scope work done by HDR.
- Visited with C. McDonald – regarding Incode 10 setup and migration.
- Worked on Public Works Safety Manual to mirror the draft Personnel Handbook.
- Visited with Evan from Golden West, set up a time to have rack installed on server.
- Visited with Tim from GenPro and T. Kayl regarding moving all the electrical meters to just one suite.
- Reviewed the Gingras proposal. Visited with Director of Equalization Office to see if there were comps available for like-property.
- Reviewed fees from adjacent cities, compiling information to present to the Board. Visited with M. Torno regarding siding and roofing fees.
- Meeting with T. Wieczorek, A. Kayl, M. Torno and R. Liggett regarding Sturgis Road – possibility of road swap by SD DOT.
- Completed Emergency contacts per SDCL 34-48A-13
- Completed a park shelter reservation for the 8th of July.
- Had discussion with K. Chleborad regarding the potential of Meade County/SDDOT road swap on Sturgis Road.
- Sent out long-term five year plan budgetary sheets to Department Heads.
- Zoom – Meeting KnowBe4/simulated phishing testing.
- Zoom – Meeting/Elected Officials Workshop held in Pierre.
 - SDPAA Protecting Public Entities
 - Bids/Contracts
 - Financial Compliance Matters
 - Open Meetings and Executive Sessions
 - Conflict of Interest for Municipal Officials
- Finished up six year history on wages for City of Summerset.
- Worked on gathering data from all second class municipalities on wage studies.
- Visited with Golden West regarding an ethernet switch for the new server that is to be installed.
- Sent all updates to our ordinances to American Legal.
- Followed up on fireworks vendor and whether or not they had a license/sales tax license.
- Visited with S. Rost regarding wanting a final scope when it is completed.
- Visited with C. Sealey and B. Schrock regarding repayment schedule of an overdue utility bill.
- Visited with J. Larson about attending the Trees, People & Town Conference.
- Visited with M. Wheeler regarding the completion of paperwork for the SRF Loan and Grant funding.

- Site visit with M. Torno and A. Kayl regarding drainage and potential building site on residential property.
- Signed off on Incode 9 vouchers to null and void the charges from previous administration.
- Completed TIF 2 Excel Worksheet of Revenues the City received.
- Visited T. Morris regarding TIF 2 and possible rewrite.
- Attended a team meeting on Incode 10 software and the migration of the same.
- Visited with Mark from Golden West, regarding the Genetec Server and upgrade of the same.
- Visited M. Wheeler and M. Torno regarding liquor licenses – resolution.
- Visited with B. Ogrady and Mayor about potential carpet cleaning in the City Hall Bldg.
- Visited with M. Wheeler regarding potential moving of Commission meetings to other dates per codified law.
- Followed up on Triggs complaint.
- Met with representatives from the City of Box Elder to visit about local government and swap ideas and further our networking.
- Zoom- Meeting on cyber criminals Phish Flip
- Discussed operating procedures with M. Torno and A. Kayl in the event of emergency.
- Attended two (2) Commission meetings.



2727 N Plaza Dr.
Rapid City, SD 57702
Phone 605-348-6529 Fax 605-342-1160

Quote
No.: **68412**
Date: 7/22/2022

Prepared for:
Brandy Palmer (605) 721-6806
Summerset Police Department
12150 Siouxland Road
Summerset, SD 57718 USA

Account No.: 17007
Phone: (605) 718-9858

Qty	Description	UOM	Sell	Total
After replacing the Streamvault - Security Total Care would cost \$200 per month for a 5 Year Agreement				
1	Genetec SV-300E with 4TB - Hardware Only - Archiver Only (Connects to Security Center Directory)	EA	\$2,540.45	\$2,540.45
1	Genetec SV-300-T4 - Two Year Warranty Extension	EA	\$494.45	\$494.45
1	Project Installation & Configuration	EA	\$1,955.00	\$1,955.00

Your Price: \$4,989.90

Total: \$4,989.90

Prices are valid for 30 days from quote date.

Prepared by: Mark Gustaf, markgustaf@goldenwest.com

Date: 7/22/2022

Accepted by: _____ **Date:** _____

Disclaimer

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply. Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply. Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date. Large, long-term projects are subject to progress billing.

From: Mark Gustaf <MarkGustaf@GoldenWest.com>
Sent: Tuesday, July 26, 2022 1:30 PM
To: Lisa Schieffer <lschieffer@CityofSummerset.onmicrosoft.com>
Subject: RE: Genetec Server Replacement

Sure can Lisa.

On 7/11 our NOC got an email from Brenda that the Genetec server was offline. Rachel worked on the server and got it back online but the hard drives are failing on the current unit. The Genetec Streamvault server was installed Dec. 2017 so we would recommend replacing this unit verses replacing the hard drives. The labor would be the same for just replacing the drives and you would have a unit that is approaching 5 years old. With the new server I've included the extended warranty that will take you out to 5 years warranty.

Let me know if you have and further questions.

Mark Gustaf
Sales Engineer
605-721-1055



CITY OF SUMMERSET

RESOLUTION 2022-16

**RESOLUTION CONCERNING ON-SALE AND OFF-SALE LIQUOR LICENSES
AND ESTABLISHING FEES**

WHEREAS, The City of Summerset, Meade County, a South Dakota Municipal Corporation, acting through its Board of Commissioners, has the authority to authorize and approve the issuance of on-sale and off-sale liquor licenses within its municipal boundaries; and

WHEREAS, the number of liquor licenses available to the City is governed by state law based upon population as specifically set forth at SDCL 35-4-10 and SDCL 35-4-11 and that the Board of Commissioners may by resolution before the second of September determine the number of licenses to be issued for the following calendar year and fees to be charged.

WHEREAS, that pursuant to SDCL 35-4-10, and Summerset City Ordinance § 113.17, the number of off-sale licenses that can be issued pursuant to SDCL 35-4-2(3) and (5) to operate in the municipality is two (2) for the first population of 1,000 or less, and one license for every additional 1,500 of population or a fraction thereof; and

WHEREAS, pursuant to SDCL 35-4-11, and Summerset City Ordinance § 113.18, the number of on-sale licenses issued pursuant to SDCL 35-4-2(4) is three for the first population of 1,000 or a fraction thereof, and an additional one license for each additional population of 1,500 or a fraction thereof; and

WHEREAS, that pursuant to the most recent census taken in 2020, the City of Summerset has a population of 2,972, for the purposes of authorizing the number of municipal liquor licenses that are available to be issued within the City of Summerset, said figure having been confirmed by the South Dakota Department of Revenue; and

WHEREAS, that the City of Summerset is entitled to by Resolution set the number of licenses that will be approved for the ensuing calendar year and to establish fees.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners authorizes and establishes that in accordance with SDCL 35-4-10, there are a total of four (4) off-sale liquor licenses may be issued pursuant to SDCL 35-4-2(3) and (5).

IT IS FURTHER RESOLVED, that the fee to be charged for each off-sale liquor license issued pursuant to SDCL 35-4-2(3) and (5) shall be \$_____.

IT IS FURTHER RESOVLED, that the Board of Commissioners authorizes and establishes that in accordance with SDCL 35-4-11 there are a total of five (5) on-sale liquor licenses that may be issued within the municipality.

IT IS FURTHER RESOVLED, that the fee for to be charged for each on-sale liquor license shall be \$_____.

