

City of Rapid City
Code of Conduct Violation Allegation
Factual Investigation Summary Report

By

Robert L. Morris
Day Morris Law Firm LLP
Belle Fourche, South Dakota

Confidential Attorney/Client
Privileged Information

FACTUAL INVESTIGATION SUMMARY REPORT

Scope of Services

We have been retained by the City of Rapid City to undertake a factual investigation concerning a harassment complaint filed by Mr. Rich Sagen, Transit Division Manager, against Mr. Sam Kooiker, City of Rapid City Ward 2 Alderman. We have been asked to provide in written summary type form the results of our investigation. This Factual Investigation Summary Report does not contain any conclusions or judgments of this writer based upon the factual investigation. The report is intended to review information obtained from individuals interviewed and documents obtained during the investigation.

After review of this Factual Investigation Summary Report, should the City Attorney request this writer's views, conclusions, observations, or professional judgment based upon the investigation, I would be happy to provide any such information to the City Attorney. In addition, the City Attorney may also request whether there exists "probable cause" to believe that the allegations of harassment are valid based upon the investigation undertaken.

Identification of the Parties

Throughout this report any reference to the complaining party, Mr. Rich Sagen, will be as "Charging Party" or Mr. Sagen. Any reference to the alleged harasser, Mr. Kooiker, will be by "Respondent" or Councilman Kooiker.

Initial Materials Provided

Upon retention by the City of Rapid City we were provided with a letter dated September 24, 2009 from the Charging Party addressed to Mr. Kevin Thom, Community Resources Director. Attached to the Charging Party's complaint letter was one hundred ten (110) pages of e-mails and other documents with a date range from December 19, 2003, until September 23, 2009. We have bates stamped these documents as "Sagan Complaint Material 00001 – 00113." We have identified the complete packet of material as Exhibit 1.

During the investigation, additional information was gathered by this writer or obtained from various individuals. Such documentation will be referenced where relevant in this factual report, i.e. Exhibit 2, etc. All referenced exhibits are attached.

Persons Interviewed

This writer discussed with each of the individuals interviewed that any discussion with them would be considered confidential in nature. It was explained to individuals interviewed that a written summary would be provided to the City Attorney. The City Attorney would then make whatever decision was necessary as to disclosure with the City Council. In addition, this writer advised individuals interviewed that any discussion pertaining to this summary would in all likelihood take place during executive session of the City Council.

The following individuals were interviewed, and are listed in no particular order:

- Mr. Rich Sagen, Transit Division Manager - - Charging Party
- Mr. Sam Kooiker, City of Rapid City Ward 2 Alderman - - Respondent
- Mr. Robert Ellis, Public Works Director
- Mr. Kevin Thom, Community Resources Director
- Mr. Rick Brandt, Dial-A-Ride Employee
- Mr. Ron Ronning, Rapid Ride Employee

Charging Party and Factual Allegations

Background

The Charging Party is a Rapid City native and graduated from Rapid City Stevens High School in 1972. He went on to the University of South Dakota receiving his undergraduate degree in 1976 and then received a Masters in public administration in 1977.

Beginning in 1977, the Charging Party was employed by Black Hills Council of Local Governments. In 1984, the Black Hills Council contracted with the City of Rapid City to operate its public transit division. The Charging Party, in his capacity as an employee of Black Hills Council, managed the public transportation contract until January 1, 2005, at which time he became an employee of the City. During the almost 21 year period he managed the transportation contract, the Charging Party's immediate supervisor was Van Linqvist. During this time period he also reported to the City Representative, Bonnie Hughes, Director of

Community Development.

While the Charging Party was contracted as Transit Manager through the Black Hills Council of Local Government, he received annual awards for his work as a Transit Manager. In the twenty-one years he worked as the Transit Manager under contract through the Black Hills Council, he did not receive annual evaluations. He did comment that the transit contract was reviewed and renewed annually, which he felt meant that the City felt the public transportation system was being run in a matter satisfactorily from the City's viewpoint. Although he was the Transit Manager, he was not involved in the negotiation process concerning the annual contract with the City of Rapid City.

The Charging Party's first contact with the Respondent was in 2003 at a meeting of the Mayor's Committee for Persons with Disabilities. The Charging Party recalls that the Respondent had not been on the City Council for a very long period of time. At that particular meeting, Ms. Shelly Shock, also a member of the Committee, was making a presentation. During that presentation, the Charging Party felt that incorrect and erroneous information was being provided to members of the Committee and he interjected. He felt at the time that the record needed to be clear so that erroneous and incorrect information would not be disseminated by the Committee. In the Charging Party's view, the Respondent became upset with the Charging Party. The Charging Party felt that the Respondent apparently believed that if Ms. Shock was the individual making the statements, they must have been true.

Sometime after this particular meeting, the Respondent requested to have a lunch meeting with the Charging Party and Ted Vore. At this lunch meeting the Respondent raised a concern as to whether the Charging Party and Vore would advocate for persons with disabilities. The Charging Party said that he was very cognizant of a large customer base of disabled persons who require public transportation assistance and that he would work to accommodate their needs. According to the Charging Party, this has been the only face to face personal contact he has had with the Respondent.

In late 2004, the Charging Party understood that the Respondent was questioning why the Charging Party was not a City employee. Apparently, according to the Charging Party, the Respondent thought it did not make any sense for the City to contract for public transportation and that a City department should be created. The decision to do so was ultimately made by the City. The Charging Party was involved in the process creating the transit department and worked with the Finance Department, Human Resources, and the City Attorney's office, in developing the qualifications for the position of Transit Division Manager. It is the Charging Party's understanding that the final job description was prepared by Ms. Drucker, City Human Resources Department.

Various e-mails and information in the 2003 through 2004 timeframe, regarding various issues, were exchanged between the Charging Party and Respondent. (Exhibit 1, Sagen Complaint Material 00003 - 00024).

On January 1, 2005, the Charging Party became an employee of the City of Rapid City as the Rapid Transit System Division Manager. The position classification description for the RTS Division Manager is attached. (Exhibit 2).

Various e-mails and information in the 2005 timeframe regarding various issues, were exchanged between the Charging Party and Respondent. (Exhibit 1, Sagen Complaint Material 00025 - 00034).

In June 2006, the Charging Party received an e-mail from the Respondent regarding "Dial A Ride Concerns," specifically, issues raised by a Mr. Mike Brennan. (Exhibit 1, Sagen Complaint Material 00035 - 00036). On June 9, 2006, the Charging Party advised the Respondent by e-mail that he would contact Mr. Brennan to address his concerns. (Exhibit 1, Sagen Complaint Material 00037). On June 13, 2006, then Public Works Director, Dirk Jablonski sent the Respondent the following e-mail:

----- Original Message -----
From: Jablonski Dirk
To: Kooiker Sam
Cc: Sagen Rich
Sent: Tuesday, June 13, 2006 3:52 PM
Subject: RTS Concerns

Sam,

Just a note to let you know that Rich talked to Mr. Brennan and had a very cordial conversation with him. We will follow up with specific responses to his issues. It may not happen until early next week due to my schedule but Rich is working on a response now.

Contact either Rich or myself with any questions.

Dirk

(Exhibit 1, Sagen Complaint Material 00039).

The Respondent responded by e-mail:

Sagen Rich

From: Sam Kooiker [skooiker@rapidnet.com]
Sent: Tuesday, June 13, 2006 9:33 PM
To: Jablonski Dirk; Kooiker Sam
Cc: Sagen Rich
Subject: Re: RTS Concerns

Thanks Dirk and Rich. I would like a copy of the memo that you send to Mr. Brennan and I hope each of the issues that raised are addressed accordingly.

Sam

(Exhibit 1, Sagen Complaint Material 00039).

Although the Charging Party and his supervisor were in the process of addressing the Brennan/Dial A Ride issue, the Respondent apparently placed the matter on the City Council Agenda. (Exhibit 1, Sagen Complaint Material 00040). Minutes of the June 19, 2006, City Council meeting reflect:

Alderman Kooiker raised an issue of importance to himself. He explained that when a constituent approaches their Council member and expresses a concern, it is important that the issue is addressed; and it is important that City staff, that assists in that, that the issue be handled respectfully. Kooiker reported a situation with the Dial-A-Ride Service that was shared with the Director of Rapid Transit. He indicated his constituent was not contacted directly, but rather the constituent's employer was contacted. Kooiker indicated his hope that this situation has been resolved in the terms of the retaliation that occurred against his constituent. Alderman Hadcock reported her positive experiences in her dealings with Rapid Transit and its Director, and suggested that it is pertinent to have all the facts before complaining. Alderman Johnson called for a point of order, suggesting personnel issues were being discussed and it was not professional.

(Exhibit 1, Sagen Complaint Material 00041).

In a June 21, 2006, e-mail to his supervisor, the Charging Party addressed in written form the responses to the Respondent's inquiry on the Brennan/Dial A Ride issues raised by the Respondent. (Exhibit 1, Sagen Complaint Material 00042).

The above information, according to the Charging Party, is an example of the Respondent making inquiry about a particular matter. Then, while the Charging Party is working on addressing issues raised by the Respondent, the Respondent makes public comments on an issue all the while aware that the Charging Party is attempting to address the issue. The Charging Party believes such public statements or comments are intended by the Respondent to embarrass or humiliate the Charging party, with the intent to present him in a negative way before the other members of the Council and/or the public.

The Basis of the Allegations/Charges

The Charging Party was asked as to the underlying basis for the harassment complaint filed on or about September 24, 2009. The Charging Party related that he was aware of the "Rapid City Code of Conduct for Elected Officials." (Exhibit 3). He believes that this Code of Conduct had been violated by the Respondent.

Prior to getting into specifics, the undersigned requested of the Charging Party as to what particular sections of the four sections contained within the Code of Conduct he believed the Respondent violated. The Charging Party indicated that it is his belief that the Respondent

violated the following sections:

- The City of Rapid City expects each elected official to demonstrate the highest standards of conduct, personal integrity, and honesty in all of their activities in order to inspire public confidence and trust in elected officials.
- The City of Rapid City expects each elected official to undertake their duties in a fair and impartial manner, refraining at all times from discrimination or the dispensation of special privileges.
- The City of Rapid City strives to maintain a work place that facilitates the growth and performance of its employees. To that end, each elected official is charged with the responsibility to insure that the work place is free from hostility or harassment in any form and that the work place is conducive to the provision of services in an efficient and effective manner.

(Exhibit 3).

It was discussed with the Charging Party that the "Rapid City Code of Conduct for Elected Officials" was not established until November 6, 2006, and if that is the case, why in his charge are there materials prior to that date. The Charging Party indicated that he would have filed this harassment complaint prior to that date, probably for the June 2006 incident, but he understood there was no Code of Conduct in effect at that time. In addition, he felt it important that documentation be provided back to 2003 to give historical context to his situation involving the Respondent.

The Charging Party related that the particular situation that has ultimately led him to file the Complaint happened on September 15, 2009, at a Public Works Committee meeting. (See Exhibit 1, Sagen Complaint Material 00104 - 00105). At this public meeting, the Respondent made public statements that the Charging Party felt placed his personal integrity, character, and credibility into question. The following are excerpts from that meeting:

Item 6a: Update on New Bus Routes – Alderman Sam Kooiker.

Kooiker – I just wanted to make the Committee aware briefly that there have been concerns raised by city employees regarding a number of very expensive multi-color flyers that were thrown away regarding the new routes and I wanted to make aware that I have requested copies of the receipts. I believe it is public information so I don't think a motion is necessary; but very, very serious concerns have been raised regarding the new routes and the fact that multiple boxes of the old flyers were thrown away and apparently the cost is in the tens of thousands of dollars. So I look forward to getting those receipts and there are some other questions that go along with that, and I believe that the Committee and Council will have answers on that soon unless Robert has something to add today.

Kooiker – As just a clarification, the information that I've received from multiple and credible sources, and Robert we can talk about this later, is that it was three thousand dollars worth of signs that were changed; but it was thirty thousand dollars and dozens of boxes of brand new multi-color flyers that were thrown away in the dumpster, and I have pictures. So I am asking for the receipts, I'm asking for a full accounting of this, I think it's a fair question, and there are multiple people that have raised this concern to me – not one, but more than one. There is a very serious morale problem in this department as a result of this and other related issues, and I am simply asking that it be addressed and that the receipts and invoices be provided. Thank you.

(Exhibit 1, Sagen Complaint Material 00104 - 00105).

Subsequent to the Respondent's public statements, Public Works Director Ellis prepared a Memorandum to the City Council and to the Mayor dated September 17, 2009. This Memorandum provided information that indicated that the Respondent's public statements were incorrect and erroneous in regard to the dollar amount of material discarded by the Transit Division. (Exhibit 1, Sagen Complaint Material 00106 - 00110).

When the Respondent was provided with this information, he sent an e-mail to Robert Ellis dated September 17, 2009, with a time date of 7:37 p.m. (Exhibit 1, Sagen Complaint Material 00111).

Sagen Rich

From: Kooiker Sam
Sent: Thursday, September 17, 2009 7:37 PM
To: Ellis Robert
Cc: Public Works Committee Group; Green Jason; Hanks Alan
Subject: RE: Rapid Transit Route Brochures

Robert, thank you for your efforts in researching this. I am glad to hear it wasn't 30k of brochures, but the employees are sure convinced it is. I met with five people last week, and they all outlined a score of issues, including the issue of the brochures. I understand some of the employees have been contact with you.

It sounds like the main issue is that of trust and a lack of communication between management and RTS staff. I hope that is being addressed.

Thanks again.

Sam

From: Ellis Robert
Sent: Thu 9/17/2009 12:18 PM
To: Public Works Committee Group
Cc: Sagen Rich; Green Jason; Hanks Alan
Subject: Rapid Transit Route Brochures

Attached please find a memo that summarizes the disposal of several Rapid Transit Route Brochures (invoices included). Please call with any questions. Thank you.

Robert Ellis, P.E.
Public Works Director
City of Rapid City
300 6th Street
Rapid City, SD 57701
(605) 394-4154

(Exhibit 1, Sagen Complaint Material 00111).

The Charging Party pointed out that the Respondent's information and public statements were determined to be untrue and erroneous. Nonetheless, Respondent never apologized to the Charging Party for publically disseminating the untrue and erroneous information. Further, the Charging Party felt that the Respondent had to continue his focus upon the Charging Party by making the statement, "It sounds like the main issue is that of trust and a lack of communication between management and RTS staff. I hope that is being addressed."

