WEDNESDAY, OCTOBER 5, 2011
11:00 A.M.

NO. 3

#25935

AFSCME Local 1025,
Petitioner and Appellee,

vs.

SIOUX FALLS SCHOOL DISTRICT,
Respondent and Appellant,

SIOUX FALLS EDUCATION
ASSISTANTS ASSOCIATION,
Petitioner and Appellee,

vs.

SIOUX FALLS SCHOOL DISTRICT
and #49-5 BOARD OF EDUCATION,
Respondent and Appellant.

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(FOR APPELLEE SF EDUCATION ASST. ASSOC.)

The Honorable William J. Srstka, Jr.
Second Judicial Circuit
Minnehaha County

(CIV 10-2361)

STATEMENT OF THE ISSUES

I. Whether the DOL Properly Granted the District's Motions to Dismiss the Grievances of Local 1025 and SFEAA on the Grounds That the Grievances Were Untimely, Thus Depriving the DOL of Jurisdiction?

The DOL found that Local 1025 and SFEAA did not timely file their grievance petitions.

Cox v. Sioux Falls Sch. Dist. 49-5, 514 N.W.2d 868 (S.D. 1994);
Bon Homme County Com'n v. AFSCME, Local 1743A, 2005 SD 76, 699 N.W.2d 441;
Zephier v. Catholic Diocese of Sioux Falls, 2008 SD 56, 752 N.W.2dd 658;
Wapella Educ. Ass'n., IEA v. Illinois Educ. Labor Relations Bd, 531 N.E.2d 1371 (Ill. App. Ct. 1988).

II. Whether the DOL Erred in Determining that SFEAA and Local 1025 Were Entitled to a Three Percent (3%) Wage Increase for Fiscal Year 2009

The DOL found that Local 1025 and SFEAA were, by contract, entitled to a three percent (3%) wage increase for fiscal year 2009.

In re Sales Tax Refund Application of Black Hills Power and Light Co., 298 N.W.2d 799 (S.D. 1980);
In re Certification of Question of Law, 402 N.W.2d 340 (S.D. 1987);
Loesch v. City of Huron, 2006 SD 93, 723 N.W.2d 694;
Martinmaas v. Engelmann, 2000 SD 85, 612 N.W.2d 600;
SDCL 13-13-10.1(4);
SDCL 13-13-10.6.