Dated this _____ day of August, 2022.

ATTEST:

Candace Sealey
Finance Officer

Melanie Torno
Mayor

(SEAL)

NOTICE FOR PUBLICATION

Ordinance 2022-09

**AN ORDINANCE AMENDING ORDINANCE TITLE IX, CHAPTER 92, SUBSECTION
92.073 – UNAUTHORIZED USE OF CITY GARBAGE CONTAINERS/UNAUTHORIZED
DUMPING IN THE CITY OF SUMMERSET SD**

NOTICE IS HEREBY GIVEN that the City of Summerset will set the first reading on amended Ordinance #2022-09 Amending Title IX - Chapter 92, Subsection 92.073 – Unauthorized Use of City Garbage Containers/Unauthorized Dumping.

Said first reading will be held at Summerset City Hall, 7055 Leisure Lane, Summerset SD on August 18th, 2022 @ 6:00 p.m. The purpose of the public hearing is to accept public comment on the proposed amended ordinance.

Individuals needing assistance related to the American Disabilities Act should contact the Summerset City Finance Officer no less than 24 hours prior to this hearing to make necessary arrangements.

Dated this 21st day of July 2022.

City of Summerset

Published once on 7/28/2022, at the total approximate cost of \$21.13.

**§ 92.073 UNAUTHORIZED USE OF CITY GARBAGE
CONTAINERS/UNAUTHORIZED DUMPING/~~THEFT OF SERVICES~~**

(A) *Residential use only.* Public receptacles are present for the convenience of the public who use the city's sidewalk and park system so that they may deposit items of garbage therein rather than litter. The public receptacles are not for the purpose of dumping large quantities of garbage, construction debris, or other waste generated by commercial operations. It shall be a violation of this section for any entity or commercial operation, including, but not limited to, construction contractors, to utilize the city's collection bins and containers for the purposes of disposing of waste material and garbage, including construction debris. This pertains to all collection bins, whether placed for the purpose of depositing solid waste, yard waste, or recyclables.

(B) *Outside waste.* It is unlawful for any person residing outside of the corporate limits of the city to bring quantities of garbage, yard waste, or recyclables accumulated out of the town, and deposit them in any receptacle to be collected by the city along the streets or elsewhere within the corporate limits. The receptacles and waste deposit areas, whether for garbage, yard waste or recyclables, are established by the City for its residents, and a violation of this provision constitutes a theft of services.

(C) *Construction debris.* It shall be illegal and a violation of this section for any person or entity to dispose of debris resulting from the construction, demolition, or repair of any buildings in any containers placed by the city, including the solid waste, yard waste, and recyclable containers. These items include, but are not limited to, brick, stone, concrete, plumbing materials, plaster, asphalt, roofing, floor coverings, gutters and shingles. Demolition and construction waste, excavation byproducts, and other debris or like material shall not be deposited in city receptacles.

(D) *Additional prohibited items.* It is further a violation of this section for any individual to dispose of the following items in any of the city's collection bins and containers:

(E) *Civil penalty. Fine and Punishment.* A violation of this section ~~is punishable~~ constitutes a Class 2 misdemeanor under South Dakota law and is punishable by up to 30 days in imprisonment in the county jail or a \$500 fine, or both fine and imprisonment in accordance with the General Penalty ordinance under Title I, Chapter 10, Section 10.99. by a civil penalty in an amount of up to \$500. Each separate violation is a separate offense. subject to a civil penalty in this amount. Law enforcement is authorized to proceed with issuing a citation for each violation upon witnessing said violation or upon receipt of a verified complaint detailing the facts of the violation. The city may also enforce ~~thethis~~ this section by injunction.

(Ord. 2021-04, passed 9-2-2021)

ORDINANCE _____

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 92: HEALTH AND SANITATION, NUISANCES, SECTION 92.073 UNAUTHORIZED USE OF CITY GARBAGE CONTAINERS/UNAUTHORIZED DUMPING

**BE IT ORDAINED BY THE CITY BOARD OF COMMISSIONERS OF THE
CITY OF SUMMERSET**, Meade County, South Dakota that the following changes,
amendments, and additions be made to the City of Summerset Ordinance Title IX, Chapter 92,
Section 92.073.

Section 92.073 UNAUTHORIZED USE OF CITY GARBAGE CONTAINERS/UNAUTHORIZED DUMPING/THEFT OF SERVICES

- (A) *Residential use only.* Public receptacles are present for the convenience of the public who use the city's sidewalk and park system so that they may deposit items of garbage therein rather than litter. The public receptacles are not for the purpose of dumping large quantities of garbage, construction debris, or other waste generated by commercial operations. It shall be a violation of this section for any entity or commercial operation, including, but not limited to, construction contractors, to utilize the city's collection bins and containers for the purposes of disposing of waste material and garbage, including construction debris. This pertains to all collection bins, whether placed for the purpose of depositing solid waste, yard waste, or recyclables.
- (B) *Outside waste.* It is unlawful for any person residing outside of the corporate limits of the city to bring quantities of garbage, yard waste, or recyclables accumulated out of the town, and deposit them in any receptacle to be collected by the city along the streets or elsewhere within the corporate limits. The receptacles and waste deposit areas, whether for garbage, yard waste or recyclables, are established by the City for its residents, and a violation of this provision constitutes a theft of services.
- (C) *Construction debris.* It shall be illegal and a violation of this section for any person or entity to dispose of debris resulting from the construction, demolition, or repair of any buildings in any containers placed by the city, including the solid waste, yard waste, and recyclable containers. These items include, but are not limited to, brick, stone, concrete, plumbing materials, plaster, asphalt, roofing, floor coverings, gutters and shingles. Demolition and construction waste, excavation byproducts, and other debris or like material shall not be deposited in city receptacles.

(D) *Additional prohibited items.* It is further a violation of this section for any individual to dispose of the following items in any of the city's collection bins and containers:

(E) *Fine and Punishment.* A violation of this section constitutes a Class 2 misdemeanor under South Dakota law and is punishable by up to 30 days in imprisonment in the county jail or a \$500 fine, or both fine and imprisonment in accordance with the General Penalty ordinance under Title I, Chapter 10, Section 10.99. Each separate violation is a separate offense. Law enforcement is authorized to proceed with issuing a citation for each violation upon witnessing said violation or upon receipt of a verified complaint detailing the facts of the violation. The city may also enforce this section by injunction.

(Ord. 2021-04, passed 9-2-2021)

RESOLUTION NO. 2022-17

RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL
ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND DEVELOPMENT
AUTHORITY BY NORMAN RANCH LLC AND/OR ITS AFFILIATES,
AGENTS OR ASSIGNS, FOR THE BENEFIT OF MULTI-FAMILY
DEVELOPMENT

WHEREAS, the City of Summerset and Norman Ranch LLC have determined it necessary to proceed with improvements to the City's infrastructure, thus enabling additional multi-family units to be constructed the city limits of Summerset

WHEREAS, the City and Developer have determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Norman Ranch LLC, (Developer); for the proposed development, and;

WHEREAS, the City will work with the Developer's engineer to ensure that the preliminary Project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer and all other necessary improvements as needed;

WHEREAS, the City currently has adequate treatment facilities and water supply to accommodate the proposed development. The city will be undergoing a multimillion-dollar expansion of their waste water treatment facility in 2023 to accommodate the growth of the city

WHEREAS, the City is committed to the ownership and long-term maintenance of said infrastructure upon acceptance and condition set forth in a future memorandum of agreement and understanding that the said infrastructure and system shall meet the specifications, materials and equipment set forth in said agreement; and

WHEREAS, the City acknowledges that there is a tremendous housing shortage in City of Summerset and this proposed development will help, but not solve, the housing shortage.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby supports the submission of an Application for financial assistance by Norman Ranch LLC, to the South Dakota Housing and Development Authority.
2. The City Administrator is hereby authorized to deliver such other documents as necessary, to assist with the Application for financial assistance.

