

BY COUNCIL PRESIDENT MARY SHEFFIELD

AN ORDINANCE to amend Chapter 35 *Personnel*, Article II *Employment*, Division 2 *Hours of Work and Methods of Payment* to add Juneteenth to the City's observed holidays.

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

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

CHAPTER 35. PERSONNEL

ARTICLE II. EMPLOYMENT

DIVISION 2 HOURS OF WORK AND METHODS OF PAYMENT

Sec. 35-2-34. Holidays

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

(b) Appointees and employees shall receive eight hours straight time pay for each holiday.

Where a holiday falls on the employee's sixth or seventh work day and, unless the employee

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

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

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

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

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

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

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

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

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

(g) Where an employee who is engaged in six- or seven-day operations works either the actual calendar holiday or the substitute holiday, the employee shall receive holiday premium pay, but the employee shall not be allowed to pyramid holiday premium pay for working both 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 employee the
5 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 employee
10 works either of the two days, the employee shall receive holiday premium for the day worked;
11 and

12 (5) Where an employee is absent without leave on a calendar holiday, but works on
13 the substitute holiday, the employee shall not be entitled either to holiday pay or to holiday
14 premium pay.

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

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

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

this ordinance specifies a certain date to become effective, it shall become effective in accordance with the date.

Approved as to form:

Hon. Conrad Mallett, Jr.
Corporation Counsel