The Charging Party is also aware of a meeting that took place on September 9, 2009, with the Respondent and various City employees. The Charging Party understands this meeting took

place with Union representatives and employees and such meeting has been referred to as the "Union Meeting." He does not know all the specifics that were addressed at that meeting, but notes that the Respondent's public comments regarding the transit material came about after this meeting. There was also a meeting approximately one week later on September 16 or 17, 2009, wherein various transit employees met with Robert Ellis at Dunn Brothers Coffee Shop. The Charging Party learned that an agenda had been prepared for the meeting. The Charging Party was not invited to attend such meeting. After the meeting, the Charging Party was advised by two employees that the meeting was an apparent attempt by some transit employees to get the Charging Party fired. In addition, one or more other transit employees have advised the Charging Party that the group that met with Robert Ellis did not speak for all the transit drivers.

The Charging Party asserts that his ability to manage is being seriously undermined by the Respondent. He believes that his management authority is undermined by the Respondent when employees are allowed to bypass the chain of command, and go directly to the Respondent. This process in the Charging Party's mind creates serious management issues, loss of morale, and undermines his authority as the Transit Director.

The Charging Party also believes that the Respondent's continued use of e-mail creates inefficiency and causes the Charging Party to have to deal with answering questions thereby interfering with his ability to manage his department. The Charging Party believes that in many instances, the Respondent could inquire of someone else within the Transit Division regarding an answer to a question. But instead, the questions are always directed at the Charging Party thereby requiring him to respond. Further, once one response is made, there is a follow-up question, so on and so forth. In addition, the Charging Party believes that if the Respondent really is concerned or serious about an issue, then all the Respondent has to do is pick up the phone and they can have a conversation regarding a particular issue. The Charging Party believes that such a conversation would take less time and provide less interference with his ability to manage the transit system than an exchange of e-mails and subsequent follow-up questions.

The Charging Party also believes that the Respondent takes everything told to him by employees, who are usually disgruntled employees, at face value and believes everything that is told him. A point in fact, from the Charging Party's perspective, is the comments made by the Respondent at the September 15, 2009, Public Works Committee meeting. (See, Exhibit 1, Sagen Complaint Material 00104 - 00105).

The Charging Party believes the Respondent is targeting him and using disgruntled transit employees to arm him with information. The Charging Party is frustrated that the Respondent takes everything that is told by him as though it is to be true and the Charging Party has to defend those allegations each and every time. The Charging Party estimates that at times, depending upon the information requested from the Respondent, it may take up to three hours of his time to address the Respondent's inquiries. The Charging Party strongly feels that this is an inefficient use of his time and seriously impacts his ability to manage his employees and execute all of the duties required of him as the Transit Manager.

Lastly, the Charging Party notes that transit employees are covered by a Collective Bargaining Agreement. Within this Agreement is a Grievance Procedure. (Exhibit 4). If an issue is grievable, a process is undertaken where the facts are presented by the employee and management regarding an issue. Then credible determinations can be made as to the issue based upon facts and information. The Charging Party believes certain transit employees and union representatives avoid the grievance process and provide information to the Charging Party so that employment and management issues are addressed in a manner which does not allow truth and credibility determinations to be made regarding the accusations.

Robert Ellis, Public Works Director

Mr. Ellis, as Public Works Director, directly supervises the Charging Party. Within the chain of command, the Charging Party reports to Mr. Ellis, and then Mr. Ellis reports to the Mayor and City Council. I spoke with Mr. Ellis for a number of reasons. Most importantly, to determine his evaluation of the Charging Party as a supervisor and also to find out more factual information regarding the Respondent's meetings with City employees and other pertinent

matters we felt relevant to our investigation.

Mr. Ellis has been the Charging Party's supervisor for the past eighteen months. According to Mr. Ellis the Charging Party does a good job, especially with operations. Mr. Ellis indicated that the Charging Party has never had any probationary period imposed or remedial action imposed on him while under Mr. Ellis' supervision. Mr. Ellis did note that the Charging Party has used stimulus money and performed grant writing in a very good manner. Mr. Ellis is aware of different awards that the Charging Party has received and also indicates that the Charging Party does a good job in public speaking. Overall, Mr. Ellis believes that the Charging Party is a good manager.

Mr. Ellis acknowledges that there are some difficult drivers in the transit division. A small group of drivers tend to create problems and have the most complaints. Mr. Ellis and the Charging Party have had discussions on how to attempt to have better communication with these individuals and to work on their relationship. It was pointed out by Mr. Ellis that one of the issues making some of the drivers unhappy is a pay issue. The drivers apparently believe that the Charging Party is responsible for them not getting pay raises. In fact, it is Mr. Ellis who has determined that the pay scale for the transit employees is at or above statewide industry standards based upon a pay scale comparison with other governmental entities providing public transportation. It is Mr. Ellis who has made the decision that there are to be no increases in pay rates, not the Charging Party.

On September 2, 2009, at 9:42 p.m., the Respondent sent an e-mail to the Mayor, Kevin Thom, and Robert Ellis.

From: Kooiker Sam
Sent: Wednesday, September 02, 2009 9:42 PM
To: Hanks Alan; Thom Kevin; Ellis Robert
Subject: Rapid Transit issue

FYI. I received this complaint today. Can you look into this?

Sam,

Go over to Milo Barber Transit and look in the dumpster. There are, by Rich Sagens own admission, \$30,000 worth of route maps that had to be thrown away in the trash. Because he wouldn't listen to any of his peoples opinion, the new improved routes are a disaster and have been changed and changed and tweaked and revised. He had all summer to do practice runs on this and now all of these glossy color maps are obsolete. What a waste. How can he continue to keep his job? This is just one of his latest foibles.. Go look at it right away, as I don't know when the garbage truck empties the dumpster. # 360 for reusable plate .st

(Exhibit 5, pg. 4; Exhibit 1, Sagen Complaint Material 00094).

On September 3, 2009, at 7:42 a.m., Mr. Ellis responded to the Respondent advising that he would look into the issue and report back. Mr. Ellis inquired as to whether there was any chance this person would allow him to make contact directly to discuss the concerns.

From: Ellis Robert
Sent: Thu 9/3/2009 7:42 AM
To: Kooiker Sam; Hanks Alan; Thom Kevin
Subject: RE: Rapid Transit issue

Sam,
I'll look into the issue and report back. Any chance this person would allow me to contact them directly to discuss her concerns?

Robert Ellis, P.E.
Public Works Director
City of Rapid City
300 6th Street
Rapid City, SD 57701
(605) 394-4154

(Exhibit 5, pg 3).

On September 4, 2009, at 6:40 p.m., the Respondent advised Mr. Ellis that he would check and then inquired what Mr. Ellis had found out concerning the matter.

From: Kooiker Sam
Sent: Friday, September 04, 2009 6:40 PM
To: Ellis Robert
Subject: RE: Rapid Transit issue

I will check. What did you find out?

(Exhibit 5, pg. 3).

Mr. Ellis then responded to the Respondent's inquiry on September 8, 2009, at 7:47a.m..

From: Ellis Robert
Sent: Tue 9/8/2009 7:47 AM
To: Kooiker Sam
Subject: RE: Rapid Transit Issue

Sam,
Rich and his support staff (including me on a few occasions) spent a significant amount of time practicing the routes this summer. In fact, the routes the consultant laid out were impossible to run while keeping to the schedule so Rich and his staff revised them slightly to allow a more accurate running time. Once everyone felt comfortable with them the route maps were published and distributed.

Then, after giving the drivers a couple of weeks to get used to the new routes and receiving input from our clients, we invited the entire Division together to seek additional input on ways to enhance the system. The drivers gave some very valuable input and together the Division tweaked the routes slightly one last time.

I truly believe the routes we have now are very solid. They run on time, they get further into the community than the older routes, and they reduce the number of transfers our customers have to make (although the number and length of trains coming through downtown is increasing and that may be a big issue for the future of Transit). Yes, there were a few bumps in the road, but for a change this big I expected that. And again, the input we received from the bus drivers and the comments they received and shared from our clientele helped make them even better.

As for the maps, there were many that were thrown away after the routes were tweaked. It's unfortunate, but staff went into this change feeling confident in the new routes and they were as disappointed as anyone when they had to be tweaked. I'm not sure how many were thrown away since we had distributed thousands, but only about \$3K worth were printed.

Let me know if this person wants to visit with me. There would be a benefit to us talking about these issues as they arise since much can be lost in translation and e-mails are not the best form of communication. My door is always open.
Thanks.

Robert Ellis

(Exhibit 5, pg.3)

On September 9, 2009, at 9:32 p.m., the Respondent sent Mr. Ellis another e-mail.

From: Kooiker Sam
Sent: Wed 9/9/2009 9:32 PM
To: Ellis Robert
Subject: RE: Rapid Transit issue

→ 14 minutes before Ritchie Nordstrom e-mail)

Robert,

Tonight I met with several RTS employees. They are willing to meet with you and it sounds like they will be contacting you in a few days. I explained to them that you are someone true to your word, and that you have expressed interest in meeting with employees directly and you will not retaliate. Here are the key points from the discussion.

- ① They provided pictures of multiple boxes of multi-colored, multi-fold brochures. They said Rich had told other employees that there were 30,000 dollars of brochures total that were thrown away. Apparently this is in addition to the 3,000 dollars or so that it cost to update the route signage. Supposedly there were 60,000 brochures that were tossed. They said a lot of dollars was spent on a consultant who advised them not to set up the buses to always go back down town, but now the routes have been reconfigured to do the opposite of that recommendation. The drivers are supposedly not getting breaks and are not allowed off the busses. They said they haul live people at pay grade 9 when garbage haulers are at grade 11.
- ② A major point they made is that Rich Sagen still does not have his CDL (I thought this was corrected several years ago?).
- ③ They also feel micromanaged by having 4 cameras in the smaller vans. They said they are also required to use their personal cell phones (I also thought this was fixed a few years ago), and they do not have time to do their own vehicle inspections, particularly for 2nd shifts. They said a requirement for their CDL is to do inspections before driving.
- ④ Can you provide me a copy of the invoice for the brochures that were thrown away? I would like to find out more about this. It sounds like RTS employees in general are quite upset. They are willing to meet with you on the condition that Rich and Cindy are not present.

I am sure you will hear something in a few days from them. I urged them to file a grievance and/or visit with you about this situation, and they said they would do that. If you do not hear from them in a few days, let me know and I will remind them that the best way to address their concerns is through you at this point.

Thanks again for your efforts.

(Exhibit 5, pg. 2)

Also on September 9, 2009, at 9:46 p.m., approximately 14 minutes after the Respondent sent his e-mail to Robert Ellis, Ritchie Nordstrom sent an e-mail to Robert Ellis.

Ellis Robert

From: Ritchie Nordstrom [ritch@rushmore.com]
Sent: Wednesday, September 09, 2009 9:46 PM
To: Ellis Robert
Subject: Fact finding

Just to give you an update, the employees at Rapid Transit want to meet with you, only. I'm getting told the much information and the frustration level is elevated. I know I'm leaving out several items.

During negotiations we were told that the RTS employees would get their breaks, bathroom and lunch. The driver that does the trolley is doing 7 hrs straight w/o rest stops. All other drivers are being treated like they are floaters while there was an agreement years ago that there would be just two floaters.

All the drivers are being told that there is very little time to do vehicle checks and must get on the routes. Cindy is on the two way telling to start backing up right away. Paraphrasing use very little caution when backing, just get on the routes.

The drivers are convinced they were told by Rich that the cases of literature were valued at \$30,000 that were placed in the dumpster. They are now being told it was \$3 K tossed out. Signage, literature and consultant at \$3K?

Employees have to use their personal cell phones to call dispatch for issues, so it does not go over the two way. The computer has another understanding by another employee. This driver understands that they can look ahead on their schedule by about two hours or just so many appointments. Her lunch breaks are predetermined and I understand it as fixed as well as one other driver.

Sounds like the two dispatchers are chewed on pretty regularly by Cindy. The drivers leave the premises as soon as the chewing begins. The dispatchers have not talked to me yet.

I will be out of town from Friday the 11th till the 20th. Going to see history being made in Pittsburg, PA. My backups are Lynn Stather, Raymond "Ed" Mayes or Robert Young.

CU
Ritchie

(Exhibit 5, pg. 1)

Mr. Ellis was somewhat surprised by receiving an e-mail from the Respondent and Mr. Nordstrom regarding many of the same issues. Mr. Ellis feels he has always had an understanding with Mr. Nordstrom that they would address issues informally the best they can prior to issues being grieved or taken to higher levels. In addition, since that time, Mr. Ellis learned that Mr. Nordstrom was the individual who had taken photographs of the literature and met with the Respondent to show him the photos of the discarded literature.

On September 14, 2009, at 6:13 a.m., the Respondent sent to Mr. Ellis, and cc'd to the Mayor; Kay Rippentrop; and Public Works Committee Group an e-mail inquiring if Mr. Ellis had a chance to look into the issues addressed by the Respondent in his September 9, 2009, 9:32 p.m. e-mail.

Ellis Robert

From: Kooiker Sam
Sent: Monday, September 14, 2009 6:13 AM
To: Ellis Robert
Cc: Hanks Alan; Rippentrop Kay; Public Works Committee Group
Subject: RE: Rapid Transit Issue

Robert, have you had a chance to look into this? These employees were quite upset--they insist that it's far more than 3,000 dollars worth of brochures that were thrown away. It's clear to me that there is a morale problem over at RTS and a disconnect between management and front line.

Please note that they approached me -- I did not initiate the discussion. And I expect and hope they will file grievances and/or ask for a meeting with you soon.

Is it possible to pull the invoices?

Thank you for your assistance.

Sam

(Exhibit 5, pg. 2)

Then, prior to Mr. Ellis being able to respond the Respondent, at the September 15, 2009, Public Works Committee Meeting, the Respondent makes the following public statements:

Item 6a: Update on New Bus Routes – Alderman Sam Kooiker.

Kooiker – I just wanted to make the Committee aware briefly that there have been concerns raised by city employees regarding a number of very expensive multi-color flyers that were thrown away regarding the new routes and I wanted to make aware that I have requested copies of the receipts. I believe it is public information so I don't think a motion is necessary; but very, very serious concerns have been raised regarding the new routes and the fact that multiple boxes of the old flyers were thrown away and apparently the cost is in the tens of thousands of dollars. So I look forward to getting those receipts and there are some other questions that go along with that, and I believe that the Committee and Council will have answers on that soon unless Robert has something to add today.

Kooiker – As just a clarification, the information that I've received from multiple and credible sources, and Robert we can talk about this later, is that it was three thousand dollars worth of signs that were changed; but it was thirty thousand dollars and dozens of boxes of brand new multi-color flyers that were thrown away in the dumpster, and I have pictures. So I am asking for the receipts, I'm asking for a full accounting of this, I think it's a fair question, and there are multiple people that have raised this concern to me – not one, but more than one. There is a very serious morale problem in this department as a result of this and other related issues, and I am simply asking that it be addressed and that the receipts and invoices be provided. Thank you.

