




TO: Victoria Shah, Secretary to the Board of Police Commissioners
FROM: Denise Starr, Human Resources Director 
DATE: August 29, 2023
RE: Authority to Hire/Terminate Appointed Personnel

Thank you for the opportunity to share language from the Detroit City Code which implicitly sets forth that the authority to hire or terminate an Appointee on an "at-will" basis rests with their respective hiring body or authority. *(See below)*

The Detroit City Code does not define an Appointee the same as an Employee who enjoys the right, in most cases, to civil service "just cause" employment protection.

In addition to the City Code, the City's Compensation Plan, (i.e., White Book) also provides for the hiring authority's ability to hire and to adjust an Appointee's salary; further supportinh the hiring body's ability to unappoint (terminate) an Appointee's employment on an at-will basis. *(See Attached)*

It goes without saying that all un-appointments/terminations must be made without regard to the Appointee's or Employee's protected class status.

City of Detroit Ordinance – Ch.2, Article 2, Sec. 35-2-21. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrative personnel means City employees:

- (1) Appointed by the Mayor in the administration of the Mayor's immediate office, as budgeted, without further approval; and
- (2) In titles or positions specifically designated by department directors or agency heads as "administrative" with the recommendation of the Chief Financial Officer and approval of the City Council.

Administrators means City appointees acting either as full-time directors or deputy directors in City departments and employees in those full-time positions appearing in the appointive and dual capacity section of the Official Compensation Schedule, who are not designated as administrative personnel or special-service employees, and are subject to appointment by the Mayor, the City Council or department directors or agency heads.

Appointee means a City employee who is designated as one of the administrative personnel, as defined in this section, or as one of the administrators, as defined in this section.

Budget-required furlough means a mandatory temporary absence during normal business hours, which:

- (1) For administrative personnel and administrators consists of eight consecutive hours without pay; and

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- (2) For all other non-union City employees consists of hours without pay that are determined in accordance with guidelines established by each City department and agency.

City elected officials means the mayor, the nine members of the City Council, and the City Clerk.

Compensatory time means time that is available from an employee's vacation bank for conversion into compensatory time, or that is earned by an employee and is available from the employee's compensatory time bank, which can be used by the employee in less than four-hour increments, when requested by the employee and approved by the employee's supervisor.

Employee means one who is a non-union member of the classified service or one who is a non-union probationary member of the classified service but does not mean an individual who is classified as one of the administrators or as one of the administrative personnel, or whose City services are compensated pursuant to a personal services contract or a professional services contract.

Extra-service employees means City employees who volunteer for employment in addition to their regular assignment, in activities requiring service on a unit, per-call or fee basis, or service for periods either less than 40 hours per week or less than a year, which may consist of regularly-budgeted activities or activities financed by sources from other than City funds, and whose positions are established by recommendation of a department director or agency head with approval of the Chief Financial Officer, Civil Service Commission, and the City Council.

Non-civilian members of the Fire Department means City employees who are classified as such by the Fire Department according to Chapter 18, Article II, of this Code, *Fire Department Auxiliary*.

Police officers means employees of the Police Department who perform police services and have been sworn in as police officers.

Prevailing-rate employees means City employees whose classifications in the Official Compensation Schedule are assigned hourly rates.

Provisional employee means one who is hired out of administrative necessity for a specific period of time with the possibility of renewal and without acquiring service credit for any period of employment.

Salaried employees means City appointees and employees whose classifications have been assigned a definite salary or salary range in the Official Compensation Schedule.

Six- or seven-day operations means those activities which are conducted on a six- or seven-day basis where staffing is relatively constant for all operating hours.

Special-service employees means City employees:

- (1) Whose job titles and assignments are designated as "special service" by request of a department director or agency head with approval of the Chief Financial Officer, the Civil Service Commission and the City Council, may be part-time or temporary in nature which is less than 40 hours per week or 52 weeks per year, may be assigned to special projects which are not anticipated to be permanent City functions, or may be assigned to training programs not necessarily leading to placement in regular City classes;
- (2) Are not entitled to the benefits applying to regular City employees who are hired on a permanent basis; or
- (3) Are entitled to appropriate benefits for City employees as provided by specific rule or policy approved by the City Council, provided, that such benefits shall not in substance exceed those that are provided for by this Code, or by resolution, for regular City employees.

(Code 1964, § 16-5-1; Code 1984, § 13-2-1; Ord. No. 12-09, § 1(13-2-1), eff. 9-14-2009; Ord. No. 15-13, § 1(13-2-1), eff. 6-18-2013)

Cross reference(s)—Definitions and rules of construction generally, § 1-1-2.

Sec. 35-2-23. Administrative and administrator rosters.

Separate rosters, by position, one for administrators and one for administrative personnel, shall be maintained by the Human Resources Department Labor Relations Division. Any changes in the administrative personnel roster shall be recommended by the department director or agency head with approval of the Human Resources Department Labor Relations Division.

(Code 1964, § 16-5-3; Code 1984, § 13-2-3; Ord. No. 15-13, § 1(13-2-3), eff. 6-18-2013)