

the third Monday in April, except that the first members appointed under this Charter shall serve for the following terms: One (1) member shall be appointed for a term expiring on the third Monday in April 1959; one (1) member for a term expiring on the third Monday in April 1961; and one (1) member for a term expiring on the third Monday in April 1963; and thereafter each member shall be appointed for a regular six (6) year term. The members of the Commission shall be persons in sympathy with the application of merit principles to public employment. No member of the Commission shall hold any other elective or appointive office of the City, nor be employed by the City in any capacity, nor be a member of any local, State or national committee of a political party, nor be an officer or member of a committee of any partisan political club or organization, nor be a candidate for any elective office. The system of Civil Service shall become effective upon the adoption of this Charter. The first appointments of members of the Commission shall be made not later than thirty (30) days thereafter. The members of the Commission shall receive for their services such compensation as shall be determined by the Council. Vacancies shall be filled for the unexpired terms. Two (2) members of the Commission shall constitute a quorum for the conducting of the business of the Commission. The Council may remove any member of the Commission, but only after serving such member with a statement in writing of the reasons for such removal and allowing such member to be publicly heard in his defense. The Commissioner whose term of office shall next expire shall serve as Chairman of the Commission.

(b) Powers and duties of commission: In order to carry out and make effective the purpose and intent of the provisions of this Charter in establishing a Civil Service System, the Civil Service Commission shall:

(1) Establish and administer a position-classification plan, an examination program, a schedule of compensation, rules and regulations governing the terms and conditions of employment and service, a retirement plan, an insurance and disability plan, and a medical program;

(2) Establish and administer rules and regulations governing residence requirements, probation periods, service records, seniority, hours of service, work-week, vacations, leaves, resignations, lay-offs and age limits;

(3) Make such rules and regulations, not inconsistent with this Charter, as it deems necessary and advisable for the administration of the Civil Service programs;

(4) Investigate and enforce the provisions of this section of the Charter and, through its authorized representatives or its own members, administer oaths and subpoenas and compel attendance of witnesses and the productions of records in connection with any matter properly before it;

(5) Make annual reports of its activities to the Council and such special reports as may be requested by the Council; and

(6) May contract for such technical personnel services and advice as may be reasonably necessary to performance of the foregoing duties.

(c) Approval of payrolls: All payrolls or vouchers for personal services shall be approved by the Commission or its authorized representatives, as to names, classifications and rates before payment shall be made.

(d) The unclassified and classified service: The Civil Service of the City shall be divided into unclassified and classified service. The unclassified service shall specifically include officers elected by popular vote, persons appointed to fill vacancies in such elective offices, directors and heads of all City departments, and all members of boards and commissions required by law or this Charter to be appointed; except that the unclassified service shall not include the Chief of Police and the Chief of the Fire Department. The classified service shall comprise all other positions in the City not specifically included by this Charter in the unclassified service, including, but not limited to, all positions now or hereafter established in all of the departments, divisions, administrative offices of the City. Any board, commission or department constituted by law a body corporate shall be included in the classified service unless specifically excluded by the provisions of this Charter.

(e) Approval by council of commission's actions: The actions of the Civil Service Commission in establishing a classification of positions plan, a compensation plan, an insurance and disability plan, or retirement plan shall be approved by the Council before any of such plans may become effective. The Council may withhold its approval of any insurance, disability or retirement plans until it decides that circumstances justify such approval. When any plan has been once approved, amendments thereto shall not become effective until jointly approved by both the Civil Service Commission and the Council.

(f) Veterans' preference: The Commission shall establish fair and equitable rules, not inconsistent with law, for the granting of preference points to war veterans on examination for entrance into the service.

(g) Certification of eligibles: Whenever any certification is made by the Commission from eligible lists to fill a vacancy in the service, the names of the three (3) persons standing highest on the list shall be certified, except in case of promotion from within the service, in which event only the name standing highest on the eligible list shall be certified; and the appointing authority shall forthwith appoint one of the persons so certified to fill such vacancy.

(h) Status of employees upon adoption of Charter: All persons in the employ of the Township of Southfield in the classified service at the time this Charter shall become effective shall be deemed to have regular status and shall hold their positions without examination. All persons entering the classified service and all employees promoted after the adoption of this

Charter shall obtain their positions through examination.