(Exhibit 1, Sagen Complaint Material 00104 - 00105).

On September 16, 2009, from 7 p.m. to 9:30 p.m., Mr. Ellis met with five transit employees along with two Union representatives at Dunn Brothers Coffee Shop. At that meeting, Mr. Ellis was provided with a three page agenda covering a multitude of areas. (Exhibit 6).

Mr. Ellis listened to the complaints and particular issues that were supposed to be addressed on the agenda. Unfortunately, the discussion ended up turning into what Mr. Ellis has referred to as a "witch hunt" to get the Charging Party and the Transit Operation Coordinator terminated. Upon reflection, Mr. Ellis believes that of the 22 items listed on the agenda, perhaps only one, dealing with clock stops for the day, was an identifiable grievance item.

In discussing this situation with Mr. Ellis, he believes that there are four or five drivers in transit that are never happy and will pursue any avenue to attain their goals, which he believes is primarily a raise. He believes most of the transit employees are happy and overall the morale is good.

After the aforementioned information was gathered, this writer and Mr. Ellis discussed Mr. Ellis' relationship and history with the Respondent. He noted that the Respondent is not a face to face person and sends many e-mails. Mr. Ellis, as the Public Works Director, does feel obligated to respond to any and all inquiries from City Council members and attempts to respond promptly and with adequate information. He does note that the Respondent probably sends more e-mails than any other Council member. Having to respond to a number of e-mails over a period of time does distract him from carrying out his duties for the City as the Public Work Director.

Of interest, is the fact that a few days after our discussion, due to my inquiry as to how many e-mails Mr. Ellis had received from the Respondent during Mr. Ellis' tenure with the City, he contacted the undersigned. Mr. Ellis advised that he had checked the number of e-mails that had accumulated between himself and the Respondent in the past 18 months. He determined that there were approximately 500 e-mails exchanged between him and the Respondent in that period of time. Mr. Ellis printed those e-mails out and such e-mails consisted of over 1,000 pages of printed material.

Another concern that Mr. Ellis raised was that it is evident to him, that employees who are unhappy or have a gripe, are not using the grievance process, if the matter is important enough to be a grievable issue. Instead of using appropriate chain of command or the grievance process in place, employees are going directly to the Respondent. Mr. Ellis indicates that an employee going directly to a City Council member is disruptive and impedes his ability to adequately carry out his management duties within the City of Rapid City. He also believes that an environment has been created where an employee believes he or she can go to a City Council member about management and employee issues, thereby circumventing his authority within the chain of command in the City. Mr. Ellis feels strongly that that this is affecting his ability to carry out his duties as a Public Works Director.

Mr. Ellis also believes that City employees have been led to believe that by taking issues to the Respondent or any Council member, that the employee will in no way suffer detrimental employment action as any detrimental employment action would be deemed ipso fact retaliation under City policy. Thus, it appears that City employees are somewhat emboldened to take matters to the Respondent and feel they are cloaked with certain protection, regardless as to whether there is credibility or merit to the issues presented to the Respondent.

Respondent

On October 28, 2009, the undersigned met with the Respondent and his private attorney, Talbot Wieczorek.

The Respondent was first selected as an Alderman in 2002 and re-elected in 2004, 2006 and 2008. He advises that he is currently the Vice Chair of the Public Works Committee and Alderman Costello is the Committee chair person.

At the beginning of the interview, the Respondent's counsel provided the undersigned with:

1. A Resolution affirming the City of Rapid City's intent to follow state and federal laws prohibiting retaliation against City employees under certain circumstances, which is dated December 2, 2002; (Exhibit 7).
2. Memorandum to all City Employees from Mayor Alan Hanks dated February 11, 2009; (Exhibit 8).
3. Legal and Finance Committee Minutes of February 11, 2009, regarding Item No. LF021109-38 and an excerpt of City Council Minutes dated February 17, 2009, regarding Item No. LF021109-38. (Exhibit 9).

It is apparent that the above mentioned resolutions and materials are interpreted by the Respondent to allow him to be involved in employee issues and that when employees approach him with any employment issues they are given a certain level of protection from detrimental employment actions.

The undersigned and the Respondent had a general discussion as to his role as a City Council member. The Respondent believes that it is his role is to represent his constituents. When asked whether his constituents were limited to the voters in his Ward or the City as a whole, he responded that his constituents are all the citizens of Rapid City, including City employees.

The Respondent believes that when an employee comes to him with an issue, he listens and he takes in the information provided and then talks to the appropriate parties. The source of the information or the employee with an issue remains confidential, unless such employee gives him permission to make his/her name public. The Respondent indicates that he always encourages any employee to follow the grievance policy that exists, but he does not discourage the employee from talking with him as a Council member. He expresses that he tells an employee coming to him with an issue or complaint that it is best to reveal the employee's name and encourages the employee to file a formal grievance.

Prior to interviewing the Respondent, the Respondent's counsel had been provided with the material that has been identified as "Exhibit 1, Sagen Complaint Material 00001-00113." At the interview of the Respondent, the undersigned addressed some of the material.

Exhibit 1, Sagen Complaint Material 00093

Part of this particular document is a June 12, 2008, e-mail from "Stuart Pidasso." The general consensus is that there is no individual actually that goes by the name of "Stuart Pidasso"¹ and whoever this individual is, appears to be a City employee who sends e-mails under the name of "Stuart Pidasso" yet remains anonymous. This particular e-mail was sent to the "Council Group" and the subject was Rick Sagen concerning the suggestion that Mr. Sagen should obtain his commercial driver's license (CDL) so that he could meet his job qualifications. It is noted that the Transit Director's job description does not contain the requirement that the Transit Director possess a CDL.

In discussing this particular e-mail with the Respondent, he indicates that "Stuart Pidasso" has never identified himself/herself to the Respondent. The Respondent advises that he has communicated by e-mail with "Stuart Pidasso" advising this individual that his/her complaints would be more credible if the individual stepped forward. The Respondent indicated that the subject matter of this particular e-mail was apparently brought to the City's attention by identified employees.

Exhibit 1, Sagen Complaint Material 00094

This is an e-mail directed to the Respondent to which the Respondent forwarded it on to Mayor Hanks, Kevin Thom, and Robert Ellis on September 2, 2009, at 9:42 p.m. The e-mail appears to have been copied and pasted as it contains no identifying information as to the original sender.

¹ Stuart Pidasso apparently came into existence in 2006. See, Exhibit 1 – Sagen Complaint Material 00048, 00060, 0061.

In discussing this e-mail with the Respondent, he indicated he saw pictures of boxes in the dumpsters and that he talked to a couple of employees. (Exhibit 10). He indicated he was already aware of the issue before he received the e-mail. When asked to identify the individual who sent the e-mail, the Respondent declined to do so as the employee asked that his name not be made public. The Respondent indicated that he would honor that request.

Exhibit 1, Sagen Complaint Material 00101

This is a September 9, 2009, e-mail from the Respondent to Robert Ellis, Public Works Director, regarding the Respondent's meeting with several RTS employees.

The Respondent indicated that he met on September 9, 2009, with 15 City employees, five of which were transit employees. The Respondent indicated that the meeting was regarding a Union matter, transit and other topics. When the Respondent was asked by the undersigned whether there were any Union representatives at that meeting, the Respondent declined to answer my question.

According to the Respondent, these employees brought concerns to him and he indicated that he advised that it would be best for the employees to come forward with the issues and give the Charging Party a heads up. According to the Respondent, some employees later did come forward, although he is not sure if it was the same five RTS employees that were at the meeting.

The Respondent indicated that when an employee comes to him, he advises them to bring matters of concern forward and encourages them to file a grievance. He was asked as to whether he knew of any particular employees that have talked with him who ultimately took his advice and filed a grievance. As far as he can recollect, there may have been at least one grievance filed by an employee who spoke with him. This was regarding the landfill matter.

Exhibit 1, Sagen Complaint Material 00104-00105

This particular document pertains to the Respondent's public statements made at the

September 15, 2009, Public Works Committee meeting. The Respondent indicated that he saw the pictures concerning the flyers that were thrown away and indicated that Robert Ellis² had a CD with the pictures of the brochures in the dumpster. He believes that the photographs were corroboration of the complaints he was receiving regarding the flyers being thrown out. Reference was made by the Respondent as to "multiple credible sources." The Respondent indicated that the five RTS employees he visited with were included as "multiple credible sources" and he also meant that there were more than just these five employees.

We inquired of the Respondent about his public comment that the discarded flyers were in the value of \$30,000.00. The Respondent acknowledged that subsequent to this particular date, the invoices indicated that the amount was less than \$30,000.00, but there was a question of how much the amount was. The Respondent indicated that his sources regarding the value of the discarded flyers were those people at the September 9, 2009, meeting.

The undersigned discussed with the Respondent as to how he uses information provided by anonymous individuals. The Respondent indicated that when he receives such information, he asks the Department Head for an accounting. When we inquired as to how he judges the credibility of the information, the Respondent indicated he makes that determination on his own before he goes further and asks for an accounting. The Respondent believes that the truth can only be known by bringing the allegations forward and then asking for the accounting. He believes this is the process that was undertaken regarding the flyers that were disposed of by the Transit Division.

Exhibit 1, Sagen Complaint Material 00111

This e-mail was sent on September 17, 2009, by the Respondent to Robert Ellis, after Robert Ellis had provided the Memorandum. The undersigned inquired of the Respondent as to whom he was identifying when he made the statement, "It sounds like the main issue is that of trust and a lack of communication between management and RTS staff." Respondent indicated

² Robert Ellis was contacted to obtain the photos. Mr. Ellis advised he has never seen them and does not have them. The photos were then provided by Respondent's counsel by e-mail to the undersigned. (See, Exhibit 10).

that the employees apparently have a lack of trust with management in general, which includes transit management and the Public Works management, including Robert Ellis. The Respondent did indicate that he acknowledged Mr. Ellis' visit with various employees as Dunn Brothers Coffee Shop.

The Respondent wanted to make it clear to the undersigned that he believes all his actions are justified as a City Council member doing his job for his constituents. He further commented that he was surprised about the charge of harassing the Charging Party as he has never had any direct contact with the Charging Party other than in passing while attending a function or at a City Council meeting.

Kevin Thom, Community Resource Director

The undersigned interviewed Mr. Thom, not necessarily from the standpoint to obtain substantive factual information, but to gain an understanding as to existing policies, resolutions and other matters concerning the complaint process.

Mr. Thom advised that the Council had a Handbook and there existed a Code of Conduct applicable to elected officials. The undersigned obtained copies of the pertinent materials from Mr. Thom and also discussed that certain materials and information could be obtained from the City of Rapid City's website.

The undersigned generally discussed with Mr. Thom that there was a parallel process being undertaken by him from a management standpoint. Mr. Thom indicated that he had interviewed various Rapid Transit System employees and inquired if I wanted any of those interviews. I advised him that I did not in that I felt that my investigation was more focused on the allegations of the Charging Party. I advised Mr. Thom that if I felt it necessary for my investigation to speak with any of the Rapid Transit System employees, I would do so and not rely upon any of the information or interviews he had generated.

Rick Brandt

Mr. Brandt is a Dial-Ride employee and has been employed by Rapid City for two and a half years. I inquired of Mr. Brandt whether he was in attendance at the September 9, 2009, meeting and he advised that he was not.

Mr. Brandt and I discussed the September 16, 2009, meeting at Dunn Brothers Coffee Shop with Robert Ellis. Mr. Brandt was invited to the meeting by a co-employee who advised him that she would provide him with the agenda. Mr. Brandt advised that he did not receive the agenda until about five minutes before the meeting, which began at 7 p.m.

Mr. Brandt indicated that he attended the meeting and essentially came away from it thinking that it was a "witch hunt" and an attempt to have Mr. Sagen terminated. Mr. Brandt advised that he shared with Mr. Sagen his thoughts regarding the meeting.

Ron Ronning


Mr. Ronning has been employed with the Rapid Transit Service, Rapid Ride, for approximately 5-6 years.

Mr. Ronning indicated that he was not at the September 9, 2009, meeting.

Mr. Ronning did attend the September 16, 2009, meeting at Dunn Brothers Coffee Shop with Robert Ellis, Public Works Director. He indicated that he was involved somewhat in establishing the agenda. He did indicate that he felt that members, who attended the meeting with Robert Ellis, strayed from the intended purpose of the meeting. Mr. Ronning did indicate that he told the Charging Party that he attended the meeting; that the members of that meeting did not stick to the agenda; and he did not agree with everything that certain employees were attempting to do regarding the Charging Party.

The above information and the attached documents constitute our investigation and summary of the same. Should you request any addition services, please advise.

Day Morris Law Firm, LLP

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

Robert L. Morris



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Public Works Department

Rapid Transit Division

333 Sixth Street

Telephone: (605) 394-6631

Fax: (605) 394-6608

Web: www.rcgov.org

September 24, 2009

Mr. Kevin Thom
Community Resources Director
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

Dear Mr. Thom:

The purpose of this correspondence is to inform you and the City of Rapid City that I am filing a formal harassment complaint against Mr. Sam Kookier, City of Rapid City Ward 2 Alderman.

Over the past several years I have been subjected to a harassing, hostile and intimidating work environment derived from unwarranted, unwelcome and abusive conduct on the part of Alderman Kookier. His actions have battered my dignity, questioned my integrity, and impacted my ability to effectively lead the transit division in accomplishing its mission.

I am requesting that the hostile and intimidating work environment created by Alderman Kookier cease before further harm is done to me and the transit division. No employee should be expected to endure this level of personal hostility and abuse, particularly from an elected public official.

Sincerely,

Rich Sagen
Transit Division Manager



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Exhibit 1

Sagen Complaint Material 00001

(Kevin Thom)
(September 24)

Page 2

Cc: Robert Ellis Public Works Director
Alan Hanks, Mayor
Jason Green, City Attorney

2003

Sagen Rich

From: Kooiker Sam
Date: Friday, December 19, 2003 1:17 PM
To: Sagen Rich
Subject: RE: dial-a-ride

Rich, does Saturday Dial-a-Ride follow ADA requirements? What do those requirements include?

