

7. Employees transferring into an entity participating in the permanent shift plan, may be initially assigned to shifts and assignments within the discretion of management, provided there are no blue slips on file for the requested shift or assignment. Thereafter, except as limited by the provisions of Subsections 2 and 4 of this Section B., Employees may utilize the blue slip procedure in Article 10, Section G.1. While Employees shall be entitled to submit a blue slip for a shift or assignment they shall not be eligible to exercise seniority for shifts for a period of six (6) months or assignments for one (1) year. When Employees are involuntarily transferred to an entity participating in the permanent shift program they shall not be eligible to exercise seniority for shifts for a period of three (3) months or assignments for six (6) months.
- C. A Joint Labor Management Permanent Shift Committee, consisting of not more than five (5) representatives from the Association and five (5) representatives of the Department shall meet within five (5) working days of the request by either party. The Committee shall meet to discuss issues related to the transition from rotating to permanent shifts and to the implementation and continuation of the permanent shifts concept. The Committee will attempt to resolve any such issues without the filing of a formal grievance with due regard to the fact that in negotiating permanent shifts the parties may not have considered all of the effects of such change and that flexibility is necessary and desirable to ensure that an orderly transition from rotating shifts to permanent shifts is effectuated.
- D. The Panel shall retain jurisdiction over the permanent shift award and, upon the request of either party, for a period of one (1) year after permanent shifts are implemented, shall convene, with substitute delegates if a party so designates, to resolve any dispute concerning permanent shifts which has not been resolved by the Committee.
- E. In the case of a bona fide hardship, reviewed and approved by the Chief of Police or the appropriate Deputy Chief, management may change an Employee's shift for a period not to exceed thirty (30) days. No other Employee shall be displaced from his shift or assignment as the result of such a reassignment. The Association will be notified of any approved request. This provision shall be applicable not only to those entities participating in the permanent shift plan, but to all assignments on a Department-wide basis.

42. OUTSIDE EMPLOYMENT

An Employee may engage in outside business activity or outside employment provided it is not inconsistent or incompatible with or does not interfere with the proper discharge of the Employee's duties and responsibilities as a police officer.

Approval for outside business activity or outside employment must be obtained from the Chief of Police, and shall be for a period of one (1) year. The Employee may request it be renewed after one (1) year. If an Employee is on the Attendance Control Program (DPD 350), that Employee cannot be approved for outside employment, and prior approval can be revoked at the discretion of the Chief of Police.

Approval will not be granted for an outside business activity or outside employment which would involve more than thirty (30) hours per week of work, or for work in businesses that are regulated by the Detroit Police Department (e.g., bars, adult movies or adult bookstores, etc.)

Officers may not be in uniform when engaged in any outside employment. Officers may not carry or use any equipment or accessories issued by the Department when engaged in any outside business activity or outside employment in private or personal security.

Approval to engage in outside business activity or outside employment shall not be unreasonably withheld.

43. WORK AREAS

The City will provide and maintain safe, clean, sanitary and healthful work premises, facilities and equipment. The City shall have the responsibility and authority first to determine what constitutes safe, clean, sanitary and healthful work premises, facilities and equipment. Grievances alleging a violation, that is, whether or not the City has provided and maintained safe, clean, sanitary and healthful work premises, facilities and equipment, shall be entered at the last step of the grievance procedure and shall be subject to arbitration.

- C. Inspection shall be during regular business hours of the respective repository and be conducted under supervision of the Department. Said Employee shall have the right to make duplicate copies for his own use at his own expense. No records, reports, investigations, evaluations or similar data belonging in the Personnel File or Medical file shall be hidden from an Employee's inspection.
- D. An Employee shall have the right to include in his personnel record and in any other file kept by the Department, a written refutation of any material he considers to be detrimental and to request its removal.
- E. If a promotion or transfer is denied to an Employee and he should discover that the Department has hidden detrimental data, reports or investigative summaries from his inspection, it shall be presumed that such records constituted the reasons for such denials.
- F. Employees may inspect their personnel file upon retirement and nothing shall be inserted in such files after the date of retirement.
- G. Reprimands will be removed from the Employee's file after two (2) years.

13. LEGAL COUNSEL

The City will provide legal counsel and pay any costs and judgments that arise out of lawsuits filed against Employees of the Detroit Lieutenants and Sergeants' Association alleging any act committed while said Employee was in the good faith performance of his duties. A contrary determination by the City is not final and binding as provided by the Municipal Code of the City of Detroit but is subject to review by an arbitration panel under the grievance arbitration provisions of this Agreement.

The City shall promptly undertake the defense of an action on behalf of an Employee pending determination of the "good faith" question.

This provision shall otherwise be in accordance with Section 13-11-3 of the Municipal Code of the City of Detroit.