Adopted this ____ day of _____ 2022.

Melanie Torno, Mayor

ATTEST:

Finance Officer Candace Sealey

Passed:

Published:

Effective:

Published once at the total approximate cost of

_____.

• Applicable leave (vacation, personal emergency leave or unpaid leave) may be charged, subject to supervisory approval

Commented [LS40]:

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• If lost time is not made up (worked) within the workweek of the occurrence, it must be charged as leave.

During the workday, if conditions develop which require city offices to close, employees will be informed through administrative channels.

When catastrophic or life-threatening conditions, such as tornadoes, floods, or other disastrous circumstances, require evacuation of the workplace, employees are not required to make up time lost during the period declared hazardous. Employees who are required to remain at work during hazardous times may be relieved of duties for the period of time necessary to assure safety of their families.

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An hourly employee who does not receive notice of such closure and reports to work and is then released shall be guaranteed a minimum of two (2) hours pay.

Commented [LS41]: Added: new section to cover everything.

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2.23 City Garage Uses:

Summerset Police are authorized to park private vehicles that are licensed, and insured in the city garage while on duty. Any other use of the City Garage area will require authorization by the Mayor or be under an established contract approved by the commission.

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Commented [LS42]: Ask Board of Commissioners if they want this left in or not.

2.24 City Credit Card Policy:

Commented [LS43]: We need to make all employees aware of credit card policy and turning in receipts in a timely manner.

City Credit Cards issued to various City Employees are to be used for City business purposes only. A receipt must be turned in to the Finance office to match up with all credit card bills. If there is no receipt available for each transaction, the transaction may be charged back to the employee or individual making the transaction. The City reserves the right to collect said charges by offsetting any amounts against any payments due to the employee.

Regular, full-time employees who travel frequently in the course of his/her duties, purchase significant volumes of goods and services for use by the City or incur other regular frequent expenses of a kind appropriately paid by a credit card may be authorized to have a credit card but must obtain prior, written approval from their supervisor/department head. The city credit card cannot be used to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers or for personal expenses. Misuses of the card will result in cancellation of the card and withdrawal of credit card

privileges. If the card is used for an employee's personal expenses, the employer reserves the right to recover these monies from the employee and to offset amounts against the employee's paycheck. The limit on each card will be determined on a case by case basis by the department head and the Finance Officer. Credit card expenditures must be submitted with original receipts to the Finance Department within 10 business days of the charge. Lost or stolen cards must be reported immediately to the employee supervisor and Finance Officer.

POLICY 3: EMPLOYEE CLASSIFICATIONS

3.1 Definitions:

City Attorney, City Engineer, Appointive Officials: An individual who holds a position in the City as specified by SDCL 9-14-3 (see Policy 11 – Appointed and Elected Officials).

City Employee: Anyone employed by the City who is not an appointive official.

Regular Full-Time Employee: (FTE = Full Time Employee) An employee who is employed by the City to work a predetermined schedule of at least 40 hours per week and has completed their employee-in-training period. Benefits for FTE are as follows:

Vacation Leave:	Full benefit
Sick Leave:	Full benefit
Holiday Pay:	Full benefit
Health (Dental) Insurance:	Full benefit
Life Insurance:	Full benefit
Personal Emergency Leave:	Full benefit
S.D. Retirement System:	Participating

Regular Part-time Employee: An employee who is employed by the City to work at least 29 hours but less than the full time hours per week as defined above on a regular basis [and has completed his/her employee-in-training period]. There are no benefits for these employees.

Employee-in-Training (Probationary): An employee who is newly hired by the City in a regular full time [or part time] position who is completing his/her 90 day training period unless otherwise negotiated. Benefits for these employees are as follows:

Vacation Leave: Accrue full benefits but may not use leave until completion of training period.
All other benefits are the same as their respective classification.

POLICY 4: RECRUITMENT, SELECTION AND PROMOTION

4.1 Recruitment and Hiring Policy:

It is the policy of the City to recruit and fill job vacancies with the most qualified individual for the position. The City has three methods of recruiting qualified applicants

to fill job vacancies in City employment. These are: 1) promotion from within; 2) transfer from within; or 3) open announcement and advertisement. All selections shall be based on merit and fitness to fill the job vacancy. All recruitment efforts are based upon equal employment opportunity and conducted without regards to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status. regard to race, religion, creed, color, national origin, sex (including gender identity, sexual orientation, and pregnancy), ancestry, genetic predisposition or carrier status, age, citizenship status, disability, political affiliation, marital or veteran status, or any other basis prohibited by state or federal law.

Commented [LS44]: Add: including gender identity, sexual orientation, and pregnancy.

Commented [LS45]: Add: ancestry, genetic predisposition or carrier status, citizenship status

4.2 Promotion/Transfer:

If in the best interest of the City, promotions or transfers of individuals already employed with the City shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment.

Transfers: A transfer is the movement of an employee to a different job in the same salary range (or lower) or to the same job in a different work area.

Application Procedures - A city employee may request a transfer from one position to another within the city. Individuals interested in applying for a position with the city must complete and submit an application form and/or résumé detailing their employment history, education, and other relevant or pertinent information.

Accrued vacation and sick leave transfer with the employee and are charged to the department supporting the employee at the time of use. * Should an employee volunteer to transfer to a lower position, they will receive the classification and pay allocated to that lower position.

Commented [LS46]: New section added - definition

Promotions: A promotion is the movement of an employee to a job with a higher salary range.

Application Procedures - Individuals interested in applying for a position, be it considered an entry level position or a promotional position, must complete and submit an application form and/or résumé detailing their employment history, education, and other relevant or pertinent information

Benefits & Compensations - In most cases, promotions are accompanied by an increase in salary.

Commented [LS47]: Add new section: definition promotion

Probationary Period - With respect to promotions, the promoted employee will be required to serve a Probationary Period of ninety (90) days. In the event the employee does not meet a performance standard of at least "Meets the Requirements", the employee will be subject to those procedures covering all employees in 4.14 Employee-in-Training Period (Probationary).

Commented [LS48]: New evaluation form – needs to be reviewed by the Board of Commissioners.

The recommendation to promote, transfer, or hire will be made by the supervisor or department head in charge of such position and will be subject to commission approval.

4.3 Job Announcement:

Except as set forth in 4.2 above, announcements for regular full-time and part-time job vacancies shall be made according to the position. Announcements may include the job title; a brief job summary; the minimum qualifications for appointment; the deadline for filing an application; and location to send application. Announcements and advertisements shall state that the City is an "Equal Opportunity Employer."

4.4 Applications for Employment:

Individuals interested in applying for a specific position with the City must complete and submit a City application form. In addition to the completed application form, a resume may be strongly encouraged.