Sam

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/19/2003 9:18 AM
Subject: RE: dial-a-ride

Sam, The meeting with Shelly and her committee was very positive and quite productive. I made it very clear with them that transit staff and City Council members are very sensitive to their needs. I also stated how important it was that our collective approach to solving transit issues would be better served if we worked together in a cooperative spirit and not in an adversarial environment. With regard to their eight agenda items, we discussed each and every item, point by point. We approached items 1-4 based upon the parameters established when the limited Saturday ADA service was continued in 1993. Concessions were made at that time so that at least a safety net service would be available. Item five is in process. We will provide posters promoting Saturday service in both the busses and the other requested areas. The poster campaign will be completed after the first of the year. Regarding, item 6, we encouraged the committee members to attend the RTAB meetings. In addition, when a vacancy becomes available, committee members will, be contacted in an effort to solicit board membership from their constituency groups. Regarding item 7, I have contacted the City of Sioux Falls, which presently receives Medicaid reimbursement for certain passenger trips. I told committee members that I would get specifics and share them at their next meeting scheduled for January, 26, 2004. Issue 8, I informed them that we presently deny <1 passenger request for service per month. I made it clear that every effort is made to insure that passengers requesting service are provided a trip. If you have further questions regarding this matter, please feel free to contact me. Rich

-----Original Message-----

From: Kooiker Sam
Sent: Thursday, December 18, 2003 3:12 PM
To: Sagen Rich
Cc: Vore Ted; Shaw Jim
Subject: dial-a-ride

Rich,
Can you provide an update on how the first meeting with Shelly Schock went and the achievability of resolving the 7 or 8 issues that were raised?

Sam Kooiker
Chairman
City Council Public Works Committee

Sagen Rich

m: Kooiker Sam
t: Saturday, December 20, 2003 7:09 PM
To: Sagen Rich
Subject: RE: dial-a-ride

so if someone has an extensive surgery and are laid up in casts or is using a wheelchair on a temp basis, they can't use Dial-a-ride?

Sam

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/19/2003 1:57 PM
Subject: RE: dial-a-ride

Sam, The only ADA requirement followed on Saturdays is that the passenger must be ADA approved. This approval requires a certification process. This was agreed upon by the City Council and the disabled community in 1993 when the limited Saturday service was continued. The important thing to note is that the City is under no Federal rule or regulation to run Saturday Dial-A-Ride service according to ADA rules because we do not offer Saturday fixed route service. The ADA requirements are extensive...literally hundreds of pages. For further information you can go to the FTA website and search for 49CFR Part 27, 37 and 38. The website address is www.fta.dot.gov/ada/adaregs.html
<<http://www.fta.dot.gov/ada/adaregs.html>>

-----Original Message-----

From: Kooiker Sam
Sent: Friday, December 19, 2003 1:17 PM
To: Sagen Rich
Subject: RE: dial-a-ride

Rich, does Saturday Dial-a-Ride follow ADA requirements? What do those requirements include?

Sam

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/19/2003 9:18 AM
Subject: RE: dial-a-ride

Sam, The meeting with Shelly and her committee was very positive and quite productive. I made it very clear with them that transit staff and City Council members are very sensitive to their needs. I also stated how important it was that our collective approach to solving transit issues would be better served if we worked together in a cooperative spirit and not in an adversarial environment. With regard to their eight agenda items, we discussed each and every item, point by point. We approached items 1-4 based upon the parameters established when the Saturday ADA service was continued in 1993. Concessions were made at that time so that at least a safety net service would be available. Item five is in process. We will provide posters promoting

Saturday service in both the busses and the other requested areas. The poster campaign will be completed after the first of the year. Regarding, item 6, we encouraged the committee members to attend the CAB meetings. In addition, when a vacancy becomes available, committee members will, be contacted in an effort to solicit board membership from their constituency groups. Regarding item 7, I have contacted the City of Sioux Falls, which presently receives Medicaid reimbursement for certain passenger trips. I told committee members that I would get specifics and share them at their next meeting scheduled for January, 26, 2004. Issue 8, I informed them that we presently deny <1 passenger request for service per month. I made it clear that every effort is made to insure that passengers requesting service are provided a trip. If you have further questions regarding this matter, please feel free to contact me. Rich

-----Original Message-----

From: Kooiker Sam
Sent: Thursday, December 18, 2003 3:12 PM
To: Sagen Rich
Cc: Vore Ted; Shaw Jim
Subject: dial-a-ride

Rich,
Can you provide an update on how the first meeting with Shelly Schock went and the achievability of resolving the 7 or 8 issues that were raised?

Sam Kooiker
Chairman
Council Public Works Committee

Sagen Rich

From: Kooiker Sam
Sent: Monday, December 22, 2003 1:49 PM
To: Sagen Rich
Subject: RE: dial-a-ride

how long does that approval take? I received a call from someone recently who said she was denied Dial-a-ride service because she wasn't certified, even though she had major surgery.

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/22/2003 7:59 AM
Subject: RE: dial-a-ride

Sam, In this situation, the individual could be approved for eligibility on a conditional or temporary basis until their physical condition improved to the point where they could access fixed route service.

-----Original Message-----

From: Kooiker Sam
Sent: Saturday, December 20, 2003 7:09 PM
To: Sagen Rich
Subject: RE: dial-a-ride

so if someone has an extensive surgery and are laid up in casts or is using a wheelchair on a temp basis, they can't use Dial-a-ride?

Sam

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/19/2003 1:57 PM
Subject: RE: dial-a-ride

Sam, The only ADA requirement followed on Saturdays is that the passenger must be ADA approved. This approval requires a certification process. This was agreed upon by the City Council and the disabled community in 1993 when the limited Saturday service was continued. The important thing to note is that the City is under no Federal rule or regulation to run Saturday Dial-A-Ride service according to ADA rules because we do not offer Saturday fixed route service. The ADA requirements are extensive...literally hundreds of pages. For further information you can go to the FTA website and search for 49CFR Part 27, 37 and 38. The website address is www.fta.dot.gov/ada/adaregs.html
<<http://www.fta.dot.gov/ada/adaregs.html>>

-----Original Message-----

From: Kooiker Sam
Sent: Friday, December 19, 2003 1:17 PM
To: Sagen Rich
Subject: RE: dial-a-ride

Rich, does Saturday Dial-a-Ride follow ADA requirements? What do those requirements include?

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Sent: 12/19/2003 9:18 AM
Subject: RE: dial-a-ride

Sam, The meeting with Shelly and her committee was very positive and quite productive. I made it very clear with them that transit staff and City Council members are very sensitive to their needs. I also stated how important it was that our collective approach to solving transit issues would be better served if we worked together in a cooperative spirit and not in an adversarial environment. With regard to their eight agenda items, we discussed each and every item, point by point. We approached items 1-4 based upon the parameters established when the limited Saturday ADA service was continued in 1993. Concessions were made at that time so that at least a safety net service would be available. Item five is in process. We will provide posters promoting Saturday service in both the busses and the other requested areas. The poster campaign will be completed after the first of the year.

Regarding, item 6, we encouraged the committee members to attend the RTAB meetings. In addition, when a vacancy becomes available, committee members will, be contacted in an effort to solicit board membership from their constituency groups. Regarding item 7, I have contacted the City of Sioux Falls, which presently receives Medicaid reimbursement for certain passenger trips. I told committee members that I would get specifics and share them at their next meeting scheduled for January, 2004. Issue 8, I informed them that we presently deny <1 passenger request for service per month. I made it clear that every effort is made to insure that passengers requesting service are provided a trip. If you have further questions regarding this matter, please feel free to contact me. Rich

-----Original Message-----

From: Kooiker Sam
Sent: Thursday, December 18, 2003 3:12 PM
To: Sagen Rich
Cc: Vore Ted; Shaw Jim
Subject: dial-a-ride

Rich,
Can you provide an update on how the first meeting with Shelly Schock went and the achievability of resolving the 7 or 8 issues that were raised?

Sam Kooiker
Chairman
City Council Public Works Committee

2004

Sagen Rich

From: Kooiker Sam
nt: Monday, January 12, 2004 8:55 PM
o: Sagen Rich; Shaw Jim; Elkins Marcia; Vore Ted
Cc: 'goschb@sdadvocacy.com'; 'Shelly@wrdi.org'; Horton Patsy; Council Group
Subject: situation with Dial-a-ride

Tonight I talked to Cecil Edgar from Prairie City, SD. He is in town for at least six weeks for cancer treatments. Mr Edgar is staying at the Rodeway Inn. (342-1303)

Mr. Edgar had called Dial-a-ride last week and inquired about the possibility of using Dial-a-ride. Dial-a-ride asked him if he could walk and he said he could. (But he has a hard time walking). But since he could walk, Dial-a-ride denied him service. They didn't tell him how to get certified or what the process was. They told him they couldn't help him.

Can someone contact Mr. Edgar and help him out ASAP? His first appointment is 10:45 am tomorrow at RCRH. Mr. Edgar shouldn't have to stress out about reasonable transportation when he is fighting for his life. Sioux Falls is very courteous and walks people through the process. Rapid City doesn't.

This isn't the first time I've heard a complaint about poor customer service at Dial-a-ride, but this is the first one I've heard about that we still have a chance to fix.

Out of respect for Mr. Edgar's situation and his privacy, please use care if forwarding this message.

Sam Kooiker
Public Works Chairman

Sagen Rich

From: Kooiker Sam
Sent: Tuesday, January 13, 2004 9:46 AM
To: Sagen Rich; Shaw Jim; Elkins Marcia; Vore Ted
Cc: Rippentrop Kay; "goschb@sdadvocacy.com"; "Shelly@wrdi.org"; Horton Patsy; Council Group
Subject: RE: situation with Dial-a-ride

this gentleman's issue has been resolved. Hopefully we can learn from this to solve some of the serious customer service issues with Dial-a-ride.

Sam

-----Original Message-----

From: Kooiker Sam
To: Sagen Rich; Shaw Jim; Elkins Marcia; Vore Ted
Cc: 'goschb@sdadvocacy.com'; 'Shelly@wrdi.org'; Horton Patsy; Council Group
Sent: 1/12/2004 8:55 PM
Subject: situation with Dial-a-ride

Tonight I talked to Cecil Edgar from Prairie City, SD. He is in town for at least six weeks for cancer treatments. Mr Edgar is staying at the Rodeway Inn. (342-1303)

Mr. Edgar had called Dial-a-ride last week and inquired about the possibility of using Dial-a-ride. Dial-a-ride asked him if he could walk and he said he could. (But he has a hard time walking). But since he could walk, Dial-a-ride denied him service. They didn't tell him how to get certified or what the process was. They told him they couldn't help him.

Can someone contact Mr. Edgar and help him out ASAP? His first appointment is 10:45 am tomorrow at RCRH. Mr. Edgar shouldn't have to stress out about reasonable transportation when he is fighting for his life. Sioux Falls is very courteous and walks people through the process. Rapid City doesn't.

This isn't the first time I've heard a complaint about poor customer service at Dial-a-ride, but this is the first one I've heard about that we still have a chance to fix.

Out of respect for Mr. Edgar's situation and his privacy, please use care if forwarding this message.

Sam Kooiker
Public Works Chairman

Sam Kooiker

Sagen Rich

From: Kooiker Sam
Sent: Monday, February 02, 2004 9:53 AM
To: Sagen Rich
Cc: Vore Ted
Subject: RE: Rapid Transit

I believe she was on Rapid Ride. I think it would be quite appropriate to have the RCMC added as a destination. Is the hospital currently a designation also?

As fifth street expands and as our medical facilities continue to become "Rochester of the West", I think we need to have a thorough evaluation of how our medical facilities are serviced by Rapid Transit...

Sam Kooiker

-----Original Message-----

From: Sagen Rich
To: Kooiker Sam
Cc: Vore Ted
Sent: 2/2/2004 9:35 AM
Subject: RE: Rapid Transit

Sam, You did not mention if the constituent you spoke with was using Rapid Ride or Dial-A-Ride, but I am assuming it was RapidRide. Based upon my assumption, the person should have been dropped off at the bus stop of their choice. I will look into the situation. You are correct in your statement that RapidRide does not provide service directly to the Medical Center. The closest stop is at Cathedral and Tower Road. The Medical Center is a destination, however the vast majority of the passenger trips to the facility are made using the Dial-A-Ride service which delivers them directly to the door. We are in the process of route re-evaluation. I will share this information with the consulting firm and have them review this location and its potential for trip generation. If you have any further questions, please contact me. Rich

-----Original Message-----

From: Kooiker Sam
Sent: Sunday, February 01, 2004 9:00 PM
To: Sagen Rich
Cc: Vore Ted; Rippentrop Kay
Subject: Rapid Transit

Rich,
Talk to a constituent today who used Rapid Transit last week Monday, Jan 26. She had an appointment at the Rapid City Medical Center. She said the driver dropped her off at the high rise although she really wanted to be dropped off closer to the RCMC. (I think there is one more stop b/w the high rise and the RCMC). Anyway, even if she is dropped off at the second location, she still has to walk up the hill to the clinic. She thought maybe the driver was having a bad day and she didn't press the issue.

Is there a reason why there isn't a drop-off/pick-up at the RCMC? Seems that is a major destination for many riders and walking up the hill can be a hardship, especially in this weather.

Sagen Rich

From: Sam Kooiker [skooiker@rushmore.com]
nt: Thursday, August 05, 2004 10:12 PM
Subject: Sagen Rich
jim.shaw@rcgov.org; Vore Ted; Rippentrop Kay; Elkins Marcia; Patsy.Horton@rcgov.org
Re: Dial-a-ride

Rich, how does the appeals process work if someone with is denied eligibility? Do you inform every customer of their right to appeal and give them timely information regarding the appeals process if they are denied services?

I would also appreciate a copy of the process when you return from your vacation--(via MS Word or PDF attachment if you have it).

Thanks!

Sam Kooiker
Ward 2 Alderman

----- Original Message -----

From: Sagen Rich
To: 'Sam Kooiker'
Cc: Vore Ted
Sent: Wednesday, August 04, 2004 7:55 PM
Subject: RE: Dial-a-ride

Sam, Sorry about the delayed response, but I am on vacation this week and just now checked my e-mail. Eligibility is determined by Federal regulation. We follow their procedures to the "T". There is an appeals process in place. A doctor's or health professional certification is all that is required for certification. If you would like a copy of the process please let me know. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, August 02, 2004 5:20 PM
To: Sagen Rich
Cc: Rippentrop Kay; Elkins Marcia; Patsy.Horton@rcgov.org; Vore Ted
Subject: Dial-a-ride

Rich,

I received a concern today from a constituent regarding Dial-a-ride. This individual was wondering what the process was for determining eligibility and what the appeals process was if someone was deemed ineligible.

If a doctor or qualified professional signs a certification, is that enough? Please let me know what the process is for eligibility and for appeals.

