

**DETROIT CHARTER REVISION COMMISSION**  
**PROPOSAL/ISSUE REVIEW SUMMARY**

**ISSUE NUMBER:** EPS 17

**ISSUE CATEGORY:** Enforcement & Public Safety

**SOURCE:** Daniel F. McNamara, President

**RELATED CHARTER SECTIONS:** §7-806 (Promotions)

Detroit Fire Fighters Assn, Letter dated

November 1, 2010

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S): RELEVANT LAW(S):** MCL 432.201 et seq. (Public Employee Retirement Act)

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**ISSUE/PROPOSAL STATEMENT:** Make all non-supervisory promotion based solely on seniority.

**Sec. 7-806. Promotions.**

1. ~~The fire commissioner shall make all (P) promotions to non-supervisory positions within the classified service of the department shall be made to the~~ employee having served the longest period in any position ~~shall be advanced to fill any vacancy in the next higher position, if that person has, in the judgment of the fire commissioner, the qualifications for the higher position. Qualifications shall be reasonable and non-competitive.~~
2. Promotions within the classified service of the department to the supervisory positions of sergeant and above shall be determined by ~~qualifications based on length of service in the next lower position. and reasonable and objective evaluations of such factors as ability, skill, experience, knowledge and training. (Amend. No. 10, adopted 11-4-80, effective 11-20-80~~

**Case law annotations-**The language of this section is clear and specific in its direction ~~to the board of fire commissioners.~~ It is not ambiguous in any way. The reference to length of service in the department can only be taken to mean actual service in the department and can only be taken to mean actual service as an employee of the city. One who is merely on the eligible list may not be considered as in actual service, *Brady v. City of Detroit*, 353 Mich. 243, 91 N.W. 2d 257 (1958). (Annotation to prior Charter)

Advancements under this section may be made between units of the fire department, *Detroit Fire Fighters Ass'n v. Detroit Fire Commissioners*, 366 Mich. 45, 114 N.W. 2d 195 (1962). (Annotation to prior Charter) Procedure for promotions is a mandatory subject of bargaining, *Detroit Fire Commissioners v. Detroit Fire Fighters association*, 22 Mich. App. 137, 177 N.W. 2d 216 (1970). (Annotation to prior Charter).

**RATIONALE:** None originally provided. Requested November 3, 2010 and the following was submitted on November 15, 2010: "The promotion system of the fire department is a well established process which has been in place for decades in accordance with the Collective Bargaining Agreement. It has been shaped, defined and written numerous times through Act

312 and contractual arbitrations. It should be reflected in the charter as defined in the Collective Bargaining Agreement as a direct reference.” – *Daniel McNamara, President, Detroit Fire Fighters Assn., Letter submitted via email.*

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

**NOTES:**