4.5 Eligibility:

To be eligible for employment with the City the applicant must:

- 1) be legally eligible to be employed in the United States as proven on the required I-9 form. (Required by federal law the Immigration Reform and Control Act of 1986)
- 2) if born after December 31, 1959 and male, be registered for the selective service. (Required by federal law and SDCL 3-1-1.1)

4.6 Veterans Preference:

~~Where all other qualifications are equal, preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States using the definition of veteran listed in SDCL 33-17-1 and the periods specified in 33-17-2.~~

Commented [LS49]: Laws incorrect – transferred over to 33A

Preference in employment will be given to veterans as defined by SDCL 33A-2-1. All veterans who possess at least the minimum qualifications necessary to fill a position will receive an interview. A veteran who has a service-connected disability will be given a preference over a nondisabled veteran. It is the candidate's responsibility to make the City aware of their preferential status by providing a copy of their DD-214 (separation papers) along with the application.

Commented [LS50]: Add new: Veteran's preference.

4.7 Disqualification:

An applicant is disqualified from employment by the City if he/she 1) does not meet the minimum qualifications for appointment; 2) knowingly has made a false statement on the application form or resume; 3) has committed fraud during the selection process; or 4) has failed to register for the selective service where so required to do.

4.8 Selection:

Selection to fill a job vacancy is made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. All selections are to

be made without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status. race, religion, creed, color, national origin, sex (including gender identity, sexual orientation, and pregnancy), ancestry, genetic predisposition or carrier status, age, citizenship status, disability, political affiliation, marital or veteran status, or any other basis prohibited by state or federal law.

Commented [LS51]: Add: including gender identity, sexual orientation, and pregnancy.

Commented [LS52]: Add: ancestry, genetic predisposition or carrier status, citizenship status

4.9 Appointment of City Employees:

Appointment of City employees is by the appointing authority with the approval of the Board of Commissioners.

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Commented [LS53]: Do we need a definition of appointing authority???

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4.10 Employment Offers:

After the proper authorities have selected an individual to fill a job vacancy, the individual will be notified of their selection by the supervisor or department head. An offer of employment shall be extended and a starting date established at this time.

Law Enforcement and any other positions, as decided by the City, may be required to undergo a post-offer, pre-employment physical examination. The cost of the preemployment physical examination will be borne by the City.

Commented [LS54]: May or Shall????? Currently our policy state's may.

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Confirmation of Employment Offer:

Once Human Resources receive satisfactory results from all the post-offer testing and investigation, Human Resources or the hiring Department Head will notify the candidate and confirm the initial offer. In cases where the candidate is unsuccessful in the post-offer testing/investigation, the offer of employment may be withdrawn. Consideration will be given for potential accommodations.

Commented [LS55]: Add: current Post Offer/Pre-employment Physical Examination policy.

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Employment offers are for at-will employment, under which the employment relationship may be terminated with or without cause, with or without prior notice, by either the City or the employee.

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4.11 Acceptance of Employment:

After an individual has accepted employment with the City, the supervisor or department head shall ensure that the necessary and proper paperwork is filed within the employee's personnel file.

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4.12 Residency Requirement:

Residency within the city shall not be a condition of employment unless the employee is an elected official or appointed member of Planning and Zoning.

4.13 Employment of Relatives (Nepotism):

The City's policy in employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities and avoid circumstances of favoritism and discrimination. Thus, the employment of immediate family members within the same department or other areas where an immediate family member one member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited.

Commented [LS56]: Added wording

Immediate family is defined as: parents, step-parents, spouse, children, stepchildren, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren or an individual who has acquired any of the above status through marriage.

4.14 Employee-in-Training Period (Probationary):

Every employee hired by the City must complete a ~~3-month~~ 90-day training period for the purpose of assessing the individual's ability to perform their assigned duties. Such employment may be terminated at any time if either the City or the employee feels this is the appropriate action. There is no notice required of either party for such termination and no due process procedures will be held by the City for any disciplinary action during this time period consistent with the employee's status as an employee at will. During this training period an employee shall accrue both sick and vacation leave at the regularly scheduled rate. Sick leave may be used as necessary at this time, however, the employee is not entitled to use their accrued vacation leave until completion of their training period. An employee-in-training is entitled to paid holidays as observed by the City. At the discretion of the employer, the training period may be extended by an additional 3 months. 90-days.

Commented [LS57]: 90 day – keep consistency throughout the handbook

*Employees receiving transfers, promotions etc. must complete a 90 working day training period for assessing his/her ability to perform the duties of the new position assigned.

POLICY 5: HOURS OF WORK

5.1 Hours of Work

It is the City's intent to create a standard work week within which an employee is expected to perform City services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the City's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

5.2 Standard Work Week:

City of Summerset Offices are open for business from 8:00 a.m. to 4:00 p.m., Monday through Friday.

~~5.2 Standard Work Week:~~

The standard 40 hour work week, unless otherwise stated, for the purpose of calculating pay and overtime shall begin at 12:00 a.m. Sunday and end on 11.59 p.m. Saturday. Police and Fire Department personnel, for the purpose of calculating overtime, shall follow an 80 hour/fourteen (14) day pay period as provided for under the Federal Fair Labor Standards Act.

It is the policy of the City to allow employees a 15 minute rest period every four hours, if the work load permits. The break, however, is not guaranteed.

When an employee is called back to work (outside of standard work-day), they will receive a minimum of two (2) hours of pay for the call-out.

Commented [LS58]: Added in breaks and call outs.

5.5 Flex time:

The governing board reserves the right to authorize flexible work hours within the 40 hour work week in situations where it is appropriate or necessary. Employees must still adhere to the standard 40 hour work week unless flex time or overtime has been approved by their supervisor.

Commented [LS59]: Renumber 5.2

5.7 Overtime:

Employees may be required to work overtime when determined necessary by their immediate supervisor or the City. Overtime is defined as time that is worked in excess of the first 40 hours within the standard work week and does not include hours paid but not worked such as holidays, vacation days, or sick days, personal leave, court/jury leave, and military leave. The employee shall have the option of selecting compensatory time off or overtime pay and the department head and Finance Officer shall be advised of that decision prior to the performance of any such work. Except in emergency situations, all overtime must be authorized by the employee's immediate supervisor prior to the working of such hours. Overtime is to be authorized only if the work cannot be otherwise done during normal work hours. Insofar as possible, the opportunity to work overtime shall be distributed as equally as practicable by the City among the employees in each department.

Commented [LS60]: Added additional types of leave

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Overtime compensation for all overtime eligible employees shall be at the rate of one and one-half (150%) of the employee's regular hourly rate. As stated above, time paid for but not worked (holidays etc.) does not count toward hours worked for the purpose of calculating overtime hours. However, if an employee is required to work on a holiday the City will follow the holiday policy as found in 7-12-7.11.1 Working on a Holiday.

Commented [LS61]: Refer to the correct number.

Accrual of overtime without prior authorization may result in disciplinary procedures.

5.8 Comp Time:

Authorized comp time shall be administered within the same guidelines as overtime and be accrued at time and one-half. Upon separation from City service, the employee will be paid for any unused comp time at their final rate of pay. Comp time hours accrued and taken must be reported at the end of each month to the Finance Officer and department head.

Commented [LS62]: Take out

5.9 Exemptions to Overtime:

The following employees are exempt from the overtime standards:

- 1) Appointive officers (if determined to be FLSA exempt)
- 2) Police and fire personnel (if less than 5 within the department)
- 3) Executive, Administrative, and Professional employees.

