

# Council Comments

Citizens Research Council of Michigan

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Detroit Charter Revision—4

## PERSONNEL ADMINISTRATION IN THE PROPOSED DETROIT CHARTER

### *Charter Revision Commission Timetable*

*After making several revisions in the "Discussion Draft," the commission formally adopted the proposed charter on July 7, 1972. As required by law the proposed charter has been submitted to the governor for review. The commission anticipates that the proposed charter will be returned by the governor in early August, which will give the commission about three weeks to make any additional changes it deems advisable in light of the governor's comments or objections. A final draft of the proposed charter must be filed with the city clerk by September 7, 1972, in order to be submitted to the electors of the city at the November 7, 1972, general election.*

The proposed charter establishes the basic policies and procedures for administration of the personnel function in the city of Detroit. It retains the concept of the merit system, but makes some basic changes relating to personnel administration. Two of the basic issues<sup>1</sup> that confronted the charter revision commission with respect to personnel administration were:

1. Whether the administration of the personnel function should be under a director directly responsible to the mayor or under an "independent" civil service commission as is provided in the present charter; and,
2. What the relationship should be between civil service and the collective bargaining function, which is currently performed by a separate labor relations bureau established by ordinance.

The proposed charter provides for a hybrid solution to both of these issues. The city will continue to have an "independent" civil service commission, but its role will be limited to appointing the personnel director, reviewing his proposed rules and

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<sup>1</sup> For a full discussion of these issues see O. Glenn Stahl, The Public Personnel Function—Two Issues, Citizens Research of Michigan, Memorandum No. 217, May, 1971.

handling employee grievances and appeals. A separate personnel department would be established, headed by a director appointed by the civil service commission with the approval of the mayor, with the director serving at the pleasure of the civil service commission. The personnel department would be responsible for the administration of all aspects of the centralized personnel function, including collective bargaining. However, the division of collective bargaining within the personnel department could be headed at the discretion of the mayor by either the personnel director or by a direct appointee of the mayor. Thus, the proposed charter provides for a quasi-independent status of the personnel function and leaves to the discretion of the mayor the extent to which the collective bargaining function will be integrated into the overall personnel function.

### Civil Service Commission

The proposed charter enlarges the present civil service commission from four to five members and lengthens the term of office for members of the commission from four to five years. As in the present charter, members of the commission will be appointed by the mayor to overlapping terms of office, subject to removal only for cause. The proposed charter states that no more than three members of the civil service commission may be affiliated with the same political party; under existing charter provisions, no more than two members of the commission may belong to the same party.

Under the present charter, the civil service commission is the head of the department, makes policies, establishes rules and appoints the secretary-chief examiner, subject to civil service regulations. Under the proposed charter, the civil service commission will appoint, with the approval of the mayor, the director of the department, who will serve at its pleasure. The commission will have the authority to review and approve the policies and rules prepared by the director relating to the classification plan, entry into and changes in status within the classified service, recruitment and employee advancement; and will hear employee appeals relating to classification, the validity of examinations, and appointments and promotions. The commission also would be required to establish rules providing for the final resolution of grievances brought by or against a classified employee.

### Personnel Director

Under existing charter provisions, policies established by the civil service commission are carried out by a secretary and chief examiner appointed by the civil service commission after competitive examination. He is removable only for cause with right to a public hearing. The director of labor relations is appointed by the mayor and serves at his pleasure.

The proposed charter provides that a personnel director head the personnel department. He would be appointed by the civil service commission with approval of the mayor and serve at the pleasure of the civil service commission. He would be re-

quired to have five years experience in the area of personnel administration but there is no requirement for competitive examination. The personnel director will appoint a deputy who will serve at his pleasure. Labor negotiations would be conducted by a division of labor relations within the personnel department. At the discretion of the mayor, this division would be headed either by the personnel director or by a different appointee of the mayor. Both existing ordinance and the proposed charter require the common council to ratify any collective bargaining agreement before it becomes binding on the city.

In the proposed charter, the personnel director is vested with the authority to classify positions covered by civil service, prepare and administer competitive examinations for applicants to the classified service, and establish rules and procedures governing the recruitment and advancement of classified employees.

#### The "Rule of One"

The proposed charter retains the present charter provision which requires all appointing authorities within city government to hire the person at the top of the civil service eligibility list. Under the proposed charter, exceptions to this rule would be permitted with the approval of the civil service commission. Under existing charter provisions exceptions are permitted, with approval of the civil service commission, in emergency situation for a period not to exceed sixty days.

#### Exempt Employees

The following employees are specifically exempted from civil service requirements in the proposed charter: elective officers; members of boards and commissions, temporary employees hired to conduct special studies and investigations; all department heads and deputy department heads; the head of the labor relations division of the personnel department; the fire chief, two fire assistant chiefs and the fire marshal; the heads of the treasury, accounting, assessments and purchasing divisions of the finance department; and at least five assistant police commissioners in charge of divisions within the police department.

In addition to the exempt positions specifically provided for, the proposed charter gives the mayor authority to make a total of ten additional exempt appointments. These appointees can be assigned to any department or agency within city government, including the mayor's office. The number of exempt positions may be increased by ordinance.

Under existing charter provisions, the following employees are exempt from civil service: elected officers; mayoral appointees (including members of boards and commissions); the secretary of all boards and commissions except the secretary of the civil service commission; and police officers. While police officers are presently covered by a separate merit system administered by the police department they will be placed under the city civil service system in the proposed charter.

## Promotions

The proposed charter provides that promotions within the classified service shall be made on the basis of competitive examinations and that the employee at the top of the roster of eligible employees cannot be passed over for a promotion without the permission of the civil service commission. Fire department personnel, however, are exempted from this general provision. Within the fire department promotions are to be made on the basis of seniority to any employee who in the judgment of the fire commissioner has the qualifications for the higher position. Though the present charter does not require competitive examinations for promotions, present charter provisions authorize the civil service commission to set aside any promotion made for "political or other considerations" or reasons except the interest of the service.

## Labor Negotiations and Collective Bargaining

Under the proposed charter, city employees have the right to "collective organization and collective bargaining." This right is presently provided under state law.

## Employee Grievances

The proposed charter requires the civil service commission to establish a system for the resolution of grievances brought by or against a city employee. The proposed charter provides that the employee and the commission shall try to agree on a hearing officer to settle the dispute. If an aggrieved employee and the commission are unable to agree, a hearing officer is to be selected from a list of five names submitted by a recognized arbitration association. The decisions of the hearing officer are subject to review by the civil service commission. Except when prohibited by collective bargaining agreement, all employees have the right to file a grievance with the civil service commission. Under present charter provisions, the civil service commission is required to investigate and adjudicate grievances from classified employees pertaining to discharge, suspension, or demotion.

## Other Proposed Changes in Personnel Administration

The proposed charter provides that "no city employee or applicant for employment shall be discriminated against because of race, religion, national origin, sex, age, political orientation, sexual orientation, or non-disabling handicap." The present charter states that examinations for applicants to the classified service shall be "public, competitive and free to all citizens of the United States, with specific limitations as to residence, age, health, habits and moral character, which shall be uniform as to each kind of work or occupation...." The present charter also provides that no city employee may be discriminated against in favor of or against because of "his political or religious opinions or affiliations."