

Referrals
11/20/18

INTERNAL
OPERATIONS
STANDING
COMMITTEE

Memo



To: Council President Brenda Jones; Detroit City Council

Cc: Detroit City Clerk Janice Winfrey

From: Detroit Corporation Counsel Lawrence García *LTG*

Date: November 9, 2018

Re: Access to Polls for Disabled Voters

Issue Presented

Persons with disabilities have expressed concerns about access at the polls – both at full, formal sessions of City Council and, anecdotally, at polling places during Tuesday’s elections. In voicing complaints, disabled voters have asked “who is responsible,” and “what can be done to formally address their concerns?”

Secretary of State as Supervisor

Michigan Compiled Law §168.21 provides, “The secretary of state shall be the chief election officer of the state and shall have supervisory control over local election officials in the performance of their duties under the provisions of this act.” Based on the statute, the Secretary of State has supervisory authority over elections in Detroit.

Local Responsibility:

The Wayne County Clerk and Detroit’s City Clerk have stated their intention to address all concerns raised. Each has a system for fielding complaints and reported problems.

Under MCL §168.662(5), the legislative body of a city is responsible to ensure that polling places are accessible and comply with statutes regulating voting accessibility (such as the Voting Accessibility for the Elderly and Handicapped Act, 42 USC §§1973ee, and the Help America Vote Act (“HAVA”) 42 USC ch 146 §15301 *et seq* transferred to 52 USC §§20901-21145). Specifically, the statute provides, “The **legislative body of a city**, village, or township **shall ensure that a polling place established under this section is accessible** and complies with the voting accessibility for the elderly and handicapped act and the help America vote act of 2002.” (emphasis added).

Given the persistent complaints and the legal requirements that apply, Detroit's City Council should take complaints about accessibility at polling places seriously, and it may be prudent for Council to develop its own process for fielding, addressing and tracking stated concerns about access to the polls – especially for persons with disabilities.

State Administrative Complaint Process

Michigan has an administrative complaint process which allows a person to initiate a formal investigation against an election authority who is alleged to have violated a provision of HAVA. See attached. Complaints can be filed with the Michigan Bureau of Elections using the attached complaint process guideline. The Bureau of Elections is located on the first floor of the Richard H. Austin Building at 430 W. Allegan St., Lansing, Michigan. The Bureau of Elections can be reached online at www.michigan.gov/sos or by telephone at (517) 373-2540.



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

COMPLAINT PROCESS

I. INTRODUCTION

- A. A person who believes that an election authority has violated or will violate a provision of Title III of the Help America Vote Act (42 U.S.C. 15512) that concerns an election for federal office may file a complaint with the Michigan Department of State's Bureau of Elections (Bureau) pursuant to these guidelines.
- B. A person, before filing a complaint pursuant to these guidelines, should contact the election authority and attempt to resolve his or her concerns. However, failure to contact the election authority will not prevent a person from utilizing these complaint procedures.

II. COMPLAINT PROCEDURE

A. Timing

- 1. If the complaint meets Section III's requirements, the Department shall forward the complaint to the named election authority in five (5) days for a response.
- 2. An election authority shall have thirty (30) days to provide a written response to the complaint.

B. Complaint consolidation/withdrawal

- 1. The Bureau may consolidate complaints filed pursuant to these guidelines. Complaints will be consolidated if they contain substantially similar allegations against an election authority. The Bureau will generally consolidate additional complaints with an original complaint.
- 2. The Bureau may consolidate two or more complaints filed by the same person. A person who files more than one complaint shall be deemed

to have consented to waive any timing requirements for previous complaints filed with the Bureau.

3. The Bureau may consolidate a complaint with a complaint that has been subject to a final determination by the Bureau.
4. A complainant may withdraw his or her complaint at any time during the complaint process. A complaint, once withdrawn, shall not be re-filed.