(i) Filling of vacancies by promotion: Whenever possible vacancies shall be filled by promotion. An appointing authority may for the good of the service, elect to fill a vacancy by appointing a person from the open-competitive eligible list rather than from the promotional eligible list.

(j) Removal procedures and appeals: Any employee or officer in the classified Civil Service may be removed, suspended, or demoted by the appointing authority for cause, as shall be established by the Civil Service Commission, by an order in writing stating specifically the reasons therefor. A copy of such order shall be filed with the Commission. Such employee may within ten (10) days after presentation of such order to him appeal from such order to the Civil Service Commission. The Commission shall within two (2) weeks from the filing of such appeal commence the hearing thereon, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally; produce evidence, have counsel, and a public hearing. The findings and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

(k) Soliciting for political purposes: No officer or employee in the classified Civil Service shall directly or indirectly make, solicit, or receive any assessment, subscription, or contribution for any political party or any political purpose whatsoever. Any employee violating the provisions of this section may be removed from office by action of the Civil Service Commission.

(l) Discrimination prohibited: No person in the classified Civil Service or seeking admission thereto shall be appointed, removed, promoted, demoted or in any way favored or discriminated against because of his race, political, or religious opinions or affiliations, except for membership in any organization which advocates the overthrow of, or disloyalty to the Government of the United States or any subdivision thereof. For the protection of vital governmental services, the Council may authorize the Commission to administer loyalty oaths to all employees of the City and to remove from the classified Civil Service any employee who is found to be disloyal to the Government of the United States or any subdivision thereof, or who shall refuse to take such oath.

SECTION 6.6 POLICE DEPARTMENT:

(a) The Police Department shall be in the immediate charge of the Chief of Police, who shall be responsible directly to the City Administrator.

(b) Police officers shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the City. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to the proper officers and magistrates against any person known to be, or upon complaint or information believed to be, guilty of any violation of this Charter or of ordinances of the City, or of the penal laws of the State or of the United States. For the purposes of this section, violations of this Charter or ordinances for which a penalty is provided shall be deemed to be misdemeanors.

(c) Any member or employee of the Police Department of the City of Southfield who is required to work more than forty (40) hours per week in his line of duty shall be compensated on an hourly basis for all such time in excess of forty (40) hours per week upon certification of such excess by the Chief of Police or such other person immediately in charge of the Police Department. Such compensation shall be in proportion to the salary received by such member or employee; provided, however, that such excess shall not be more than twenty (20) hours per week and such excess to said twenty (20) hours per week shall be added to the leave time of such member or employee.

SECTION 6.7 FIRE DEPARTMENT:

(a) The Fire Department shall be in the immediate charge of the Fire Chief, who shall be responsible directly to the City Administrator.

(b) The Fire Department shall be responsible for the prevention and extinguishment of fires and the protection of persons and property against damage and accident resulting therefrom. The Fire Chief shall be responsible for the use, care and management of the City's fire fighting apparatus and property. He shall conduct supervisory and educational programs for the purpose of reducing the risk of fires within the City. He, or any of his authorized subordinates, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of life and property. If any person willfully disobeys any such lawful requirement, he shall be deemed guilty of a violation of this Charter.

(c) The Fire Chief or any of his authorized subordinates, with the concurrence of the Mayor, or of the City Administrator, or of any two Councilmen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of a fire. In such case no action shall be maintained against the City or any person therefor. If any person, having an interest in such a building, applies to the Council within three (3) months after the fire for compensation for damages to the building, the Council shall authorize the payment of such compensation as it deems just. The Council may ascertain the amount of such compensation by agreement with the owner or owners of the property, or by the appraisal of a jury selected in the same manner as in the case of juries to appraise damages for the taking of property for public use. No compensation shall be paid on account of any loss which would probably have occurred to such building, if it had not been pulled down or destroyed.

