

**FORMAL SESSION – TUESDAY, FEBRUARY 14, 2023**

**LAW DEPARTMENT**

An Proposed Ordinance to amend Chapter 35 of the 2019 Detroit City Code, *Personnel, Article II, Employment, Division 2, Hours of Work and Methods of Payment*, by amending Section 35-2-35, *Excused-time Holidays*, to add Indigenous Peoples Day to the City’s excused-time holidays.      **INTRODUCE.**

**ROLL CALL**

**Santiago-Romero**, resolution setting public hearing on \_\_\_\_\_  
at \_\_\_\_\_ A.M./P.M. on foregoing ordinance amendment.



USE!

(REPLACEMENT)

**LAW DEPARTMENT**

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February 6, 2023

Detroit City Council  
1340 Coleman A. Young  
Municipal Center  
Detroit, Michigan

Re: Ordinance to add Indigenous Peoples Day to the City's holidays

Honorable City Council:

Council Member Santiago Romero has requested that the Law Department prepare an ordinance to amend Chapter 35 of the 2019 Detroit City Code, *Personnel, Article II, Employment, Division 2, Hours of Work and Methods of Payment*, by amending *Section 35-2-35, Excused-Time Holidays* to add Indigenous Peoples Day to the City's excused-time holidays. This attached ordinance replaces the previously submitted ordinance amending *Section 35-2-34, Holidays*.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

*Adam SAXBY*

Adam Saxby

Senior Assistant Corporation Counsel

*Enclosure*

cc: Malik Washington, City Council Liaison

## SUMMARY

This ordinance amends Chapter 35 of the 2019 Detroit City Code, *Personnel*, Article II, *Employment*, Division 2, *Hours of Work and Methods of Payment*, by amending Section 35-2-35, *Excused-time Holidays*, to add Indigenous Peoples Day to the City's excused-time holidays.

1 **BY COUNCIL MEMBER SANTIAGO-ROMERO:**

2 **AN ORDINANCE** to amend Chapter 35 of the 2019 Detroit City Code, *Personnel*, Article  
3 II, *Employment*, Division 2, *Hours of Work and Methods of Payment*, by amending Section 35-2-  
4 35, *Excused-time Holidays*, to add Indigenous Peoples Day to the City’s excused-time holidays.

5 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
6 **THAT:**

7 **Section 1.** Chapter 35 *Personnel*, Article II *Employment*, Division 2, *Hours of Work and*  
8 *Methods of Payment*, be amended by amending Section 35-2-35, to read as follows:

9 **CHAPTER 35. PERSONNEL**

10 **ARTICLE II. EMPLOYMENT**

11 **DIVISION 2. HOURS OF WORK AND METHODS OF PAYMENT**

12 **Sec. 35-2-35. Excused-time Holidays**

13 (a) Each calendar year, appointees and employees shall be granted eight hours of  
14 excused time for Good Friday, Indigenous Peoples Day, Veterans' Day, the day after Thanksgiving  
15 Day, Christmas Eve, and New Year's Eve. Where an excused-time holiday falls on a Saturday, it  
16 shall be observed on the preceding Friday and where an excused-time holiday falls on Sunday, it  
17 shall be observed on the following Monday, except for employees assigned to six- or seven-day  
18 operations. Where a consecutive holiday and excused-time holiday fall on a Friday and a Saturday,  
19 the official holiday and excused-time day shall be designated as Friday and Monday. Where a  
20 consecutive holiday and excused-time holiday fall on a Sunday or Monday, the official holiday  
21 and excused-time day shall be designated as Friday and Monday

22 (b) An appointee or employee shall be eligible to receive excused-time holiday pay,  
23 provided, that:

1           (1)    The appointee or employee shall have received at least eight hours of pay, exclusive  
2                   of overtime and sick leave, the workday before and the day after the excused-time  
3                   holiday;

4           (2)    The appointee or employee continues on the payroll through the excused-time  
5                   holiday; and

6           (3)    The appointee or employee is otherwise qualified for the excused-time holiday.

7           For purposes of this subsection, an appointee or employee shall be considered off the  
8 payroll where the appointee or employee is discharged, has voluntarily quit, is on a formal leave  
9 of absence granted by the Human Resources Department, is receiving workers' compensation, is  
10 laid off, or is engaging in an illegal work stoppage which extends through an excused-time holiday.  
11 In the event that the appointee or employee is off the payroll within the meaning of this subsection,  
12 pay for the excused-time holiday shall be forfeited.

13           (c)    Straight time shall be paid for eight hours worked on an excused-time holiday.

14           (d)    Holiday premium shall not be paid for work on any excused-time holiday.

15           (e)    Where an appointee or employee is absent without leave on an excused-time  
16 holiday on which the appointee or employee is scheduled to work, the appointee or employee shall  
17 not receive pay for the excused-time holiday.

18           **Section 2.**    All ordinances, or parts of ordinances, that in conflict with this ordinance  
19 are repealed.

20           **Section 3.**    This ordinance is declared necessary to preserve the public peace, health,  
21 safety, and welfare of the People of the City of Detroit.

1           **Section 4.**     If this ordinance is passed by a two-thirds (2/3) majority of City Council  
2 members serving, it shall be given immediate effect and shall become effective upon publication  
3 in accordance with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-  
4 thirds (2/3) majority of City Council members serving, it shall become effective no later than thirty  
5 (30) days after publication in accordance with Section 4-118 of the 2012 Detroit City Charter.

6

**Approved as to form:**

A handwritten signature in black ink, appearing to read 'C. Mallett', written over a horizontal line.

Conrad L. Mallett  
Corporation Counsel

**RESOLUTION SETTING HEARING**

By Council Member Santiago-Romero:

Resolved, That a public hearing will be held by this body on \_\_\_\_\_ at \_\_\_\_\_ A.M./P.M. virtually using videoconferencing for Internal Operation Standing Committee, for the purpose of considering the advisability of adopting the foregoing, An Proposed Ordinance to amend Chapter 35 of the 2019 Detroit City Code, *Personnel, Article II, Employment, Division 2, Hours of Work and Methods of Payment*, by amending Section 35-2-35, *Excused-time Holidays*, to add Indigenous Peoples Day to the City's excused-time holidays.

All interested persons are invited to be present to be heard as to their views.