III. COMPLAINTS

A. Required Information

1. A complaint filed under these guidelines shall be in writing, notarized, signed and sworn by the person filing the complaint.
2. The complaint shall allege, with specificity, the following:
 - a) The election authority that has violated Title III
 - b) The Title III provision the election authority violated
 - c) An explanation of how the election authority named in (III)(2)(a) violated the Title III provision listed in (III)(2)(b)
 - d) A statement that the complainant either witnessed or possesses first-hand knowledge of the conduct alleged in (III)(2)(c)

B. Dismissal

1. Complaints that do not meet the requirements of III(A)(1) and III(A)(2) shall be dismissed without prejudice.
2. A person may re-file a complaint that has been dismissed without prejudice.

III. COMPLAINTS *(continued)*

C. Optional Information

The complaint may include the following information:

1. A request that the Bureau conduct a hearing on the record (See Section V below)
2. Notarized affidavits from a maximum of three (3) persons who witnessed the alleged violations.

IV. *RESPONSES*

A. Requirements

1. The response shall be in writing, notarized and signed by the chief election officer of the election authority.
2. The response shall confirm or deny the allegation (if known).
3. The election authority shall respond to the complaint within 25 days after receipt.
4. The election authority is not required to respond to a complaint.

B. Optional Information

1. The response may include notarized affidavits from a maximum of three (3) persons who have information that may assist the Bureau in determining whether the election authority violated Title III.

V. *HEARINGS*

A. Procedure

1. A complainant may request that the Bureau conduct a hearing on the record (hereafter "hearing") regarding an alleged violation of Title III.
2. A complainant who desires a hearing must make such a request in the complaint.
3. The Department will schedule a hearing only if it receives a valid complaint.

B. Notice & Appearance

1. The Bureau shall notify the election authority of the complainant's hearing request.
2. The election authority shall inform the Bureau within twenty-five (25) days whether it intends to appear at the hearing. If the election authority opts to forgo the hearing, the Bureau shall rely on the authority's written response to the complaint, if any.
3. A complainant who has requested a hearing, but fails to appear at the hearing, shall have his or her complaint dismissed with prejudice.

C. Witnesses

1. Complainant - The Complainant may call as witnesses only those persons who provided affidavits pursuant to Section III (C)(2).

2. Election Authority - The election authority may call as witnesses only those persons who provided affidavits pursuant to Section IV (B)(1).
3. Bureau of Elections
 - a. The Bureau shall review both witness lists to ascertain the nature of the testimony, and shall strike those witnesses it believes will offer irrelevant or redundant testimony. A witness excised from a witness list shall not testify at the hearing.
 - b. The Bureau shall not bar the testimony of the complainant or the election authority's chief election officer.

D. Procedures

1. A witness shall testify only to those Title III violations alleged in the complaint.
2. Absent extraordinary circumstances, the Bureau shall hold hearings in Lansing. The Bureau shall schedule the date and time of the hearing.
3. The Bureau shall make an audio recording of the hearing.
4. The complaint, the response, any valid accompanying affidavits, and the relevant hearing testimony shall constitute the record.
5. Hearings shall be informal, non-contested case hearings and shall not be governed by the Administrative Procedures Act (APA), 1969 P.A. 306, as amended.
6. The Bureau of Elections shall designate one or more persons to direct the hearing.

VI. DETERMINATION

- A. The Bureau shall review the record regarding the alleged Title III violations.
 1. Procedures
 - a. The Bureau shall weigh written testimony — whether offered via complaint, response, or affidavit — equally with any oral testimony offered at a hearing.
 - b. The Bureau shall not draw any inference from a complainant's decision to request or not request a hearing or an election authority's decision to attend or not attend a hearing.
- B. If, under the guidelines, the Bureau does not find reason to believe that the election authority has violated Title III, it shall dismiss the complaint and publish the results on its Web site.

- C. If, under the guidelines, the Bureau has found reason to believe that the election authority has violated Title III, it shall, pursuant to Section 21 of the Michigan Election Law, 1954 P.A. 116, as amended, provides an appropriate remedy. The Bureau shall publish the results of its final determination on its Web site.