Sam Kooiker

Sagen Rich

From: Sagen Rich
Sent: Monday, August 16, 2004 1:10 PM
To: 'Sam Kooiker'
Cc: Vore Ted
Subject: RE: Dial-a-Ride

Sam,

1. The airport was annexed into the city in September of 2003. At that point in time the airport was available for service. Until Ken Rollman called last week we had no prior requests for service to the airport. Our dispatcher was not 100% sure that RTS provided service to the airport when Mr. Rollman called, so she deferred to my secretary who handles the ADA process. My secretary informed her that the airport was within the service area. Our dispatcher then returned Mr. Rollman's call and informed him that we did provide service to the airport.

2. The last appeal we had was in June of 2000. The individual was denied on the grounds that they did not meet the threshold requirements of the ADA. To go back further in time would require us to do considerable research in old records. We can obtain this info if you desire. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, August 16, 2004 12:46 PM
To: Sagen Rich
Cc: Elkins Marcia; Patsy.Horton@rcgov.org; Vore Ted; Rippentrop Kay
Subject: Dial-a-Ride

Rich,

Couple of quick items....

1) Sounds like not all your dispatchers know that Dial/ride is now going to the airport. When did you start going to the airport and what is the volume of these rides?

2) Regarding the appeals process, what is your percentage of denials vs approvals?

Thanks,

Sam Kooiker

Sagen Rich

From: Sagen Rich
nt: Monday, August 30, 2004 8:26 AM
u: Vore Ted

Ted, I have been receiving additional e-mails from Councilman Kookier regarding transit. Would you have some time where we could sit down and discuss some of the issues? Thanks, Rich

Sagen Rich

From: Sam Kooiker [skooiker@rushmore.com]
Date: Tuesday, August 24, 2004 9:51 PM
To: Sagen Rich
Subject: Re: appeals for dial-a-ride

what were the circumstances of the 2004 denial? (I don't want names, just the basics).

----- Original Message -----

From: Sagen Rich
To: 'Sam Kooiker'
Cc: Vore Ted
Sent: Tuesday, August 24, 2004 11:10 AM
Subject: RE: appeals for dial-a-ride

Sam, Apologize for the delay in getting back to you but Federal auditors were here for the past two days and I did not check my e-mail. Anyway to answer your question, only one individual who has appealed eligibility since 2004 has been denied ADA paratransit service. No individual who has been determined eligible for ADA paratransit service has ever been denied service since the inception of the program in 1992.

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, August 23, 2004 6:25 AM
To: Sagen Rich
Subject: appeals for dial-a-ride

Rich, are you saying that only 1 person has been denied ridership in the last several years?

Sagen Rich

From: Sagen Rich
nt: Wednesday, October 13, 2004 3:11 PM
o: Rippentrop Kay
Subject: RE: Dial a Ride

Kay, The information we provide to the riding public states that Rapid Transit provides service to ALL areas within the city limits, which would include the airport. Rich

-----Original Message-----

From: Rippentrop Kay
Sent: Wednesday, October 13, 2004 2:40 PM
To: 'Sam Kooiker'
Subject: RE: Dial a Ride

Sam -- I checked with Rich and he indicated that there have been no requests since Mr. Roeman (sp?) requested that in August. As far as telling customers that they service the airport, I don't think that if someone calls in wanting to go to the grocery store that they tell them about the airport but if someone would indeed call and ask about airport service they would be told. I will check with Rich to see if they have that information posted on the web page and in their brochures/literature they give out on the Dial A Ride service. Kay

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Tuesday, October 12, 2004 10:05 PM
To: Rippentrop Kay
Subject: Dial a Ride

Kay can you contact Dial A Ride and see if you can find out how often they are going to the airport and see if they are indeed telling customers that they service the airport?

Sagen Rich

From: Sagen Rich
It: Monday, October 18, 2004 1:57 PM
to: Kooiker Sam
Cc: Rippentrop Kay; Vore Ted
Subject: Dial A Ride Service

Alderman Kooiker, The changes that you have requested have been made to the brochure as well as the City website. Call if you have any questions. Rich

Sagen Rich

From: Sagen Rich
nt: Tuesday, November 09, 2004 9:07 AM
o: Rippentrop Kay
Subject: RE: Check it out

Kay, Looks good to me. Thanks for your assistance. Rich

-----Original Message-----

From: Rippentrop Kay
Sent: Tuesday, November 09, 2004 9:03 AM
To: Sagen Rich
Subject: Check it out

Rich -- check it out -- is there and should be what Alderman Kooiker is looking for. Kay

-----Original Message-----

From: Sagen Rich
Sent: Tuesday, November 09, 2004 8:16 AM
To: Rippentrop Kay
Subject: RE: dial-a-ride

Kay, Under the Dial-A-Ride section click on the link below and the information is provided in Adobe. Rich

-----Original Message-----

From: Rippentrop Kay
Sent: Tuesday, November 09, 2004 8:14 AM
To: Sagen Rich
Subject: RE: dial-a-ride

Rich: when I go to the city's home page and click on the transit link I don't see anything that mentions the airport -- can you tell me where the change was made and how to get to it. Kay

-----Original Message-----

From: Sagen Rich
Sent: Tuesday, November 09, 2004 8:09 AM
To: Rippentrop Kay
Subject: RE: dial-a-ride

Kay, The change on the website was made immediately, I am not sure what he is referring to.

-----Original Message-----

From: Rippentrop Kay
Sent: Monday, November 08, 2004 10:17 AM
To: Sagen Rich
Subject: FW: dial-a-ride

Rich -- -- give me some thoughts on how I should answer -- you indicated that you were going to get the web site changed -- apparently that has not happened yet -- do you know when? Kay

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, November 08, 2004 7:11 AM
To: Rippentrop Kay
Subject: dial-a-ride

Kay, can you provide an update as to the progress that has been made by Dial-a-ride in acting upon the feedback received by Western Resources in their letter a few weeks ago?

Also, I don't see reference to the airport service on the website.

http://www.rcgov.org/pubworks/rapid_transit_system/dial_a_ride.htm

Sagen Rich

From: Sagen Rich
nt: Tuesday, November 09, 2004 8:09 AM
Subject: Rippentrop Kay
RE: dial-a-ride

Kay The change on the website was made immediately, I am not sure what he is referring to.

-----Original Message-----

From: Rippentrop Kay
Sent: Monday, November 08, 2004 10:17 AM
To: Sagen Rich
Subject: FW: dial-a-ride

Rich --- give me some thoughts on how I should answer -- you indicated that you were going to get the web site changed -- apparently that has not happened yet -- do you know when? Kay

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, November 08, 2004 7:11 AM
To: Rippentrop Kay
Subject: dial-a-ride

Kay, can you provide an update as to the progress that has been made by Dial-a-ride in acting upon the feedback received by Western Resources in their letter a few weeks ago?

Also, I don't see reference to the airport service on the website.

http://www.rcgov.org/pubworks/rapid_transit_system/dial_a_ride.htm

Sagen Rich

From: Sagen Rich
Sent: Tuesday, November 09, 2004 8:16 AM
To: Rippentrop Kay
Subject: RE: dial-a-ride

Kay, Under the Dial-A-Ride section click on the link below and the information is provided in Adobe. Rich

-----Original Message-----

From: Rippentrop Kay
Sent: Tuesday, November 09, 2004 8:14 AM
To: Sagen Rich
Subject: RE: dial-a-ride

Rich: when I go to the city's home page and click on the transit link I don't see anything that mentions the airport -- can you tell me where the change was made and how to get to it. Kay

-----Original Message-----

From: Sagen Rich
Sent: Tuesday, November 09, 2004 8:09 AM
To: Rippentrop Kay
Subject: RE: dial-a-ride

Kay, The change on the website was made immediately, I am not sure what he is referring to.

-----Original Message-----

From: Rippentrop Kay
Sent: Monday, November 08, 2004 10:17 AM
To: Sagen Rich
Subject: FW: dial-a-ride

Rich --- give me some thoughts on how I should answer -- you indicated that you were going to get the web site changed -- apparently that has not happened yet -- do you know when? Kay

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Monday, November 08, 2004 7:11 AM
To: Rippentrop Kay
Subject: dial-a-ride

Kay, can you provide an update as to the progress that has been made by Dial-a-ride in acting upon the feedback received by Western Resources in their letter a few weeks ago?

Also, I don't see reference to the airport service on the website.

http://www.rcq.gov.org/pubworks/rapid_transit_system/dial_a_ride.htm

Sagen Rich

From: Sagen Rich
nt: Wednesday, December 01, 2004 8:48 AM
o: 'Sam Kooiker'
Cc: Rippentrop Kay; Shaw Jim; Vore Ted
Subject: RE: dial-a-ride
Attachments: October 27-Shelly Schock.doc

Alderman Kooiker:

I have attached a copy of the letter I sent to Shelly Schock on 10/27/04 and have indicated the status of each action item. If you should require any additional information, please feel free to contact me. The items do not require council action.
Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Wednesday, December 01, 2004 6:57 AM
To: Sagen Rich
Cc: Rippentrop Kay; jim.shaw@rcgov.org
Subject: dial-a-ride

Rich, since the contract renewal for BH Council is on the agenda for Monday, I'm wondering where we are at with following through on the action items that were forwarded over by Western Resources...

Please advise....Do you need council action for those items?

thanks.

October 27, 2004

Ms. Shelly Schock
Advocacy Coordinator
WRDI
405 E. Omaha Street Suite, A
Rapid City, SD 57701

Dear Shelly:

Thank you for your letter of October 19, 2004 regarding transit issues as they pertain to the Dial-A-Ride component of the Rapid Transit System. Answers to your specific questions are as follows:

1. As I mentioned to you previously, the consultants recommended in the TDP (which is yet to be approved by the City Council) that staff be provided to answer the telephone during all business hours. We are in the process of filling the current void (4:00PM – 6:30 PM) with a temporary employee to answer the telephone. Regarding Saturday service, the driver's currently have access to cell phones and have the ability to check for cancellations. ;
2. As I mentioned to you last time we discussed this topic, I concurred that annual sensitivity training was very important and that Rapid Transit would provide this training to our drivers. In the past your agency was able to assist Rapid Transit in accomplishing this task. Hopefully we can work together in getting this procedure implemented in the near future, Please contact me at your convenience to get this effort coordinated. ;
3. I will instruct appropriate transit staff to include Attachment D in all future denial letters, including language that there are agencies available to assist in the appeals process. ;

Comment [RS1]: We will commence with the additional hours on 1/3/05.

Comment [RS2]: We are working with the Spearfish public transit system in a joint effort to provide our drivers with sensitivity training. This cooperative effort will allow us to get top notch training and spread the cost of the training between two transit providers.

Comment [RS3]: This procedure has been implemented.

I look forward to continue working cooperatively on these issues that are of great importance to the consumers of transit service in Rapid City. If I can be of any further assistance, please do not hesitate to contact me.

Regards,

Rich Sagen,
Transit Manager

2005

Sagen Rich

I: Sagen Rich
Sent: Monday, January 03, 2005 9:51 AM
To: Vore Ted
Subject: RE: Dial-a-ride

Ted. Do you want me to answer Sam?

-----Original Message-----

From: Vore Ted
Sent: Monday, January 03, 2005 9:49 AM
To: Sagen Rich
Subject: RE: Dial-a-ride

You are correct, Rich.

Ted

-----Original Message-----

From: Sagen Rich
Sent: Monday, January 03, 2005 8:15 AM
To: Vore Ted
Cc: Shaw Jim
Subject: FW: Dial-a-ride

Ted, Thought I should forward this to you. I will not be suggesting that Saturday service be cut. As you may recall, In June of 2004, the City Council elected to provide the expanded hours of service for Saturday Dial-A-Ride through the end of December of 2004. At that time the Council also requested that I provide a year end report detailing redership numbers. That is what I will present Monday night. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Thursday, December 30, 2004 8:45 PM
To: Sagen Rich
Cc: Ann Van Loan; Shelly Schock; jim.shaw@rcgov.org
Subject: Dial-a-ride

Rich, regarding item 100 on the January 3 agenda, are you going to be asking that Dial-a-ride cut Saturday service? What is your recommendation?

thanks,

Sam Kooiker
Ward 2 Alderman

Sagen Rich

m: Sam Kooiker [skooiker@rushmore.com]
nt: Monday, January 03, 2005 5:19 PM
To: Sagen Rich
Cc: Vore Ted; Shaw Jim; Ann Van Loan; Shelly Schock
Subject: Re: Dial-a-ride

thanks. I appreciate the update.

----- Original Message -----

From: Sagen Rich
To: 'Sam Kooiker'
Cc: Vore Ted; Shaw Jim
Sent: Monday, January 03, 2005 9:58 AM
Subject: RE: Dial-a-ride

Alderman Kooiker, I am not requesting that Saturday service be cut. As you recall, the City Council asked me to track Saturday ridership through the end of the year and then report back with the ridership numbers. I will present those results at the council meeting this evening. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Thursday, December 30, 2004 8:45 PM
To: Sagen Rich
Cc: Ann Van Loan; Shelly Schock; jim.shaw@rcgov.org
Subject: Dial-a-ride

Rich, regarding item 100 on the January 3 agenda, are you going to be asking that Dial-a-ride cut Saturday service? What is your recommendation?

thanks,

Sam Kooiker
Ward 2 Alderman

Sagen Rich

n: Sagen Rich
ent: Monday, January 03, 2005 9:59 AM
To: 'Sam Kooiker'
Cc: Vore Ted; Shaw Jim
Subject: RE: Dial-a-ride

Alderman Kooiker, I am not requesting that Saturday service be cut. As you recall, the City Council asked me to track Saturday ridership through the end of the year and then report back with the ridership numbers. I will present those results at the council meeting this evening. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Thursday, December 30, 2004 8:45 PM
To: Sagen Rich
Cc: Ann Van Loan; Shelly Schock; jim.shaw@rcgov.org
Subject: Dial-a-ride

Rich, regarding item 100 on the January 3 agenda, are you going to be asking that Dial-a-ride cut Saturday service? What is your recommendation?

thanks,

Sam Kooiker
Ward 2 Alderman

Sagen Rich

n: Jablonski Dirk
Sent: Monday, March 07, 2005 2:11 PM
To: Sagen Rich
Subject: FW: DIAL A RIDE

Rich,

Alderman Kooiker has asked the following two questions. The first question is apparent. The second has to do with the number of routes run on Saturdays versus weekdays. Would you please bring me up to date with answers or respond directly to him with copies to the Mayor, the rest of the Council and myself.

Thanks.

Dirk
-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Friday, March 04, 2005 5:59 AM
To: dirk.jablonski@rcgov.org
Subject: DIAL A RIDE

Hi Dirk, what did you find out about the Dial A Ride issues that I mentioned to you the other night?