5.10 Attendance:

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their immediate supervisor or the Finance Officer prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent more than 2 ~~3~~ consecutive days without proper notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from City service.

Commented [LS63]: Keeping consistent with section 7.3

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5.11 Time Sheets/Cards:

For the purpose of calculating and issuing pay checks, each employee's time sheet is a record of their regular hours worked, overtime worked, and vacation or sick leave used. Every employee and their supervisor must sign their time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.

Commented [LS64]: Would liaisons like to view department head time sheets?

5.12 Time Clocks:

Time clocks may be used by the City for recording work time of all employees specified by the governing board. If used, each employee required to use a time clock must punch in and out promptly and have their supervisor and Finance Officer initial changes necessary to correct time records. Employees shall not punch another employee's time card. Such action may result in disciplinary action.

Commented [LS65]: Take out – we don't use time clocks

POLICY 6: COMPENSATION

6.1 Pay Period and Pay Day:

Pay checks are issued on the last day of each month. In the event the payday falls on a holiday or a weekend, checks will be distributed on the nearest workday preceding payday.

6.3 Time Sheets:

Each employee is responsible to ensure that his/her time sheets are correct and submitted on time. Signed vacation and sick leave slips shall be turned into the appropriate personnel. Any misrepresentation of time worked or falsification of any time sheet may result in disciplinary action.

Commented [LS66]: Need to get approval of signed vacation/sick leave slips

*employees have not been filling them out and have been using calendar. Discussion needs to be had with Board of Commissioners on the same.

*Possible suggestion is to have a two tier system. Department Head send to Liaison/Finance Officer – Employee send to Department Head/Finance Officer

6.4 Payroll Deductions:

The City is required to withhold Federal Income Tax and Social Security (FICA) from each employees pay check, unless employee designates as exempt on W-4. Other deductions will include:

- 1) Employee contributions to the South Dakota Retirement System.
- 2) Employee contributions to Health and Life Insurance
- 3) Employee contributions for Dental
- 4) Employee contribution for supplemental insurance coverage(s)

5) Garnishments required by law

6.5 Benefits:

Benefits that follow are those offered by the City to employees. These benefits are afforded according to individual employee classifications (see policy 3). Applicable information will be provided separately to you by the City.

6.6 Workers' Compensation:

Workers' compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions are injuries caused by willful and serious misconduct or by a worker's intoxication or by an employee's voluntary participation in recreational social activities and other exceptions as determined by the applicable policy and South Dakota law.

The City pays the entire cost of workers' compensation insurance. The insurance will cover all work related medical and rehabilitation expenses and weekly benefits which are equal to a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.

If an employee is injured within the course and scope of employment, work related medical costs are paid as well as the compensation rate for wage loss as set by the State of South Dakota. Injury on the job must be reported immediately to your immediate supervisor and Finance Officer. The injured employee must then complete the appropriate worker's compensation forms. State law requires any injury to be reported no later than three (3) business days after it occurred. If it is not reported within three days and the employee doesn't have a good reason, worker's compensation benefits could be denied.

In cases where worker's compensation wage reimbursement is paid to an employee, the employee may use sick leave to make up the difference between worker's compensation pay and their regular pay. When the sick leave is exhausted, annual paid leave may be used for this purpose. When all leave becomes exhausted, worker's compensation pay will be continued but participation by the City through wage supplementation will be discontinued and leave benefits will not accrue. Benefits of health, dental, and life insurance will be continued for the employee for a period of six months for City participation. The employee will have the option of two plans as to when the six months of participation by the City will begin:

- 1) If the employee chooses to use accumulated sick and annual leave to supplement worker's compensation pay, the six months of City participation will begin at the time all accumulated leave is used.
- 2) If the employee does not choose to use accumulated sick and annual leave, the six months begins at the time of the injury.

In either case, City participation of health, dental, and life insurance will not exceed one year from the date of injury. Retirement contributions shall be discontinued during the

period of time the City is not participating in conjunction with worker's compensation. All benefits will continue upon return to work.

6.7 Travel and Reimbursement of Expenses:

6.7.1 General Policy

It is the policy of the City that employees be fully reimbursed for necessary and reasonable job related travel expenses.

6.7.2 Travel Approval Required

All travel must be approved by the department head prior to the date of travel except in emergency instances.

6.7.3 In-State Travel Expenses

Per Diem rates for approved in-state travel shall be paid at the current state rate.

6.7.4 Out-of-State Travel Expenses

Per Diem rates for approved travel outside the state of South Dakota shall be paid at the current state rate.

6.7.5 Meal Allowance - Schedule for Computation

The times for allowance of paid meals is as follows:

- (1) Breakfast: Leave before 5:31 a.m. Return after 7:59 a.m.
- (2) Lunch: Leave before 11:31 a.m. Return after 12:59 p.m.
- (3) Dinner: Leave before 5:31 p.m. Return after 7:59 p.m.

Receipts will be required for reimbursement.

6.7.6 Receipts Required for Lodging

Receipts will be required for all lodging expenses for reimbursement.

6.7.7 Mileage Rate

When employees must use their private vehicles for approved travel, mileage shall be paid at the current state rate.

POLICY 7: LEAVES OF ABSENCE

7.1 General Policy:

Leaves of absence for vacation and sick leave are considered a benefit and privilege offered by the City. Leaves are not granted automatically, but are to be requested by the employee. Reasonable effort will be made to ensure that all employees are treated equally and fairly. In some instances it may not be possible to grant all leaves requested during busy times or emergency situations, however reasonable effort will be made to grant requests. Employees anticipating a leave of absence are encouraged to apply for such leave as soon as possible and no later than 20 working days prior to the leave being taken.

7.2 Vacation Leave:

Paid vacation leave will be granted to all qualified employees (see policy 3).
Vacation leave will accrue at a rate according to the following schedule:

0 - 1 years -6.667 hours/month (10 days)

2-3 years 10 hours/month (15 days)

3-15 ~~4-15~~ years 13.33 hours/month (20 days)

Commented [LS67]: Correct the years.

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If an employee is hired on the 10th of the month or before, they will accrue the full first month's leave. However, if the employee is hired after the 10th, no accrual for the first month is made.

Commented [LS68]: Add new section: so employee is aware of what happens the first month of employment.

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Employees on leaves of absence without pay or suspensions without pay do not accrue vacation leave benefits. Employees-in-training (probationary employees) accrue vacation leave but may not take such leave until they have successfully completed such training period. Vacation hours not used during the calendar year in which they are earned may be carried over and used during the succeeding calendar years to a maximum of 240 hours (approved July 7, 2016). It is the employee's responsibility to ensure that hours are used on a timely basis according to this policy.

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Upon separation from employment, an employee will be paid for any accumulated vacation time if at least two weeks' notice is given – unless terminated for cause. Reimbursement for vacation leave will be at the employee's salary rate per their last day of employment.

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When an employee's vacation time falls on a holiday, such time is not to be subtracted from an employee's vacation leave balance. Vacation leave must be scheduled with the employee's immediate supervisor or department head at the earliest possible time prior to the use of such leave. The City reserves the right, within reason, to disapprove requested time for vacation leave for the purposes of maintaining the work force during heavy scheduled work periods. However, the City will make reasonable effort to accommodate employee requests for time off. Vacation leave will be granted on a first come first serve basis, based on operational needs. The minimum amount that may be charged to an employee's vacation leave is one hour per leave period.