VII. *REMEDY*

- A. The Bureau shall have wide discretion to provide an appropriate remedy
 - 1. A remedy may include, but is not limited to, the following:
 - a. Sending a written finding of a Title III violation to the authority
 - b. Requiring a written response from the election authority, detailing how it will remedy a Title III violation
 - c. Additional election training for the election authority
- B. A remedy shall not, under any circumstances, include a financial penalty

VIII. *TIMING*

- A. The Bureau shall issue a final determination within ninety (90) days after it receives the complaint, unless the complainant consents to an extension or a complaint has been consolidated with another complaint.
- 1. If the Bureau fails to issue a final determination within ninety (90) days, it shall forward the record to the Department of State's Bureau of Legal Services for alternative dispute resolution.

IX. *ALTERNATIVE DISPUTE RESOLUTION*

- A. The Legal and Regulatory Services Administration shall appoint a hearing officer to review the record. The hearing officer shall render a final determination within sixty (60) days after receiving the record.
- B. After reviewing the record, the hearing officer shall issue a final determination declaring whether there is reason to believe that the election authority has violated Title III.

1. If the hearing officer finds reason to believe that an election authority has violated Title III, he or she shall order an appropriate remedy. The Bureau of Elections shall enforce the remedy.
 - a. The Bureau of Elections shall report the hearing officer's decision and remedy (if any) on its Web site.



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313•224•4550
FAX 313•224•5505
WWW.DETROITMI.GOV

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Date: November 13, 2018

To: Honorable City Council

From: Law Department

Re: Law Department Report on MVA Settlements as authorized by resolution of the Detroit City Council.

The Law Department has submitted a privileged and confidential memorandum regarding the above-referenced matter. Please submit this item for referral so that Council may consider any action that is necessary.

CITY CLERK 2018 NOV 13 PM 3:32



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313•224•4550
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November 5, 2018

HONORABLE CITY COUNCIL

**RE: DANNY SAYLOR vs CITY OF DETROIT
WATER DEPARTMENT
FILE #: 14710 (PSB)**

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential attorney-client privileged memorandum that is being separately hand delivered to each member of your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **EIGHTY-SEVEN THOUSAND AND FORTY-FOUR DOLLARS (\$87,044.00)** is in the best interests of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **EIGHTY-SEVEN THOUSAND AND FORTY-FOUR DOLLARS (\$87,044.00)** and that your Honorable Body authorize and direct the Finance Director to issue a draft in that amount payable to **Danny Saylor and his attorney, Jeffrey S. Kirschner**, to be delivered upon receipt of properly executed releases and order of dismissal in Workers Compensation Claim #14710, approved by the Law Department.

Respectfully submitted,


Phillip S. Brown
Assistant Corporation Counsel

PSB/gs

Attachment(s)

cc: Budget Department

APPROVED: NOV 14 2018


CHARLES RAIMI
Deputy Corporation Counsel

CITY CLERK 2018 NOV 14 PM 3:40

RESOLUTION

BY COUNCILMEMBER: _____

RESOLVED, that settlement of the above matter be and hereby is authorized in the amount of **EIGHTY-SEVEN THOUSAND AND FORTY-FOUR DOLLARS (\$87,044.00)**; and be it further

RESOLVED, that the Finance Director be and is authorized and directed to draw a warrant upon the proper fund in favor **Danny Saylor and his attorney, Jeffrey S. Kirschner**, in the sum of **EIGHTY-SEVEN THOUSAND AND FORTY-FOUR DOLLARS (\$87,044.00)** in full payment of any and all claims which they may have against the City of Detroit by reason of any injuries or occupational diseases and their resultant disabilities incurred or sustained as the result of his past employment with the City of Detroit and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers Compensation Department of the State of Michigan.

APPROVED: NOV 14 2018



CHARLES RAIMI
Deputy Corporation Counsel



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Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•6936
Fax 313•628•1164
www.detroitmi.gov

November 8, 2018

Honorable City Council

Subject: **Request to Amend the Official Compensation Schedule**

Recommendation is submitted to amend the 2018 – 2019 Official Compensation Schedule to include the pay range for the following classification:

Class Code	Title	Salary	Step Code
94-10-03	Assistant Director – DDOT Operations/Maintenance	\$67,563 – \$110,330	K

The above recommendation were occasioned by a request from the Department of Transportation.