1. Not pulling into driveways (especially on busy streets)
2. Saturday scheduling

Sagen Rich

n: Jablonski Dirk
t: Monday, March 07, 2005 2:34 PM
To: Kooiker Sam; Council Group
Cc: Sagen Rich
Subject: FW: DIAL A RIDE

Sam,

I realize you received the response as part of the Council Group but I wanted to make sure you got the info. you needed. Let me know if there is anything else you need.

Dirk

-----Original Message-----

From: Sagen Rich
Sent: Monday, March 07, 2005 2:32 PM
To: Jablonski Dirk
Cc: Vore Ted; Council Group
Subject: RE: DIAL A RIDE

Dirk

As per your request:

1. Driveways- We make every effort to limit backing whenever possible primarily for safety reasons. In those rare situations where backing is the only solution drivers are allowed to back but must get prior approval from a Route Supervisor. RTS drivers are instructed to *NEVER* to back out of driveways onto busy arterials such as Jackson Blvd, Mt. Rushmore Road, Sheridan Lake Road, etc.

Saturday Service- Two Dial-A-Ride buses are provided on Saturday as directed by the City Council. Two buses adequately meets the current demand for service on Saturdays.
If you have any further questions, please feel free to contact me.

Rich

-----Original Message-----

From: Jablonski Dirk
Sent: Monday, March 07, 2005 2:11 PM
To: Sagen Rich
Subject: FW: DIAL A RIDE

Rich,

Alderman Kooiker has asked the following two questions. The first question is apparent. The second has to do with the number of routes run on Saturdays versus weekdays. Would you please bring me up to date with answers or respond directly to him with copies to the Mayor, the rest of the Council and myself.

Thanks.

Dirk

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Friday, March 04, 2005 5:59 AM
To: dirk.jablonski@rcgov.org
Subject: DIAL A RIDE

Hi Dirk, what did you find out about the Dial A Ride issues that I mentioned to you the other night?

1. Not pulling into driveways (especially on busy streets)
2. Saturday scheduling

Sagen Rich

: Sagen Rich
Sent: Tuesday, June 14, 2005 9:04 AM
To: 'skooiker@rushmore.com'
Cc: Jablonski Dirk
Subject: RE: BRAC Commission Hearing

I will take care of that. We are also posting the information in all of the vehicles.

-----Original Message-----

From: skooiker@rushmore.com [mailto:skooiker@rushmore.com]
Sent: Tuesday, June 14, 2005 8:59 AM
To: Sagen Rich
Cc: Jablonski Dirk
Subject: RE: BRAC Commission Hearing

Can you let Shelly and Ann at Western Resource know so that they can get the word out? thanks

Quoting Sagen Rich <Rich.Sagen@rcgov.org>:

> Sam,
>
> The same privilege will be extended to the Dial-A-Ride passengers.

> -----Original Message-----

> From: skooiker@rushmore.com [mailto:skooiker@rushmore.com]
> Sent: Monday, June 13, 2005 4:24 PM
> To: Jablonski Dirk
> Cc: Sagen Rich
> Subject: Re: BRAC Commission Hearing

> I assume that this will include Dial-A-Ride so that people with
> disabilities will have the same privelege. let me know.

> Sam

> Quoting Jablonski Dirk <Dirk.Jablonski@rcgov.org>:

> > I have been approached by a member of the committee working on the
> > BRAC Commission hearings issues. In particular the committee is
> > looking for complimentary bus service for residents who wish to go to
> > the Civic Center for the hearing. I have discussed this with Mr. Rich
> > Sagen, manager of Rapid Transit, and he can see no reason why the City
> > cannot provide this service. The free service would be provided on an
> > honor system. It is anticipated that perhaps 20 - 30 people would
> > take advantage of this.

> > The hearing is on June 21. Free bus service would be offered
> > between
> > the hours of 11:00 a.m. and 5:00 p.m. There is not enough time to
> > bring the request to Public Works Committee and the full Council.
> > Publicity is to be posted this week. It is our intent to proceed with
> > this request unless there is concern from any member of the Council.

> > Due to the time constraints it is requested that any concern be
> > brought to my attention by the end of the day tomorrow, June 14.

> >
> Thank you.

> >
> > Dirk

> >

>

>

>

>

>

> -----
> This mail sent by <http://webmail.rushmore.com>

>

>

>

This mail sent by <http://webmail.rushmore.com>

Sagen Rich

From: Sagen Rich
Sent: Friday, September 16, 2005 9:53 AM
To: 'Sam Kooiker'
Cc: Jablonski Dirk
Subject: RE: Disability Awareness Day at the Mall

Sam, We received the registration information from Shelly last week and we will have a booth at the mall. Additionally, based upon your suggestion during the budget meeting earlier this summer our Saturday Dial-A-Ride drivers are now equipped with city cell phones. Thanks for all of your support. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Thursday, September 15, 2005 5:10 PM
To: Sagen Rich; dirk.jablonski@rcgov.org
Subject: Fw: Disability Awareness Day at the Mall

The appearance of Dial A Ride was greatly appreciated at this event last year. Hopefully it will be an annual occurrence.

Sam

----- Original Message -----

From: Shelly Schock
To: Shelly Schock
Sent: Thursday, September 15, 2005 12:46 PM
Subject: Disability Awareness Day at the Mall

I have attached a registration and mall agreement for anyone that may be interested.

Thank you,

Shelly

<<05dadletter.doc>> <<05dadregistrationform.doc>> <<Operating Rules>>

Sagen Rich

From: Jablonski Dirk
Sent: Friday, September 16, 2005 1:49 PM
To: Sagen Rich
Subject: RE: Disability Awareness Day at the Mall

Nice job Rich. Thanks.

-----Original Message-----

From: Sagen Rich
Sent: Friday, September 16, 2005 9:53 AM
To: 'Sam Kooiker'
Cc: Jablonski Dirk
Subject: RE: Disability Awareness Day at the Mall

Sam, We received the registration information from Shelly last week and we will have a booth at the mall. Additionally, based upon your suggestion during the budget meeting earlier this summer our Saturday Dial-A-Ride drivers are now equipped with city cell phones. Thanks for all of your support. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rushmore.com]
Sent: Thursday, September 15, 2005 5:10 PM
To: Sagen Rich; dirk.jablonski@rcgov.org
Subject: Fw: Disability Awareness Day at the Mall

The appearance of Dial A Ride was greatly appreciated at this event last year. Hopefully it will be an annual occurrence.

Sam

----- Original Message -----

From: [Shelly Schock](#)
To: [Shelly Schock](#)
Sent: Thursday, September 15, 2005 12:46 PM
Subject: Disability Awareness Day at the Mall

I have attached a registration and mall agreement for anyone that may be interested.

Thank you,

Shelly

<<05dadletter.doc>> <<05dadregistrationform.doc>> <<Operating Rules>>

2006

Sagen Rich

From: Sam Kooiker [skooiker@rapidnet.com]
Sent: Thursday, June 08, 2006 5:25 PM
To: Sagen Rich
Cc: Dirk.Jablonski@Rcgov.Org; Rippentrop Kay
Subject: Dial A Ride Concerns

Rich, I received the following concern regarding Dial-A-Ride service....Can you follow up and let me know what you find? His name is Mike Brennan and his number is 719-1432. I am deeply concerned about these issues, and I have been hearing other complaints as well.

When did automation go into effect?

A follow up on our conversation:
 DAR/Rapid Transit issue

1. Since their system automation change (a.) (one noted occasion) Two ladies without vision have been scheduled on different buses to transfer them home at BHW Wisconsin Apartments when one bus was empty and the other bus was full. This is a big waste of fuel and efficiency and common sense. This is just one example of the new inefficiency of their service.

2. DAR refuses to go the little bit extra in such cases (as per Cindy). Drivers are informed not to and discouraged from giving aid to passengers in dialing their work department at RC Regional Hospital on the service phone. If a little latitude would be granted it would be of great benefit and improvement in service.

The current policy of DAR is not accommodating to many. They now enforce that the buses can be within a 20 minute time span of arrival. They will only allow a passenger to be 5 minutes late at the scheduled pick up location. This is information off the top of my head. It is at least close to their new policies. I'll try to find the memo sent to us from the liaison.

When they service disabled riders at such a large location as the Hospital it is not reasonable for such a lack of help as in picking up an outside phone receiver and punching an extension for the transition of service to us. I guess "the powers that be" feel this is a little to excessive and above and beyond???

3. Since the Rapid Transit/DAR automated scheduling has gone into effect the service has been determined severely sub standard according to most users of Black Hills Workshop and Training Center. I have been involved in many meetings and instances in which service has declined. This has included department communication meetings and daily services between vocational and residential services.

Black Hills Workshop has a liaison with the Rapid Transit System. Her name is Ellen Sylliasen. She can be reached at 343-4550. I have discussed our problems with her recently. She was going to visit with Cindy on the concerns.

4. Another person served by Black Hills Workshop has been harassed on an ongoing basis by a minor individual that rides on the "Rapid Transit" fixed route bus system. The person receiving our services has complained of these instances to the bus drivers. They (bus drivers) have documented her complaints.

They consist of strong intimidating verbal harassment. This person's Service Coordinator has contacted Rapid Transit on this matter several times. She was informed that nothing could be done unless a physical altercation happens. Because of this the person has been provided rides to work by other means as Rapid Transit does not want to pursue this matter.

We do not believe that this dual transit system is operated in a correct, efficient manner. Sam the powers that be should realize that the quality of service has gone from a much better level to an EXTREMELY poor level within their automation changes.

I have been informed from the good bus drivers too that they see very poor functioning and service provided from the changes. Some of the drivers don't get it either.

Thanks for putting up with my ramble on this matter. I'm writing quickly as I don't have a lot of time at this minute. Please feel free to contact me regarding any of this. I can fill in any questions you might have. My work # is 719-1432 and my home # is 348-4304. Thanks again Sam!

Sagen Rich

From: Sam Kooiker [skooiker@rapidnet.com]
Sent: Friday, June 09, 2006 4:18 PM
To: Sagen Rich
Subject: RE: Dial A Ride Concerns

Go ahead and set up a meeting....I will try to attend if I can, but don't let my absence hold up the discussion.

On Fri, 9 Jun 2006 11:25 , Sagen Rich <Rich.Sagen@rcgov.org> sent:

Sam, Thanks for the email. I believe this issue may be best addressed by my contacting Mike Brennan and discussing his concerns. If you would like to attend, please let me know. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]
Sent: Thursday, June 08, 2006 5:25 PM
To: Sagen Rich
Cc: Dirk.Jablonski@Rcgov.Org; Rippentrop Kay
Subject: Dial A Ride Concerns

Rich, I received the following concern regarding Dial-A-Ride service....Can you follow up and let me know what you find? His name is Mike Brennan and his number is 719-1432. I am deeply concerned about these issues, and I have been hearing other complaints as well.

When did automation go into effect?

A follow up on our conversation:
DAR/Rapid Transit issue

1. Since their system automation change (a.) (one noted occasion) Two ladies without vision have been scheduled on different buses to transfer them home at BHW Wisconsin Apartments when one bus was empty and the other bus was full. This is a big waste of fuel and efficiency and common sense. This is just one example of the new inefficiency of their service.

2. DAR refuses to go the little bit extra in such cases (as per Cindy). Drivers are informed not to and discouraged from giving aid to passengers in dialing their work department at RC Regional Hospital on the service phone. If a little latitude would be granted it would be of great benefit and improvement in service.

The current policy of DAR is not accommodating to many. They now enforce that the buses can be within a 20 minute time span of arrival. They will only allow a passenger to be 5 minutes late at the scheduled pick up location. This is information off the top of my head. It is at least close to their new policies. I'll try to find the memo sent to us from the liaison.

When they service disabled riders at such a large location as the Hospital it is not reasonable for such a lack of help as in picking up an outside phone receiver and punching an extension for the transition of service to us. I guess "the powers that be" feel this is a little too excessive and above and beyond???

3. Since the Rapid Transit/DAR automated scheduling has gone into effect the service has been determined severely sub standard according to most users of Black Hills Workshop and Training Center. I have been involved in many meetings and instances in which service has declined. This has included department communication meetings and daily services between vocational and residential services.

Black Hills Workshop has a liaison with the Rapid Transit System. Her name is Ellen Sylliaseen. She can be reached at 343-4550. I have discussed our problems with her recently. She was going to visit with Cindy on the concerns.

4. Another person served by Black Hills Workshop has been harassed on an ongoing basis by a minor individual that rides on the "Rapid Transit" fixed route bus system. The person receiving our services has complained of these instances to the bus drivers. They (bus drivers) have documented her complaints.

They consist of strong intimidating verbal harassment. This person's Service Coordinator has contacted Rapid Transit on this matter several times. She was informed that nothing could be done unless a physical altercation happens. Because of this the person has been provided rides to work by other means as Rapid Transit does not want to pursue this matter.

We do not believe that this dual transit system is operated in a correct, efficient manner. Sam the powers that be should realize that the quality of service has gone from a much better level to an EXTREMELY poor level within their automation changes.

I have been informed from the good bus drivers too that they see very poor functioning and service provided from the changes. Some of the drivers don't get it either.

Thanks for putting up with my ramble on this matter. I'm writing quickly as I don't have a lot of time at this minute. Please feel free to contact me regarding any of this. I can fill in any questions you might have. My work # is 719-1432 and my home # is 348-4304. Thanks again Sam!

Sagen Rich

From: Sam Kooiker [skooiker@rapidnet.com]
Sent: Tuesday, June 13, 2006 9:33 PM
To: Jablonski Dirk; Kooiker Sam
Cc: Sagen Rich
Subject: Re: RTS Concerns

Thanks Dirk and Rich. I would like a copy of the memo that you send to Mr. Brennan and I hope each of the issues that raised are addressed accordingly.

Sam

----- Original Message -----

From: Jablonski Dirk
To: Kooiker Sam
Cc: Sagen Rich
Sent: Tuesday, June 13, 2006 3:52 PM
Subject: RTS Concerns

Sam,

Just a note to let you know that Rich talked to Mr. Brennan and had a very cordial conversation with him. We will follow up with specific responses to his issues. It may not happen until early next week due to my schedule but Rich is working on a response now.

Contact either Rich or myself with any questions.

Dirk

Sagen Rich

From: Sagen Rich
Sent: Monday, June 19, 2006 11:22 AM
To: Jablonski Dirk
Subject: Council Meeting

Dirk, I see Sam put the Dial-A-Ride issue on the agenda. Do we need to discuss the matter prior to the meeting?