Any request for vacation exceeding (2) two weeks requires mayor approval.

7.3 Sick Leave:

Employees who are eligible for full benefits (see policy 3) shall accrue sick leave at a rate of 6.67 hours of sick leave per month.

If an employee is hired on the 10th of the month or before, they will accrue the full first month's leave. However, if the employee is hired after the 10th, no accrual for the first month is made.

Commented [LS70]: Add new section: so employee is aware of what happens the first month of employment.

Employees on leaves of absence without pay or suspensions without pay who are absent for a full pay period do not accrue sick leave benefits. Sick leave benefits not used during the calendar year in which they are earned may be carried over and used during the succeeding calendar years to a maximum of 480 (approved July 7, 2016) hours. Sick leave benefits shall be paid at the employee's regular rate of pay at the time the leave is taken. The minimum charge to sick leave is one hour per leave period.

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An employee absent from work due to illness or disability shall notify his/her immediate supervisor or Finance Officer before scheduled to work, or as soon as possible if an emergency situation exists, and indicate the nature of the illness or disability and the expected length of absence. Failure to report an illness in a timely manner may be cause to consider the absence as unauthorized and without pay.

~~The immediate supervisor or Finance Officer at his or her discretion may request a physician's statement concerning such absence at any time. Sick leave in excess of three (3) working days of absence shall, at the discretion of the Department Head, require the employee to produce a doctor's certificate~~

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Any employee found to have abused their sick leave privileges may be subject to disciplinary action.

It is the policy of the City that upon separation in good standing after 6 years of continuous service, employees who have accumulated a base amount of sick leave equal or greater than 240 hours, shall upon separation from City service be entitled to receive one-fourth of their accrued sick leave hours paid at their rate of pay at the date of separation. ~~if at least two weeks' notice is given – unless terminated for cause~~

Commented [LS72]: Would the board like to change the payout?

Commented [LS73]: Added wording.

7.4 Extended Leave for Illness or Temporary Disability:

Employees may request approval to use accumulated sick leave and vacation leave for the purpose of paid release time to recover from an extended illness or temporary disability. For extended periods of illness or temporary disability, a medical doctor's certification of illness ~~may~~ shall be required.

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7.5 Maternity Leave:

~~The City shall treat maternity leave the same as any other temporary disability.~~
Maternity/paternity/adoption leave under this policy is a leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care. Eligibility requirements for maternity/paternity/adoption

leave are the same eligibility as those for FMLA. All FMLA provisions apply to maternity/paternity/adoption leave.

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7.6 Jury Duty/Litigation:

The City realizes that it is the obligation of all U.S. Citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law.

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City employees will be granted leave with pay for jury duty or if they are subpoenaed to testify in court. During such periods of absence, regular full-time or part-time employees will receive their regular rate of pay minus the jury duty pay or the employee may endorse the court payment, less documented mileage/expenses, to the City without loss of leave time for the time spent on jury duty during regular working hours and the per diem and mileage provided for by SDCL 16-13-46 or any comparable federal law.

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16-13-46, Jurors' per diem and mileage--Appearance fee--Certification and payment.

Each juror for each day's attendance upon the circuit court or the magistrate court shall receive fifty dollars, and mileage at such rate as may be established pursuant to § 3-9-1 for each mile actually and necessarily traveled, to be paid by the county. However, any juror called but not impaneled shall receive an appearance fee of ten dollars and, in addition, mileage at such rate as may be established pursuant to § 3-9-1, for each mile actually and necessarily traveled. Such juror's fees, except as provided in § 16-13-47, shall be paid by the county treasurer upon the presentation of warrants. The warrants shall be issued by the county auditor forthwith upon filing of each juror's certificate of attendance. Each certificate shall bear the endorsement or certificate of the clerk of the court in which such fees accrued to the effect that the certificate is accurate as to the time expended and the amount of fees claimed.

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Employees who are absent from work due to jury duty will not be dismissed or suspended from employment; and shall retain and be entitled to the same job status and pay as he/she had prior to performing jury duty. Persons who are to be absent due to jury duty must notify his/her immediate supervisor and Finance Officer in advance. If no prior notification is given the employee may be subject to disciplinary procedures. Vacation and sick leave benefits shall accrue at the normal rate for eligible employees during jury duty.

City employees involved in their own litigation are required to use vacation leave.

7.7 Voting Leave:

City employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

7.8 Military Leave:

7.8.1 Request for Military Leave of Absence

An employee who wishes to be granted military leave of absence must submit the request and a copy of his/her official orders or other records from the military service to his/her immediate supervisor and Finance Officer prior to the dates of attendance. If the reservist or National Guard member submits a copy of his/her official annual training schedule prior to beginning of the year's military activities, the employee need only submit separate requests and orders for those training duties not included on the annual schedule, or when the annual schedule is modified.

7.8.2 Active Duty

An employee who enlists or is called into Active Duty for the military service of the United States or who, in time of national emergency, voluntarily enlists for active duty, shall be granted military leave for the time necessary to permit completion of the military service. In order to have re-employment rights, a person leaving active duty in the military service of the United States must apply to the City for reemployment within 90 days after his/her separation from active duty, or within 90 days after his/her release from hospitalization continuing after such separation for not more than one year. This applies to inductees and enlistees, as well as to reservists and National Guard members performing full active duty, as opposed to initial duty for training, or active or inactive duty training, or other active duty where different re-employment rights are defined by Federal Statute.

7.8.3 Reserve or National Guard Training Leave

An employee who enlists as a Reservist or a member of the National Guard shall be granted time off without pay for initial active duty for training, annual training encampment, weekend training drills, and other active and inactive training duty. The City may grant the use of vacation pay for training. The reservist or National Guard member must report back to his civilian job at the beginning of his first regularly scheduled shift on the first day after the completion of initial active duty for training or other training duty plus the necessary travel time to return from the training site to the place of employment. He/She is also entitled to a reasonable rest time, and a reasonable time thereafter if return is delayed by factors beyond his/her control. If an employee fails to report to his/her job within this specified time period, he/she may be subject to the penalties which would be imposed on any employee who is tardy or absent without permission. If an employee separates his/her employment with the City in order to enlist in the Reserves or National Guard, he/she must reapply to the City within 31 days after his/her separation from initial active duty for training in the Reserves or National Guard in order to retain re-employment rights.

7.8.4 Federal Statute

An employee who participates in any branch of the Military Service of the United States is covered by and subject to Federal Statute, US Code Title 38, Chapter 43, and all other applicable statutes.

7.9 Personal Emergency Leave:

If necessary, qualified City employees may use accrued sick leave for personal emergency leave. This leave may be used for the following:

- Death in the immediate family. (Immediate family is defined as an employee's spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren and great grand children. The term also includes a spouse's equivalent of the above).
- Volunteer police, fire, or Emergency Rescue Squad work.
- Inclement Weather Emergency, emergency illness or scheduled surgery in the immediate family.

The amount of sick leave to be used for personal emergency leave is to be limited to 40 hours per year if previously accrued. This leave does not accumulate from year to year.