The new position is a result of a reorganization within the department and provides support by planning, directing and coordinating the daily activities of the Department of Transportation. To ensure the salary of the position is paid competitively, a market survey was completed and data from comparable entities was used to develop the rate. The proposed salary is essential for recruitment and retention purposes and is based on the City of Detroit's ability to fund the increase. The proposed salary is subject to City Council approval.

Respectfully submitted,

Denise Starr
Human Resources Director

DS/sm

Attachments

cc: Budget Department

CITY CLERK 2018 NOV 13 PM 2:37

BY COUNCIL MEMBER _____

RESOLVED, That the 2018 - 2019 Official Compensation Schedule is hereby amended to reflect the following pay ranges, effective upon Council's approval.

Class Code	Title	Salary	Step Code
94-10-03	Assistant Director – DDOT Operations/Maintenance	\$67,563 – \$110,330	K

RESOLVED, That the Finance Director is hereby authorized to honor payrolls and vouchers in accordance with this resolution, the above communication and standard City of Detroit practices.

City of Detroit
Classification/Compensation Division
Classification/Compensation Notification Form

City Clerk

Requesting Department: <u>Transportation</u>	Division: <u>Administration</u>										
Requester Name: <u>Angelica Jones, Interim Director</u>											
Date of Receipt: <u>9/20/2018</u>											
Work Order Number # <u>2018-073</u>	P.L.#:										
Action Taken											
<input type="checkbox"/> Specification Maintained	<input type="checkbox"/> Position Maintained										
<input type="checkbox"/> Specification Updated	<input type="checkbox"/> Positions Reallocated										
<input checked="" type="checkbox"/> New Specification	<input type="checkbox"/> Position Allocated										
<input checked="" type="checkbox"/> Other: <u>New Classification</u>	<input type="checkbox"/> Position Deletion										
<p>Explanation: This is to advise you that the Human Resources Department concurred in the following recommendation, based on investigation and report by the Classification/Compensation Division of this Department:</p> <p>1. The following new appointed Department of Transportation title and code be adopted and the 2018-2019 Official Compensation Schedule be amended to include the following pay range:</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 15%;">Class Code</th><th style="width: 45%;">Title</th><th style="width: 30%;">Salary</th><th style="width: 10%;">Step Code</th></tr></thead><tbody><tr><td>94-10-03</td><td>Assistant Director – DDOT Operations/Maintenance</td><td>\$67,563 – \$110,330</td><td>K</td></tr></tbody></table> <p><i>Subject to City Council approval</i></p> <p>2. The attached class specification for the following title be adopted:</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%;">94-10-03</td><td>Assistant Director – DDOT Operations/Maintenance</td></tr></table>		Class Code	Title	Salary	Step Code	94-10-03	Assistant Director – DDOT Operations/Maintenance	\$67,563 – \$110,330	K	94-10-03	Assistant Director – DDOT Operations/Maintenance
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94-10-03	Assistant Director – DDOT Operations/Maintenance	\$67,563 – \$110,330	K								
94-10-03	Assistant Director – DDOT Operations/Maintenance										
Classification/Compensation Analyst: <u>Samantha Moore</u>	Date: <u>11/8/18</u>										
Chief Classification/Compensation Officer: <u>Nicole Smith</u>	Date: <u>11/8/2018</u>										
Human Resources Director: <u>Denise Starr</u>	Date: <u>11/9/18</u>										

CC: Labor Relations
Payroll Audit
Budget
Oracle Update



**Human Resources
ADMINISTRATION**

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 316
Detroit, Michigan 48226

Phone 313•224•3710
Fax 313•224•1750
www.detroitmi.gov

November 14, 2018

Honorable City Council

Subject: **Request to Amend the Official Compensation Schedule**

Recommendation is submitted to amend the 2018 – 2019 Official Compensation Schedule to include the following pay ranges, subject to City Council approval:

Class Code	Classification	Current Salary		Recommended Rate of Pay	
		Min	Max	Min	Max
33-90-27	Animal Control Investigator	\$32,780	\$37,193	\$37,867	\$48,012
33-90-31	Supervising Animal Control Officer	\$38,874	\$43,076	\$41,812	\$51,583

Request:

The above recommendation was occasioned by a request from the Health Department.

