

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 82-30, 82-32 AND 82-33; OF ARTICLE II, EMPLOYEE APPEAL PROCEDURE, OF CHAPTER 82, PERSONNEL, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY COMPOSITION OF THE PERSONNEL BOARD AND PROVISIONS GOVERNING SUSPENSIONS, AND TO REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 82-30 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 82-30. Personnel board.

(a) Composition. The personnel board shall consist of three ~~members, appointed as follows:~~ City Council member representatives. These representatives will be the same three City Council member representatives who serve on the Human Resources Technical Review Committee (HRTRC), which was established on November 29, 2006. The personnel board is responsible for hearing and deciding all matters brought before it under this article.

~~(1) Employees' appointment. The regular, full-time employees of the city shall appoint one member of the personnel board to serve a term ending December 31 of the second year following the appointment; provided, however, should a majority of these employees be unable to agree on an appointee, a secret ballot election shall be held under the control of the city clerk, who shall be solely responsible for the conduct and certification of such election. If the employees' appointee is employed in the same city department as the employee appealing under this article, an alternate must be chosen by the employees to hear the matter. No employee assigned to the city's human resources department may be a member of the personnel board.~~

~~(2) City council appointment. The city council shall appoint one member of the personnel board to serve a term ending as of December 31 of the second year following the appointment.~~

~~(3) Third member appointment.~~

~~a. By two board members. The two members so appointed shall mutually appoint a third member of the personnel board when there is a matter to be heard as is provided for by this article. Upon mutual agreement by the two members, the same third member may be appointed to hear more than one matter.~~

~~b. By American Arbitration Association. If the two members are unable to agree upon the selection of a third member within five days of an appeal from an employee, a third member shall be selected according to the rules for expedited hearing promulgated by the American Arbitration Association.~~

~~e. *Compensation.* The third member shall be compensated a reasonable fee, and such cost may be assessed against the city and/or the employee, in the discretion of the personnel board.~~

~~(b) *Vacancy appointment.* Any appointment to the personnel board to fill a vacancy due to a member's death, discharge, resignation or retirement shall be made only for the remainder of the unexpired term for which the former member had been appointed.~~

~~(c) *Authority of employees' appointee.* The personnel board member appointed by the employees shall sit on the board and hear matters presented pursuant to this article. Such member shall not have any authority to represent the employees, other than is specifically provided for in this article.~~

Section 2. Section 82-32 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 82-32. Dismissal, suspension or demotion.

(a) *Actions affecting employment.* An employee covered by this article may be dismissed, suspended, or demoted by the city for ~~good and sufficient~~ cause.

(b) *Appeal to personnel board.* Such employee may, within ten days after presentation to him of written confirmation of such action affecting his employment, appeal the action to the personnel board.

(c) *Hearing by personnel board.* The board shall, within ~~two~~ three weeks from the date of filing such appeal, commence hearings thereon and shall thereupon hear and determine the matter and either affirm, modify or revoke the action affecting the employee's employment. The employee shall be entitled to appear personally, produce evidence, have counsel and have a public hearing, if the employee so desires. The findings and decisions of the personnel board shall be final and shall be promptly delivered to the employee and to the city.

(d) *Benefits continued.* Benefits such as health, dental, life insurance and disability benefits shall be continued for the employee by the city during an appeal from a suspension or dismissal until such time as a decision is rendered by the personnel board.

(e) *Compensation.* If a dismissed employee is reinstated or a suspension without pay is reversed or reduced, the personnel board shall decide, in its discretion, whether the employee shall receive full, partial or no compensation for such time as the suspension or dismissal was in effect.

Section 3. Section 82-33 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 82-33. Suspensions.

(a) *Without pay.* An employee covered by this article may be suspended without pay for reasons relating to the employee's performance of job duties. An employee suspended without pay may request a hearing before the personnel board if the suspension is for more than ten working days or, if indefinite, after the tenth working day of the suspension.

(b) *With pay.* An employee may be suspended with pay indefinitely immediately upon the occurrence of an event for the purpose of investigation or when the best interests of the city require. ~~An employee who is suspended with pay may appeal any such suspension after the 30th calendar day of the suspension.~~

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby

Section 5. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 6. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, the day following its publication in the *Oakland Press* on _____, 2025.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2025.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2025.

Leanne Scott, Clerk
City of Rochester Hills