14. OUTSIDE EMPLOYMENT

- A. An Employee may engage in an outside business activity or outside employment provided it is not inconsistent or incompatible with or does not interfere with the proper discharge of the Employee's duties and responsibilities as a police officer.
- B. Approval for outside employment must be obtained from the Chief of Police, and will be for a period of one (1) year. The Employee may request it be renewed after one (1) year. If an Employee is on the Attendance Control Program (DPD 350), that Employee cannot be approved for outside employment, and prior approval can be revoked at the discretion of the Chief of Police.
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- D. Approval to engage in outside employment shall not be unreasonably withheld.

15. POLITICAL OFFICES

- A. An Employee of the bargaining unit covered by this Agreement may become a candidate for political office, partisan or non-partisan, as long as he restricts his campaign activities to off-duty time.
- B. An Employee running for political office is not required to resign or take a leave of absence from the Detroit Police Department, provided that this activity does not interfere with his normally assigned duties.
- C. While off-duty and not in uniform any Employee may fully participate in any political activity either partisan or non-partisan.
- D. If an Employee is elected to a political office, which requires his full-time work, the Employee shall take a leave of absence without pay for the term of office the Employee was elected to, or he shall resign.

16. HEALTH AND SAFETY

- A. Safety glasses and ear protectors shall be provided at all police firing ranges and Employees shall not be required to fire without same.
- B. The City will provide and maintain clean, sanitary buildings and will repair unsafe work facilities in an expeditious manner.
- C. This section shall not be construed to impair or limit the applicability of any State or Federal law or regulation affecting health and safety in Department buildings and work facilities.

17. MISCELLANEOUS ITEMS

- A. The Department will furnish for the use of the Association, space for a bulletin board at each work location where Association members are assigned.
- B. Lockers and desks shall not be opened for inspection except in the presence of the officer or a representative designated by him for that purpose. In the event the officer or his designee refuses to be present the Department shall thus have the right to inspect the locker or the desk after notification to the commanding officer of the refusal.

- F. The Department need not comply with the above provisions for inspection in those areas where there is a current investigation of the Employee. The Employee must be told, however, that he/she is being investigated and apprised of the subject matter of the investigation.

11. LEGAL COUNSEL

The City will provide legal counsel and pay any costs and judgments that arise out of lawsuits filed against Employees of the Detroit Police Command Officers' Association alleging any act committed while said Employee was in the good faith performance of his/her duties.

The City shall promptly undertake the defense of an action on behalf of an Employee pending determination of the "good faith" question.

This provision shall otherwise be in accordance with Section 13-11-1 of the Municipal Code of the City of Detroit.

12. CHIEF'S DUTY OFFICER

The Chief of Police shall have the authority to designate Employees holding the rank of Captain as Chief's Duty Officers, both on a permanent basis and on a periodic basis to provide coverage during leave days and furloughs.

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- C. Approval will not be granted for an outside business activity or outside employment which would involve more than thirty (30) hours per week of work, or for work in businesses that are regulated by the Detroit Police Department (i.e., bars, adult movies or adult book stores, etc).
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- D. Approval to engage in outside employment shall not be unreasonably withheld.

Sec. 2-106.1. Ethical Standards of Conduct.

1. These standards of conduct apply to Public Servants including the Mayor, City Council members, City Clerk, appointive officers, appointees, employees and contractors as defined in this Charter.

The purpose of applying and enforcing these standards is to ensure that governmental decisions are made in the public's best interest by prohibiting city officials and employees from participating in matters that affect their personal or financial interests.

All City ordinances not inconsistent with these sections and that effectuate its operation may be retained. Ordinances may be enacted which are necessary to effectuate the operation of these sections. No ordinance shall be enacted which limits, contradicts or otherwise conflicts with the intent and purpose of these sections.

2. Except as otherwise provided by applicable law, a Public Servant shall not knowingly:
- a. Willfully or grossly neglect the discharge of his or her duties;
 - b. Use or disclose Confidential Information concerning the property, government or affairs of the City or any office, department or agency thereof, not available to members of the public and gained by reason of his or her official position;
 - c. Use property of the City except in accordance with policies and procedures of the City;
 - d. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties;
 - e. Represent a private person, business or organization in any action or proceeding pending before the City or any office, department or agency thereof, except:
 - i. A Public Servant may represent another person, business or organization before a City agency where such representation is a required part of his or her official duties;
 - ii. A Public Servant who is an uncompensated member of a City board, commission or other voting body may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City agency, other than the board, commission or other voting body on which he or she is a member; or
 - iii. A Public Servant who is compensated by the City may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee or under a personal services contract, as long as he or she does so without compensation and on his or her leave time.
 - f. Vote or otherwise participate in the negotiation or the making of any city contract, or any other type of transaction, with any business entity in which he or she or an immediate family member has a financial interest; or
 - g. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees.

A Public Servant who, in the course of his or her duties, exercises significant authority shall not:

- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City; or
- b. Unduly influence any decision to fill a position in City government with an immediate family member.