7.9.1 Personal Leave:

One day of personal leave will be given annually to regular full-time employees. All employees who have successfully completed the Probationary Period are eligible to take one paid Personal Day, in lieu of vacation, with scheduling subject to supervisory approval in the same manner as vacation leave. A personal day may not be taken in increments of less than one full workday. A personal day must be used no later than December 25th of the calendar year. Failure to use this day during any year will result in a loss of the leave, as there will be no carry over provision for a personal leave day.

Commented [LS77]: Needs clarification – this is currently not happening and employees are having to wait a year.

7.10 FMLA Leave:

The City complies with the Family Medical Leave Act ("FMLA"), which is unpaid leave. Any FMLA leave shall, however, run concurrent with any paid or other unpaid leave time, meaning you must use any available paid leave for any FMLA leave. The City applies the following 12-month leave cycle: Calendar Year. FMLA leave forms are available from Finance Officer and FMLA must be authorized by Mayor. If you are requesting leave for a serious health condition, whenever possible the medical certification from your healthcare provider should be supplied before leave begins.

Further, the City, at no expense to you, may require an examination by a second health care provider designated by the City except in the case of military leave. If the second health care provider's opinion conflicts with the original medical certification, the City, at no expense to you, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City may require a subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided, and/or may subject you to discipline up to and including termination for taking unauthorized leave or excessive absenteeism. We can also contact this health care provider to clarify

information on the medical certification, but you must sign the appropriate authorization form for such contact.

7.10.1 While on Leave

If you take leave because of your own serious health condition or to care for a covered relation, you should contact your immediate supervisor and the Finance Officer on the “first and third Tuesday” of each month regarding the status of the condition and your intention to return to work to see how you are progressing and so that we are up-to-date on any new developments. In addition, you must give notice to your immediate supervisor and Finance Officer as soon as practicable (within two business days, if feasible) if the dates of leave change, are extended or initially were unknown.

7.10.2 Intermittent and Reduced Scheduled Leave

Leave because of a serious health condition or military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work each workday) if medically necessary. You will receive your current rate of pay for hours worked and time spent working will not count against your available FMLA leave. In addition, while you are on an intermittent or reduced schedule leave, the City may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

7.10.3 Medical and Other Benefits

During an approved FMLA leave, the City will maintain your health and other benefits as if you continued to be actively employed. However, you must continue to pay your portion, if any, of the group health plan premiums or your benefits may be cancelled. In order to accrue benefits such as Paid Time Off (PTO)/Vacation or Sick Bank, an employee must be working, using PTO/Vacation, Sick Bank, or holiday hours to equal at least fifty percent (50%) of their regularly scheduled time for the pay period. If you return to work owing any employer-made contributions to your insurance premiums to maintain coverage during your leave, you will be required to reimburse the City through payroll deduction immediately upon return. If you elect not to return to work at the end of the leave period, you will be required to reimburse the City for contributions to the health insurance premiums made to maintain coverage during your leave, unless you cannot return to work because of a serious health condition or because of other circumstances beyond your control.

7.10.4 Returning from Leave

When you are able to return to work following a leave because of your own serious health condition, you should attempt to give the City at least one week’s notice by mailing or faxing to your immediate supervisor and the Finance Officer a medical certification stating that you are able to resume work. However, you should make sure that the City receives this notice no later than two business days before your return to work at the conclusion of your leave. If your FMLA leave resulted from a workers’ compensation injury, your health care provider may send an updated medical work status

form to immediate supervisor and the Finance Officer as soon as your return to work date is known, even if less than two business days before your return to work.

7.11 Holidays:

The City recognizes and observes the following as paid holiday for eligible employees:

New Year's Day, January 1
Martin Luther King Jr. Day, 3rd Monday in January
Presidents' Day, 3rd Monday in February
Memorial Day, Last Monday in May
Juneteenth, June 19th
Independence Day, July 4
Labor Day, 1st Monday in September
Native Americans' Day, 2nd Monday in October
Veterans' Day, November 11
Thanksgiving Day, 4th Thursday and Friday in November
Christmas Eve – Half Day
Christmas Day, December 25

Commented [LS78]: Added federal holiday

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Commented [LS79]: Employees asked for half a day on Christmas Eve and the Friday after Thanksgiving. The Board will need to make the decision.

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And all other days proclaimed as legal non-working holidays by the President of the U.S or the Governor of SD.

When a holiday falls on a Saturday, the preceding Friday is observed as the paid holiday for eligible City employees. If a holiday falls on a Sunday, it is observed on the following Monday.

Employees ineligible for paid holiday leave will be granted a day off without pay in observance of a holiday.

7.11.1 Work on a Holiday

An hourly employee required to work on a paid holiday observed by the City will receive time and one-half for those hours worked.

Commented [LS80]: Visit with Board on regular pay + overtime pay on that day.

7.12 Leave Slips:

The City requires that each leave of absence must be accompanied by a leave slip. Such leave slips must indicate the dates of the leave, type of leave to be taken or reason leave is taken and number of hours of leave to be taken. Each leave slip must be signed by the employee's immediate supervisor and Finance Officer prior to the leave being taken. In circumstances such as an emergency or unexpected illness, the leave slip is to be submitted as soon as possible when the employee returns.

Commented [LS81]: Signed off on only by immediate supervisor
*draft request forms

Employees have been using calendar to show time off, does Board want leave slips????

POLICY 8: SEPARATION FROM CITY SERVICE

8.1 General Policies:

Separation of employment can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), reduction in

workforce, or termination. An employee's last day of actual work will be recorded as the last day of employment. Paid leave cannot be taken to extend the last day of employment.

Commented [LS82]: New section added.

8.1.1 Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee. All employees are at will and an involuntary separation can occur at any time for reasons within the City's sole discretion.

8.1.2 Return of City Property

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

8.2 Voluntary Separation:

8.2.1 Resignation

A City employee may resign from City service by giving his/her immediate supervisor or Finance Officer written notice of his/her resignation. Said resignation is requested at least two weeks in advance of their leaving City service. The immediate supervisor or Finance Officer may accept the employee's resignation as taking effect immediately.

Commented [LS83]: Add new section

Resignation is a voluntary act initiated by the employee to end employment with the City. Hourly employees are encouraged to provide a minimum of two (2) weeks' notice.

Salaried/exempt employees are encouraged to provide a minimum of four (4) weeks' notice. Resignations should be in writing and submitted to the employee's supervisor. If an employee provides less notice than requested, the City may deem the individual ineligible for rehire depending on the circumstances regarding the notice given.

Commented [LS84]: Department Heads stated two weeks instead of Board. (Board will make the decision)

8.2.2 Un-notified Absence

If an employee is absent for more than 3 consecutive days without proper notification in accordance with the attendance policy (5.10 Attendance), they shall be considered to have voluntarily resigned their position in City service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the Board of Commissioners. Any un-notified absence of less than 3 days may result in disciplinary action.

Commented [LS85]: Referenced the section

8.2.3 Retirement Age

~~There is no mandatory retirement age for City employees.~~ Employees who wish to retire are encouraged to notify their supervisor in writing at least one (1) month before the planned retirement date.

Commented [LS86]: Add new section. Department Heads asked this to be two weeks instead of month. (Board will need to make a decision).

8.3 Unemployment Compensation:

The City follows the state of South Dakota Unemployment laws as found in SDCL Title 61.