Rationale:

The above request and recommendations are based on the ability to attract and retain essential personnel and to improve the operations of the Health Department.

Market survey data reveals the classifications are undercompensated. Based on the survey data Classification and Compensation recommends the proposed salaries. The salary adjustments are essential for recruitment and retention purposes and it is based on the City of Detroit's ability to fund the increase. The adjustments to the classifications are subject to City Council approval.

Respectfully submitted,

Denise Starr
Human Resources Director

DS/bvt

Attachments

cc: Budget Department

CITY CLERK 2018 NOV 14 PM 1:11

BY COUNCIL MEMBER _____

RESOLVED, That the 2018 - 2019 Official Compensation Schedule is hereby amended to reflect the following pay range, effective upon Council's approval.

Class Code	Classification	Current Salary		Recommended Rate of Pay	
		Min	Max	Min	Max
33-90-27	Animal Control Investigator	\$32,780	\$37,193	\$37,867	\$48,012
33-90-31	Supervising Animal Control Officer	\$38,874	\$43,076	\$41,812	\$51,583

RESOLVED, That the Finance Director is hereby authorized to honor payrolls and vouchers in accordance with this resolution, the above communication and standard City of Detroit practices.

City of Detroit
Classification/Compensation Division
Classification/Compensation Notification Form

Requesting Department: <u>Health</u>	Division: <u>Animal Care and Control</u>																						
Requester Name: <u>Ebony Robinson, Associate Director – Population Health</u>																							
Date of Receipt: <u>11/8/18</u>																							
Work Order Number # <u>2018-123 & 2018-124</u>	P.L.#: <u>2 & 3</u>																						
Action Taken																							
<input type="checkbox"/> Specification Maintained <input type="checkbox"/> Specification Updated <input type="checkbox"/> New Specification <input checked="" type="checkbox"/> Other: <u>Wage Survey & Salary Adjustment</u>	<input type="checkbox"/> Position Maintained <input type="checkbox"/> Positions Reallocated <input type="checkbox"/> Position Allocated <input type="checkbox"/> Position Deletion																						
Explanation: This is to advise you that the Human Resources Department concurred in the following recommendation, based on investigation and report by the Classification and Compensation Division of this Department: The 2018 - 2019 Official Compensation Schedule be amended to include the following pay adjustments:																							
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Class Code</th> <th rowspan="2">Classification</th> <th colspan="2">Current Salary</th> <th colspan="2">Recommended Rate of Pay</th> </tr> <tr> <th>Min</th> <th>Max</th> <th>Min</th> <th>Max</th> </tr> </thead> <tbody> <tr> <td>33-90-27</td> <td>Animal Control Investigator</td> <td>\$32,780</td> <td>\$37,193</td> <td>\$37,867</td> <td>\$48,012</td> </tr> <tr> <td>33-90-31</td> <td>Supervising Animal Control Officer</td> <td>\$38,874</td> <td>\$43,076</td> <td>\$41,812</td> <td>\$51,583</td> </tr> </tbody> </table>		Class Code	Classification	Current Salary		Recommended Rate of Pay		Min	Max	Min	Max	33-90-27	Animal Control Investigator	\$32,780	\$37,193	\$37,867	\$48,012	33-90-31	Supervising Animal Control Officer	\$38,874	\$43,076	\$41,812	\$51,583
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Subject to City Council approval.																							
Classification and Compensation Analyst:	<u>Brenda VanTull</u> <i>Brenda VanTull</i> Date: <u>11/14/18</u>																						
Chief Classification and Compensation Officer:	<u>Nicole Smith</u> <i>Nicole Smith</i> Date: <u>11/14/2018</u>																						
Human Resources Director:	<u>Denise Starr</u> <i>Denise Starr</i> Date: <u>11/14/18</u>																						

CC: Payroll Audit
 Budget
 Oracle Updates
 Ulti Updates
 Labor Relations