CITY COUNCIL

for discussion during the retreat. Alderman Olson indicated her concern that new Council members be contacted and urged to attend the retreat. Kooiker moved, second by Okrepkie to take Council meeting start times and frequency to that Council meeting for action, next Monday. Alderman Johnson reminded the members that this is a Council retreat only, and Council will take no action. Alderman Kroeger offered no support for the motion on the floor; and indicated that members can simply add topics to the list of items to be discussed. Alderman Hurlbut requested the probable cost of adding a time stamp at the bottom of the video that people view of the meetings. With the consent of the Council, Alderman Kooiker withdrew the motion. Alderman Olson indicated her need to create a record of the discussion.

Alderman Kooiker raised an issue of importance to himself. He explained that when a constituent approaches their Council member and expresses a concern, it is important that the issue is addressed; and it is important that City staff, that assists in that, that the issue be handled respectfully. Kooiker reported a situation with the Dial-A-Ride Service that was shared with the Director of Rapid Transit. He indicated his constituent was not contacted directly, but rather the constituent's employer was contacted. Kooiker indicated his hope that this situation has been resolved in the terms of the retaliation that occurred against his constituent. Alderman Hadcock reported her positive experiences in her dealings with Rapid Transit and its Director, and suggested that it is pertinent to have all the facts before complaining. Alderman Johnson called for a point of order, suggesting personnel issues were being discussed and it was not professional.

Alderman Hadley reported that Sign Board Task Force, appointed early 2006, has not met. As this is his last meeting, he asked that the Task Force move forward. Kooiker moved, second by Schumacher to ask that name be forward at the June 28, 2006 Legal & Finance Committee meeting. The Chair clarified that the Council confirmed the appointments to the Task Force. With the consent of the Council, Alderman Kooiker withdrew the motion. Alderman Hurlbut reported delays due to the schedules of the members.

Kooiker moved, second by Olson to refer the sewer issues at 504 East Madison Street to the June 27, 2006 Public Works Committee meeting. Motion carried.

FINANCE OFFICER'S ITEMS

Finance Officer Preston requested authorization for the Mayor and Finance Officer to sign an agreement with the Festival of Presidents for the use of City-owned bleachers for the July 1, 2006 parade; indicating the agreement is a work in progress and has been submitted the City Attorney's Office for review. Preston indicated that the agreement includes an insurance requirement, a damage fee of \$500, and a \$150 setup fee. Preston explained that the setup fee covers the cost of transportation, setup, and recovery. He also explained that the fee structure has not been approved by the Council, but that will be the recommendation of staff.

Mayor Shaw indicated he had asked for a meeting with the School District, School of Mines and City staff to work out a master plan for use of all eighteen bleachers. Shaw indicated that the Civic Center agreed they could use their scheduling calendar; be the point of contact for all eighteen bleachers; and transport, setup, and recover the bleachers. He suggested the City Council should decide on the fees; and asked that Council approve the use of the bleachers by the Festival of Presidents. Hadcock moved, second by Olson to approve the use of the

Sagen Rich

From: Sagen Rich
Sent: Wednesday, June 21, 2006 4:55 PM
To: Jablonski Dirk
Cc: Green Jason; Preston Jim
Subject: RE: Dial A Ride Concerns

Dirk, I have attempted to address Mr. Brennan's concerns as concise as possible. I realize you will probably want to put this in another format, but wanted to get this you you ASAP. Rich

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]
Sent: Thursday, June 08, 2006 5:25 PM
To: Sagen Rich
Cc: Dirk.Jablonski@Rcgov.Org; Rippentrop Kay
Subject: Dial A Ride Concerns

Rich, I received the following concern regarding Dial-A-Ride service....Can you follow up and let me know what you find? His name is Mike Brennan and his number is 719-1432. I am deeply concerned about these issues, and I have been hearing other complaints as well.

When did automation go into effect?

A follow up on our conversation:
DAR/Rapid Transit issue

1. Since their system automation change (a.) (one noted occasion)Two ladies without vision have been scheduled on different buses to transfer them home at BHW Wisconsin Apartments when one bus was empty and the other bus was full. This is a big waste of fuel and efficiency and common sense. This is just one example of the new inefficiency of their service.

Response: On occasion, the two ladies in question have scheduled differing destinations after work, (I.e., doctor appointments, shopping trips, or counseling appointments). In those situations two separate buses are dispatched to accommodate their request if the trips are going to opposite geographical destinations in town. There has never been an occasion when both passengers are going to their residence that RTS has dispatched two separate buses.

2. DAR refuses to go the little bit extra in such cases (as per Cindy). Drivers are informed not to and discouraged from giving aid to passengers in dialing their work department at RC Regional Hospital on the service phone. If a little latitude would be granted it would be of great benefit and improvement in service.

The current policy of DAR is not accommodating to many. They now enforce that the buses can be within a 20 minute time span of arrival. They will only allow a passenger to be 5 minutes late at the scheduled pick up location. This is information off the top of my head. It is at least close to their new policies. I'll try to find the memo sent to us from the liaison.

When they service disabled riders at such a large location as the Hospital it is not reasonable for such a lack of help as in picking up an outside phone receiver and punching an extension for the transition of service to us. I guess "the powers that be" feel this is a little to excessive and above and beyond???

Response: Our ridership policies are clearly conveyed to all Dial-A-Ride passengers upon their certification to use the service via a passenger information sheet. BHWSTC is very familiar with the policies. Service policies have been developed based upon sound transit industry standards used by transit providers across the country. RTS staff pride themselves on going the extra mile to ensure superior transit service.

Computerized scheduling was implemented in October 2005. As is the industry standard, there is a twenty (20) minute window for service and drivers will wait five (5) minutes after their arrival time within the window. Under the previous manual system, passengers had a thirty (30) minute window (fifteen minutes on either side of arrival time and the drivers only waited three (3) minutes). Passengers receive real time scheduling under the automated system (they are provided their reservation information while on the telephone). Under the manual system all information was transferred from phone to paper manifest and then scheduled manually. Passengers were then called back at the end of the work day with their ride times. Certainly, not a very efficient system.

On May 17 RTS received an incident report from one of our drivers that when she arrived to drop off one of the visually impaired passengers there was no staff available to assist the passenger once she was dropped off at the door. The procedure in place was that a BHWSTC staff person would be at the door to assist their clients. As a result of this incident, RTS staff connected a BHWSTC residential services. It was mutually agreed upon that in the future, staff from the residential unit would phone BHWSTC staff at the hospital and let them know that the bus was on its way (bus would arrive in approximately three (3) minutes) and staff would not be required to wait at the door for an extended period of time. Unfortunately the staffer failed to notify other staff of the arrangement when she went on vacation, thus the confusion.

3. Since the Rapid Transit/DAR automated scheduling has gone into effect the service has been determined severely sub standard according to most users of Black Hills Workshop and Training Center. I have been involved in many meetings and instances in which service has declined. This has included department communication meetings and daily services between vocational and residential services.

Response: RTS staff is in daily contact with BHWSTC staff and frequent contact with Ms. Ellen Sylliasen, BHWSTC liaison to RTS. It is our understanding from our communications with her that there are no unresolved issues and that service needs are satisfactorily being met.

Black Hills Workshop has a liaison with the Rapid Transit System. Her name is Ellen Sylliasen. She can be reached at 343-4550. I have discussed our problems with her recently. She was going to visit with Cindy on the concerns.

4. Another person served by Black Hills Workshop has been harassed on an ongoing basis by a minor individual that rides on the "Rapid Transit" fixed route bus system. The person receiving our services has complained of these instances to the bus drivers. They (bus drivers) have documented her complaints.

Response: On February 21, 2006, one of our bus operators filed an incident report stating that an alleged altercation had taken place at a bus stop location involving three individuals, a BHWSTC client and two other individuals. Claims were made by the two passengers that there had been name calling and that one of them had been kicked by the workshop client. A few days later our office received a call from the service coordinator asking if we had any knowledge of the altercation. She was informed of the driver incident report and told that because the incident was not observed by the driver and had not taken place on the bus there wasn't really anything we could do. A few weeks later we received another call from the service coordinator stating that there had been another incident. There were no reports filed by any RTS driver's and when individually asked there was no recollection of any further problems.

They consist of strong intimidating verbal harassment. This person's Service Coordinator has contacted Rapid Transit on this matter several times. She was informed that nothing could be done unless a physical altercation happens. Because of this the person has been provided rides to work by other means as Rapid Transit does not want to pursue this matter.

We do not believe that this dual transit system is operated in a correct, efficient manner. Sam the powers that be should realize that the quality of service has gone from a much better level to an EXTREMELY poor level within their automation changes.

I have been informed from the good bus drivers too that they see very poor functioning and service provided from the changes. Some of the drivers don't get it either.

Thanks for putting up with my ramble on this matter. I'm writing quickly as I don't have a lot of time at this minute. Please feel free to contact me regarding any of this. I can fill in any questions you might have. My work # is 719-1432 and my home # is 348-4304. Thanks again Sam!

Sagen Rich

From: Sagen Rich
Sent: Thursday, June 22, 2006 1:47 PM
To: Jablonski Dirk
Subject: FW: Heather Therkildsen

Dirk, FYI

Mr. Brennan is clearly out of line. At what point do we contact BHWSTC management and get this issue with him under control?

-----Original Message-----

From: Bergman Brendy
Sent: Thursday, June 22, 2006 1:42 PM
To: Sagen Rich
Subject: Heather Therkildsen

June 22, 2006

Heather Therkildsen ride schedule for Thursday, June 22, 2006.

8:00 am pick up at home take to RC Regional Hospital

2:15 pm normal ride home from work, she **cancelled** due to doctor appointment

4:10 pm ride she scheduled from BH Rehab Hospital to home

At approximately 11:10 am today Heather Therkildsen called from her workplace, RC Regional Hospital, and asked if we could pick her up early today because they had an early release day today. She also wanted to know if we then could schedule an additional ride back at 2:00 pm to go back to the hospital for her physical therapy appt. I informed her that if we came to pick her up now we would be unable to give her a ride back to the hospital due to our policy of no same day scheduling, but I would be able to get her home early if she liked. She said she would have to call her mother and see if that was okay and I asked her to call me back if she wanted us to come get her. At that time I overheard her male boss asking her what she was doing and Heather told him she was trying to schedule extra rides for today on Dial-A-Ride and he said "Heather I don't know why you are calling them, you know you can't do any same day scheduling. It's too hard for them to rearrange their schedules. Ever since they switched over to their new computer service their service is garbage they don't help out any of their customers they are garbage." Then I heard a female employee try to quiet him down. He said "Heather you are just going to have to stay here all day."



Sagen Rich

From: Jablonski Dirk
Sent: Thursday, June 22, 2006 2:56 PM
To: Council Group
Cc: Sagen Rich
Subject: Rapid Transit System/Dial-A-Ride Concerns
Attachments: RTS-DAR.doc

Attached is the response to Mr. Mike Brennan. In addition to this response, and after discussion with Mayor Shaw and Rich Sagen, the following additional steps will be taken.

1. Ginny Nelson is under contract to provide some additional customer service work for the Public Works Department. It would be beneficial to have the drivers and RTS supervisors receive this customer service training. I will be working with Rich Sagen and Ms. Nelson to set a time and agenda for this training. If the Mayor or any Council member would like to be a part of the agenda planning please contact me. It is important that all the issues regarding customer service are addressed and your input is imperative.
2. A formal Public Works complaint procedure policy will be presented to Council for concurrence.

I have spoken to Mr. Brennan and he appeared to be appreciative of this effort.

Please contact me with any comments or questions.

Dirk

Sagen Rich

m: Sagen Rich
sent: Friday, June 23, 2006 3:22 PM
To: Jablonski Dirk
Subject: FW: Lockers At Bus Station

Dirk, Response from Keith at Human Resources. Rich

-----Original Message-----

From: L'Esperance Keith
Sent: Friday, June 23, 2006 3:19 PM
To: Sagen Rich
Subject: Lockers At Bus Station

Recently I was contacted by Cindy McQuilkin from Rapid Transit about the issue of providing lockers that can be locked for all the employees who want to use one and what liability issues there may be if the lockers were locked. This inquiry resulted from an allegation that money was stolen from an employee whose purse was on the bus (which the employee did not report the theft to PD and subsequently was not investigated by them as a criminal matter) and the issue of providing locked/unlocked lockers for employee use. As I understand it, you have a bank of lockers that can be locked and a bank that cannot and you want to provide a locker that can be secured for any employee who wants to use one. The City is not obligated to provide a lock -- in my opinion that should be the employee's responsibility. If the employee locks the locker, he/she should also have the expectation that the locker is city property and they should have no expectation of total privacy. The City can get into a locker at any time, with good cause to do so, especially if the locker contains city property such as ride coupons, receipt books, monthly bus passes, etc. It is my opinion that, if the employee provides a lock, he/she should provide a key or the combination to management or be readily available to open the locker at management's request or risk getting the lock cut off if management deems it necessary to access the locker. If you are going to provide the lockers and allow the employees to lock them, then I would strongly suggest you develop a policy governing the use of the lockers and run it past the City Attorney's Office before implementation.

Keith

From: "Stuart Pidasso" <a_rc_employee@yahoo.com>
To: <councilgroup@rcgov.org>
Sent: Friday, June 23, 2006 11:24 AM
Subject: June19 meeting Hadcock comments

I just finished listening to the council meeting on streaming audio, that is certainly a wonderful feature.

I especially found the conversation between Alderman Kooiker and Alderwoman Hadcock very disturbing. Hadcock apparently doesn't know Rich Sagen anywhere near as well as she thinks she does. I don't know the details of this situation, but I deal with him much more frequently than she does, and these allegations do not surprise me one bit. He is rude to customers, employees, and can not be trusted. The city should be ashamed to have someone with his arrogant personality in any position. Oh I know that he can be articulate and come off as being polished, when he wants to, but that is NOT who he is in reality. Someone at City Hall needs to be keeping closer tabs on what is happening over across the street.

Good for Sam Kooiker for standing up for the citizens. Keep up the good work and congratulations on your re-election.

Thank you

Sneak preview the all-new Yahoo.com. It's not radically different. Just radically better.

Sagen Rich

From: Sagen Rich
Sent: Friday, June 23, 2006 1:26 PM
To: Jablonski Dirk
Subject: Accepted: Meet with Black Hills Workshop

MEETING HELD 7/17/2006

Sagen Rich

From: Jablonski Dirk
Sent: Friday, June 23, 2006 1:56 PM
To: Sagen Rich
Cc: Council Group; 'Sam Kooiker'
Subject: RE: Lockers at Rapid Transit

Rich,

As you can read from Alderman Kooiker's e-mail he has an interest in whether or not locks can be placed on personnel lockers. Please verify whether or not they can be locked and if not, the reason why. Are you aware of any thefts from personnel lockers? I will relay the response to the Mayor and Council.