(d) Employment in the Fire Department shall be subject to the following provisions:

(1) No person in the Fire Department, who is engaged in fire fighting or subject to the hazards thereof, shall be on duty in such employment more than twenty-four (24) hours, or shall be off duty less than twenty-four (24) consecutive hours, out of any forty-eight (48) hour period, thereby requiring firemen to work not more than an average of sixty-three (63) hours per week;

(2) The provisions of the above paragraph shall not apply to the Fire Chief or the Assistant Fire Chief, or to the members or employees of the Fire Department when required to remain on-duty by the Fire Chief, his aides, or assistants, in cases of public necessity arising from great conflagration, riot, flood, or epidemic of pestilence or disease.

(3) Any officer, employee, or agent of the City, who requires any employee who is engaged in fire fighting or subject to the hazards thereof, save as hereinbefore excepted, to be on duty in such employment for a longer time than hereinbefore provided, or to be off duty for a lesser time than hereinbefore provided, shall be guilty of a violation of this Charter.

SECTION 6.8 DEPARTMENT OF PUBLIC WORKS:

(a) The Department of Public Works shall be in the immediate charge of the Superintendent of Public Works, who shall be responsible directly to the City Administrator.

(b) The Department of Public Works shall be responsible for:

(1) Planning, laying out, construction, maintenance, alteration, repair, improvement, and control of streets, sidewalks, sewers, and sewage disposal facilities, and all other public grounds, buildings, facilities, and equipment which are not placed under the charge of some other department by this Charter or by the Council in accordance with authority granted by this Charter;

(2) Planning, laying out, construction, maintenance, alteration, repair, improvement, and control of water mains and the water supply and treatment plant and facilities, and the operation and administration of the water supply and treatment systems;

(3) Administration and operation of all municipal public utilities, and of vehicle storage and parking services, except as otherwise provided by this Charter or by the Council in accordance with authority granted by this Charter; and

(4) Furnishing of other services provided by the City, except as otherwise provided by this Charter or by the Council in accordance with authority granted by this Charter.

SECTION 6.9 DEPARTMENT OF HEALTH:

(a) The Department of Health, if created by the Council, shall be in the immediate charge of the Health Officer, who shall be responsible directly to the Board of Health. The Health Officer shall be either a Doctor of Medicine or a Doctor of Public Health.

(b) The Board of Health shall consist of five members appointed by the Council. At least two members of the Board shall be active practitioners of the medical profession, one of whom may be a Doctor of Public Health. The term of each member of the Board shall be three (3) years. Board appointments shall be made during the month of May in each year, to assume office on the first of July following appointment. The terms of office of the first Board appointed hereunder shall be fixed by the Council so that the term of one member will be for one (1) year, two for two (2) years, and two for three (3) years. The Board shall organize annually at its first meeting by electing one of its members chairman and shall meet at least once a month. The members of the Board shall serve without compensation.

(c) The Board of Health shall exercise the powers granted to city boards of health by law, shall recommend health measures to the Council, and shall enforce the health regulations adopted by it or by the Council. Regulations adopted by the Board shall not be effective until approved by the Attorney as to form, filed with the Clerk, and approved by the Council.

(d) In the event that the functions of the Board of Health are merged with, absorbed by, or otherwise joined with any health department, board, or agency of the County of Oakland or other unit of government in any manner provided or permitted by law, the powers and authority of the Board of Health shall be changed, diminished, or cease to exist to the extent provided in connection with such merger, absorption, or joining for so long as the functions of the Board are performed by the health department, board, or agency created thereby.

SECTION 6.10 DEPARTMENT OF PARKS AND RECREATION:

(a) The Department of Parks and Recreation shall be in the immediate charge of the Superintendent of Parks and Recreation, who shall be responsible directly to the City Administrator.

(b) The Department of Parks and Recreation shall be responsible for this maintenance, improvement, and operation of all public parks and cemeteries, and all buildings, improvements, and equipment thereon used for park or cemetery purposes. It shall care for all shade trees located on lands which are devoted to public purposes and shall control all lawn extensions between sidewalks, street curbs, and green belts.

(c) The Council may, by ordinance, join with school districts or other authorities or municipal units for the conduct of recreational programs, in any manner permitted by law. If a recreation board is created for such purpose, the Mayor shall appoint the representatives of the City thereon with the approval of the Council.

SECTION 6.11 PLANNING DEPARTMENT:

(a) The Planning Department shall be in the immediate charge of the Planning Director, who shall be responsible directly to the Council.