8.4 Exit Interviews:

Upon notice of voluntary termination of employment, the City may, in its discretion, conduct an exit interview prior to an employee's separation from City employment. The exit interview is conducted for several purposes, including:

- 1) to resolve all outstanding matters between the City and the employee;
- 2) to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation;
- 3) to aid the City in gathering information to help improve the City working environment and other employment relationships.

POLICY 9: DISCIPLINARY ACTION

Disciplinary actions may be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment, or dismissal as defined below. The City may, but is not required to, apply these actions progressively, and for example, suspension or termination of employment may be applied as a first step of discipline. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action.

9.1 Oral Reprimand:

An oral reprimand is a verbal statement, which may or may not be documented.

9.2 Written Reprimand:

A written reprimand is a written statement.

9.3 Suspension without Pay:

Removal from duties from City for specified period of time, without pay, for up to 10 working days.

9.4 Demotion or Reassignment:

Demotion or reassignment includes reduction in pay (possibly including benefits), job duties, placement or into a lower position; change of employee's duties within his/her current position; or use any combination.

9.5 Dismissal:

Dismissal is termination of employment.

9.6 Disciplinary Interview:

As to any employee who is not under an at-will employment relationship, before any disciplinary action of suspension without pay, demotion, or dismissal, the immediate supervisor, or mayor ~~or Finance Officer~~ shall:

Commented [LS87]: Supervisor or Mayor.

1. Notify the employee of the proposed disciplinary action, providing the reason(s) for the action and the proposed discipline, and the employee shall be permitted a reasonable opportunity to respond to the allegations and proposed discipline; and
2. The City shall then after provide written notice to the employee of the discipline.

POLICY 10: DRUG AND ALCOHOL ABUSE POLICY

10.1 City's Commitment to Drug and Alcohol Free Workplace:

The City has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's work force. The City's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.

While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.

The City complies with the Drug-Free Workplace Act of 1988. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances including alcohol is prohibited while employees are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Any employee found to be in violation of this policy or any of the provisions set forth in the plan below will be subject to discipline up to and including termination of employment.

10.2 General Policies:

The following are the policies of the City regarding drug and alcohol abuse:

- 1) The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off

business property owned or leased by the City is proper cause for disciplinary action.

- 2) Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.
- 3) It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
- 4) The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
- 5) The illegal use, sale, and possession of controlled drugs or substances while off duty and off City premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related, criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

10.3 Employee Responsibilities:

- 1) An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
- 2) An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
- 3) An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
- 4) An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Any violations of the above stated may result in immediate disciplinary action.

10.4 Management Responsibilities and Guidelines:

- 1) Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the ~~freely given~~ written consent of, and in the presence of, the employee.
- 2) Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an

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employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.

- 3) Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
- 4) Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.

10.5 Testing for Drugs or Alcohol:

10.5.1 Post Offer/Pre-Employment

The City may require an individual post offer but pre-employment to undergo controlled substance testing and if so, work shall not be permitted until testing is completed and results are given to Finance Officer.

10.5.2 Reasonable Suspicion

The City may request that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within 2 hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within 8 hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within 8 hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

"Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- 1) A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- 2) Information provided by a reliable and credible source with personal knowledge.
- 3) Direct observation of drug or alcohol use.

Commented [LS89]: Does the Board want to make this shall?

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- 4) Presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- 5) Possession of substances in violation of the City's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the City's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the Finance Officer and placed in the employee's file only if confirmed by the drug and/or alcohol test.

10.5.3 Post-Accident

Any City employee involved in a work-related vehicular accident may be subject to post-accident testing. Nothing in this section, however, will be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

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10.5.4 Follow-Up Testing

If a medical provider determines that an employee is in need of assistance in solving problems with alcohol use and/or controlled substances use, an employee may be subject to unannounced follow-up alcohol and/or controlled substances testing if they are allowed to continue their employment with the City. Follow-up testing will not exceed 60 months from the date of the employee's return to duty, so long as the employee remains drug and alcohol free. It is preferred that the employee will have no less than 6 unannounced follow-up alcohol and controlled substances tests within the first 12 months following the employee's return to work, provided the employee remains employed and drug- and alcohol-free for that period.

10.6 Drugs to be Tested For:

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law.

1. Alcohol, ethyl
2. Amphetamines/Methamphetamines; i.e., speed
3. Barbiturates; i.e., to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital
4. Cocaine, Cocaine Metabolites
5. Benzodiazepines

6. Opiates; i.e., to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
7. Phencyclidine (PCP)
8. THC (Marijuana) Metabolite

10.7 Testing Procedure:

Whenever an applicant or employee is required or requested to submit to any controlled substances testing, the applicant or employee may, upon request, be permitted to have a representative present during collection or testing when reasonably possible without disrupting the timeliness or effectiveness of the testing process.

Commented [LS91]: Does the Board want to do random drug testing on its employees? I see no provisions throughout the handbook about random drug testing.

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Testing for employees is conducted by analyzing an employee's specimen according to the protocol of the testing facility. If testing involves urine collection and the employee attempts and fails to provide an adequate amount of urine, the Finance Officer will refer the employee for a medical evaluation, at the employee's expense, to determine if the employee's inability to provide an adequate volume of urine is medically genuine or constitutes a refusal to test.

10.8 Consequences to Employee Engaging in Prohibited Conduct:

1. Positive Results
 - a. If the results of a confirmatory pre-employment alcohol or controlled substances test are positive, the applicant will be disqualified for employment.
 - b. An employee who tests positive for alcohol with a concentration level above 0.02 grams alcohol/210 L breath or who tests positive for the presence of an illegal controlled substance may be subject to disciplinary action up to and including termination.
2. Refusal to Submit to Required Testing
 - a. An applicant who refuses to take a drug and alcohol test or does not report to the testing facility at the scheduled date/time shall be disqualified from further consideration for the conditionally offered position with the City.
 - b. A refusal by an employee to submit to alcohol and/or controlled substance testing required under this policy will be treated as a positive test result. The employee will not be permitted to work. The refusal may be considered sufficient cause for disciplinary action up to and including discharge.
3. Return to Work Following Positive Results
 - a. If an employee has been found to have violated the requirements of this policy, such as testing positive for the presence of alcohol and/or controlled substances while on duty, the employee may in certain circumstances be permitted to return to his or her position. This decision is entirely in the discretion of the City.
 - b. If an employee is permitted to return to work following a positive drug or alcohol test, his or her continued employment may be conditional upon very specific requirements including but not limited to certain testing and treatment requirements.

10.9 Confidentiality:

Information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. However, disclosure without employee's consent may occur in the following circumstances:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the City and the employee; or
3. The information must be disclosed pursuant to a genuine emergency wherein the information must be disclosed to protect the safety or welfare of any person. Even in such situations, however, if time permits, the City shall attempt to obtain a judicial order to disclose this information.

POLICY 11: APPOINTED AND ELECTED OFFICIALS

11.1 Definition:

An Appointed Official is an individual who holds a position in a City due to an appointment by a Mayor and Council Members and are salaried employees. Appointed Officials receive the same benefits as a Regular Full Time Employee. ***Attorney and Engineers are only appointed officials and do not receive benefits.**

Commented [LS92]: Added language.

Elected Officials are those Officials who hold office through election. No benefits are afforded Elected Officials.

11.2 General:

All appointed and elected officials shall comply with all laws, including but not limited to, discrimination, harassment, and non-retaliation.