Thanks.

Dirk

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]
Sent: Thursday, June 22, 2006 5:59 PM
To: Dirk.Jablonski@Rcgov.Org; Rippentrop Kay
Subject: Lockers at Rapid Transit

Kay/Dirk,

Apparently there is an issue with theft at RTS from the lockers, and employees would like to have the ability to put padlocks on their lockers. The concern is that RTS management is declining to investigate the thefts or to allow employees to put locks on the lockers.

Can you find out when RTS will make a decision to allow locks on the lockers?

I respectfully ask that absolutely no attempt be made by RTS to find out who the concerned constituent(s) are that contacted me—pursuant to the resolution that the City Council passed in the Fall of 2002 which protects city employees who contact council members on issues.

Sam Kooiker

Sagen Rich

From: Sagen Rich
Sent: Monday, June 26, 2006 8:32 AM
To: McQuilkin Cindy
Subject: FW: Lockers at Rapid Transit

-----Original Message-----

From: Jablonski Dirk
Sent: Friday, June 23, 2006 1:56 PM
To: Sagen Rich
Cc: Council Group; 'Sam Kooiker'
Subject: RE: Lockers at Rapid Transit

Rich,

As you can read from Alderman Kooiker's e-mail he has an interest in whether or not locks can be placed on personnel lockers. Please verify whether or not they can be locked and if not, the reason why. Are you aware of any thefts from personnel lockers? I will relay the response to the Mayor and Council.

Thanks.

Dirk

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]
Sent: Thursday, June 22, 2006 5:59 PM
To: Dirk.Jablonski@Rcgov.Org; Rippentrop Kay
Subject: Lockers at Rapid Transit

Kay/Dirk,

Apparently there is an issue with theft at RTS from the lockers, and employees would like to have the ability to put padlocks on their lockers. The concern is that RTS management is declining to investigate the thefts or to allow employees to put locks on the lockers.

Can you find out when RTS will make a decision to allow locks on the lockers?

I respectfully ask that absolutely no attempt be made by RTS to find out who the concerned constituent(s) are that contacted me—pursuant to the resolution that the City Council passed in the Fall of 2002 which protects city employees who contact council members on issues.

Sam Kooiker

Sagen Rich

From: Jablonski Dirk
Date: Monday, June 26, 2006 10:47 AM
To: Council Group
Cc: Sagen Rich
Subject: Locks on Employee Lockers at Bus Terminal

It was recently reported by a bus driver that \$100 had been stolen from her purse. The employee suspected that a rider had stolen the money while on the bus but she was not certain. It was not reported until the day after the alleged occurrence. The theft was also not reported by the employee to the Police Department so there was no official investigation into the matter. One possible solution to assist employees in keeping this alleged theft from occurring again was to allow locks to be placed on lockers.

Human Resources was contacted for an opinion on allowing employees to lock the City lockers for their personal use. The recommendation was that if locks are allowed it should be made clear, through policy, that the employer should maintain a means of access to any locker at any time. This would be by a duplicate key or providing the combination.

A policy will be drafted for the use of locks. The City Attorney's office will be asked to review and comment on the policy.

The lockers used by employees were salvaged. Half are lockable and half are not. If the policy is ultimately adopted, the lockable lockers may be assigned on a seniority basis or additional lockers will have to be purchased.

Contact me with any questions or comments.

Dirk

Sagen Rich

m: Jablonski Dirk
at: Monday, June 26, 2006 10:55 AM
To: Sagen Rich
Subject: Locks

Rich,

I just responded to the lock controversy. When you read it you will see that a policy will be drafted for review by the City Attorney's office.

Please draft one that works for RTS/DAR. I review it and then we'll send it on to the City attorney for review. It might be as simple as what Human Resources provided to you in their e-mail dated June 23.

Thanks.

Dirk

Sagen Rich

From: Jablonski Dirk
Date: Monday, June 26, 2006 12:14 PM
To: Sagen Rich
Subject: RE: Locks

Thanks, Rich.

(This too shall pass.)

Dirk

-----Original Message-----

From: Sagen Rich
Sent: Monday, June 26, 2006 11:04 AM
To: Jablonski Dirk
Subject: RE: Locks

Dirk,

Thanks for the heads-up. We purchased additional lockers today from a local vendor and they will be delivered this afternoon. All drivers will be assigned a locker and all will have the ability to be locked. We are leaning to adopting the policy as provided by HR. I will get something to you this PM. In addition, do you want me to attend PW's tomorrow?

Rich

-----Original Message-----

From: Jablonski Dirk
Sent: Monday, June 26, 2006 10:55 AM
To: Sagen Rich
Subject: Locks

Rich,

I just responded to the lock controversy. When you read it you will see that a policy will be drafted for review by the City Attorney's office.

Please draft one that works for RTS/DAR. I review it and then we'll send it on to the City attorney for review. It might be as simple as what Human Resources provided to you in their e-mail dated June 23.

Thanks.

Dirk

Sagen Rich

m: Sagen Rich
t: Tuesday, June 27, 2006 3:47 PM
To: McQuilkin Cindy
Subject: FW: Locker policy
Attachments: RTS Locker use policy.DOC

-----Original Message-----

From: Price Karie
Sent: Tuesday, June 27, 2006 3:37 PM
To: Sagen Rich; Jablonski Dirk
Subject: Locker policy

Karie A. Price
Assistant City Attorney
City of Rapid City
300 Sixth Street
Rapid City, SD 57701
605-394-4140

This message and any attachments thereto contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message or any attachments thereto is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete original message immediately thereafter. Thank you.



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Karie A. Price, Assistant City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: karie.price@rcgov.org

MEMORANDUM

TO: Dirk Jablonski, Rich Sagen

FROM: Karie A. Price, Assistant City Attorney

DATE: 6/27/06

RE: RTS Locker Policy

Below is the locker policy I recommend Rapid Transit adopt:

Rapid Transit Locker Policy

All individuals employed as drivers shall be given the option to use a City-owned locker to store personal property for his or her convenience. Each locker has the ability to be secured with a key or combination paddle lock. The City will not supply employees with a paddle lock. If an employee chooses to lock his or her locker, the employee must first provide the City with the combination or a copy of the master key before the lock is used to secure the locker. Any unauthorized locks may be removed without notice to the employee and destroyed.

The lockers are and shall remain the property of the City of Rapid City. An employee's use of a locker does not diminish the City's ownership or control of the locker. Thus, use of the locker shall not convey an expectation of privacy. The City retains the right to inspect the locker and its contents to ensure that the locker is being used in accordance with its intended purpose, and to eliminate fire and other hazards, maintain sanitary conditions, attempt to locate lost or stolen materials, and to prevent the locker from being used to store prohibited and or dangerous materials or items.

Before a locker is inspected, and if the inspection is not related to a police investigation, the employee if present on the premises, shall, where possible, be contacted and given the opportunity to be present during the inspection unless the circumstances require that the

inspection be conducted without delay. In the event the locker is inspected without the employee's presence, the City shall notify the employee of such inspection as soon as practical thereafter. The City may request the assistance of law enforcement officials to assist the City in inspecting a locker or its contents if such assistance is considered necessary or convenient.

Sagen Rich

From: Jablonski Dirk
Date: Wednesday, June 28, 2006 1:27 PM
To: Council Group
Cc: Sagen Rich; Price Karie
Subject: FW: Locker Policy
Attachments: Rapid Transit Locker Policy.doc

Attached is the Locker Policy that has been adopted for the RTS/DAR Division. This policy has been posted for the employees by Mr. Rich Sagen, System Manager for immediate use.

Contact myself or Mr. Sagen with any questions or comments.

Dirk

From: Sagen Rich
Sent: Wednesday, June 28, 2006 8:51 AM
To: Jablonski Dirk; Price Karie
Subject: Locker Policy

Dirk/Karie, Policy has been posted. Thanks for your assistance. Rich

AFTER ALL
THIS, TO DATE
ONLY THREE (3)
EMPLOYEES HAVE
PUT LOCKS ON
THESE LOCKERS

MEMORANDUM

TO: Rapid Transit Drivers
FROM: Rich Sagen
DATE: June 28, 2006
RE: Lockers

Rapid Transit Locker Policy

All individuals employed as drivers shall be given the option to use a City-owned locker to store personal property for his or her convenience. Each locker has the ability to be secured with a key or combination padlock. The City will not supply employees with a padlock. If an employee chooses to lock his or her locker, the employee must first provide the City with the combination or a copy of the master key before the lock is used to secure the locker. Any unauthorized locks may be removed without notice to the employee and destroyed.

The lockers are and shall remain the property of the City of Rapid City. An employee's use of a locker does not diminish the City's ownership or control of the locker. Thus, use of the locker shall not convey an expectation of privacy. The City retains the right to inspect the locker and its contents to ensure that the locker is being used in accordance with its intended purpose, and to eliminate fire and other hazards, maintain sanitary conditions, attempt to locate lost or stolen materials, and to prevent the locker from being used to store prohibited and or dangerous materials or items.

Before a locker is inspected, and if the inspection is not related to a police investigation, the employee if present on the premises, shall, where possible, be contacted and given the opportunity to be present during the inspection unless the circumstances require that the inspection be conducted without delay. In the event the locker is inspected without the employee's presence, the City shall notify the employee of such inspection as soon as practical thereafter. The City may request the assistance of law enforcement officials to assist the City in inspecting a locker or its contents if such assistance is considered necessary or convenient.

STATEMENT UNTRUE

From: "Stuart Pidasso" <a_rc_employee@yahoo.com>
To: "Sam Kooiker" <skooiker@rapidnet.com>
Sent: Tuesday, July 04, 2006 2:49 PM
Subject: theft at rts

That is great that we now have a locker policy at RTS....he was forced to do something, but don't be fooled.

There were two thefts. Employee #1 had fifteen dollars taken from her locker. Three fives. She had just come from the ATM and had spent 5 at the drivethru for lunch. Employee #2 had \$100 taken from her purse. She initially thought that a workshop client on the bus Must have taken it, because she didn't think that anyone at RTS would do something like that. When she was writing up the incident report, She was asked if she was positive that it was the workshop client, she thought about it for a moment and then said with a frown..."you know, there WAS a strange incident in the drivers lounge with my purse, where another employee hurried away from the purse clutching something to her chest and then that explains why my purse was unclasped!" Rich's secretary, Cindy, told the employee to write it up as she had recalled earlier with the workshop client as the possible thief. Rich has stated that he does not believe that there was EVER any money stolen. These two gals must have just misplaced their money! Neither of the employees were told to go to the police. They believed that reporting it to the Manager was the thing to do and assumed incorrectly that he would contact the PD. But at least we have a locker policy now. Thank you

Yahoo! Music Unlimited - Access over 1 million songs. Try it free.

This message was scanned by GW Wireless Antivirus.

NONE OF THE
REFERENCED

From: "Stuart Pidasso" <a_rc_employee@yahoo.com>
To: "Sam Kooiker" <skooiker@rapidnet.com>
Sent: Monday, July 24, 2006 5:45 PM
Subject: Dear Alderman Kooiker

POSITIONS REQUIRE
A CDL

It has come to my attention that a couple of months ago, One of the Rapid Transit Drivers (a Donna Henderson) had an emergency break down with her bus in the Gap area of Main street. Due to the morning Route Supervisor being already busy doing something else, Mr. Sagen had to transport a Dial-a-Ride bus to this employee. Sure is a good thing he didn't have an accident, as he does not have a CDL to drive that vehicle. Wouldn't the city be liable in a case where a non-CDL licensee was driving a vehicle like that? In his job description it has a section that states "may perform duties of a route supervisor" The route supervisors quite frequently need to move vehicles and these emergencies have popped up numerous times, where Rich is unable to help because of his lack of CDL and also his refusal to learn the new Trapeze Software that is used in the dispatch and scheduling area. Since he has been hired by the city some 18 months ago, I should think that he would have been able to obtain that CDL and learn the needed computer programs by now. Can you imagine any other manager of a department not being able to go out and perform the tasks of his/her employees in case of an emergency? I can't see Brumbaugh not being able to deliver a load of sand to a icy street if he absolutely had too, or Jerry Wright not being able to operate a loader, or Ron Barber not being able to operate is water plant.....etc.

thanks Jon Doe

Do you Yahoo!?
Everyone is raving about the all-new Yahoo! Mail Beta.

This message was scanned by GW Wireless Antivirus.

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]

Sent: Monday, July 24, 2006 8:40 PM

To: Rippentrop Kay

Subject: Rapid Transit

Kay, I received a concern that Rich Sagen at RTS has driven Dial-a-Ride buses from time to time, but does not have his CDL; apparently he has also declined to learn the new Trapeze software that is used in the dispatch and scheduling area.

Can you check into this and let me know....

Sam

This message was scanned by GW Wireless Antivirus.

Sagen Rich

From: Jablonski Dirk
Date: Tuesday, July 25, 2006 3:39 PM
To: Kooiker Sam; Council Group
Cc: Rippentrop Kay; Sagen Rich
Subject: RE: Rapid Transit

Sam,

Under an emergency situation Mr. Sagen drove a bus from the garage to the terminal. This was because there were no drivers available and the bus was needed to maintain service. This was not on a route and there were no passengers. Mr. Sagen understands that it was not proper, however, he took it upon himself to do the pragmatic thing to make it work. His dedication to the operation of the system should be commended. Additional FTE's would solve this problem.

Mr. Sagen has not learned the Trapeze software system. Since this is a task normally handled by dispatchers and route supervisors it is not expected that he would be conversant in operational software. It is not abnormal for supervisors not to be totally conversant in all software. It is, however, important for supervisors to know what the software is capable of doing and that it is providing the service necessary for a successful operation.

Contact me with any additional questions.

Dirk

-----Original Message-----

From: Rippentrop Kay
Sent: Tuesday, July 25, 2006 2:13 PM
To: 'Sam Kooiker'
Cc: Jablonski Dirk
Subject: RE: Rapid Transit

Sam - I'll have to defer to Dirk on these two as I don't the requirements on either the license or the software.

-----Original Message-----

From: Sam Kooiker [mailto:skooiker@rapidnet.com]
Sent: Monday, July 24, 2006 8:40 PM
To: Rippentrop Kay
Subject: Rapid Transit

Kay, I received a concern that Rich Sagen at RTS has driven Dial-a-Ride buses from time to time, but does not have his CDL; apparently he has also declined to learn the new Trapeze software that is used in the dispatch and scheduling area.

Can you check into this and let me know....

Sam