



LAW DEPARTMENT

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January 26, 2023

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

Re: Ordinance to add Indigenous Peoples Day to the City's observed 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 35-2-34, Holidays*. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

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

Respectfully submitted,

Adam Saxby
Senior Assistant Corporation Counsel

Enclosure

cc: Gail Fulton, 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 35-2-34, *Holidays*, to add Indigenous Peoples Day to the City's observed holidays.

BY COUNCIL MEMBER _____ :

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 35-2-34, *Holidays*, to add Indigenous Peoples Day to the City’s observed holidays.

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

1 Section 1. Chapter 35 *Personnel*, Article II *Employment*, Division 2, *Hours of Work and*
2 *Methods of Payment*, be amended by amending Section 34-2-34, to read as follows:

3 CHAPTER 35. PERSONNEL

4 ARTICLE II. EMPLOYMENT

5 DIVISION 2. HOURS OF WORK AND METHODS OF PAYMENT

6 Sec. 35-2-34. Holidays

7 (a) Appointees and employees under this division shall be entitled to the following
8 ~~eight~~ nine holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Indigenous
9 Peoples Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
10 Where a holiday falls on a Saturday, it shall be observed on the preceding Friday and where a
11 holiday falls on Sunday, it shall be observed on the following Monday, except for employees
12 assigned to six- or seven-day operations. Where a consecutive holiday and excused-time holiday
13 fall on a Friday and a Saturday, the official holiday and excused-time day shall be designated as
14 Friday and Monday. Where a consecutive holiday and excused-time holiday fall on a Sunday or
15 Monday, the official holiday and excused-time day shall be designated as Friday and Monday.

16 (b) Appointees and employees shall receive eight hours straight time pay for each
17 holiday. Where a holiday falls on the employee's sixth or seventh work day and, unless the

1 employee requests the time off in the form of compensatory time, the department director or
2 agency head shall pay for the holiday.

3 (c) An appointee or employee shall be eligible to be paid for a holiday, provided, that:

4 (1) The appointee or employee shall have received at least eight hours of pay, exclusive
5 of overtime and sick leave, the work day before and the day after the holiday;

6 (2) The appointee or employee continues on the payroll through the holiday; and

7 (3) The appointee or employee is otherwise qualified for the holiday.

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

14 (d) In addition to the straight time paid for a holiday, an employee shall be paid holiday
15 premium pay at time and one-half for all hours worked on a holiday.

16 (e) Where an employee is absent without leave on a holiday on which the employee is
17 scheduled to work, the employee shall not receive pay for the holiday.

18 (f) Holiday premium pay shall not be duplicated for the same hours worked.

19 (g) Where an employee who is engaged in six- or seven-day operations works either
20 the actual calendar holiday or the substitute holiday, the employee shall receive holiday premium
21 pay, but the employee shall not be allowed to pyramid holiday premium pay for working both
22 days, provided, that:

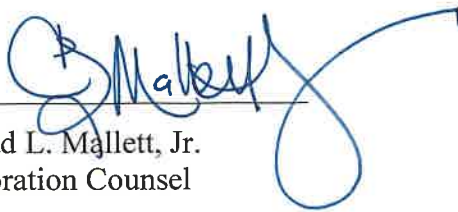
- 1 (1) An employee who is assigned to a six- or seven-day operation may be scheduled
2 off for the holiday on either the calendar holiday or the substitute holiday;
- 3 (2) Where an employee works both the calendar holiday or the substitute holiday, the
4 day designated as a holiday for pay purposes shall be the day which allows the
5 employee the maximum pay credit for working both days;
- 6 (3) Where an employee works either the calendar holiday or the substitute holiday, or
7 both, the employee shall be paid holiday premium for the day worked;
- 8 (4) Where an employee is on sick leave on the calendar holiday, or on the substitute
9 holiday, or on both, the employee shall receive sick pay, provided, that where the
10 employee works either of the two days, the employee shall receive holiday premium
11 for the day worked; and
- 12 (5) Where an employee is absent without leave on a calendar holiday, but works on the
13 substitute holiday, the employee shall not be entitled either to holiday pay or to
14 holiday premium pay.

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

17 **Section 3.** This ordinance is declared necessary to preserve the public peace, health,
18 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.

Approved as to form:



Conrad L. Mallett, Jr.
Corporation Counsel