



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: November 3, 2009
SUBJECT: Personnel Board Appointment

At the last City Council meeting, there were two potential applicants for the Personnel Board. City Council postponed this appointment until the November 9, 2009 City Council meeting, which provided our office with the opportunity to research and review the limitations and qualifications for this advisory board position.

The Personnel Board is created in Chapter 11 of the Troy City ordinances. According to Section 1.2, members of the Personnel Board must meet the following requirements:

- The members of the Board “shall be persons in sympathy with the application of merit principles to public employment.”
- Board members shall not be employed by the City or be an official of the City.
- Board members shall not be a member of any local, state, or national committee or a political party.
- Board members shall not be a member of a committee in any partisan political club or organization.
- Board members shall not hold or be a candidate for any governmental elective office.

Personnel Board members essentially serve in an advisory capacity on matters of personnel policy and personnel administration. However, the Personnel Board also serves as an appellate body for cases where a classified employee challenges City management’s discharge of the employee. The Personnel Board hears evidence and determines whether the discharge was arbitrary or capricious. This determination is binding on the employee and the City, and “is the sole and exclusive remedy for the employee.” According to Section 11.4, employees can challenge the participation of any member of the Personnel Board “for bias or prejudice,” as long as the challenge is submitted in advance of the proceeding.

This ordinance provides the express ability to disqualify a Personnel Board member from participation on any particular item, based on a real or perceived conflict of interest that extends beyond a pecuniary interest. As always, both state law (MCL 15.304) and also City Charter (Section 6.12) prohibit pecuniary conflicts of interest, which are determined on an individual case by case basis. As with all boards and committees, there may be an individual board member with a potential pecuniary conflict of interest on an item that is before the board. These determinations should be made on a case by case basis, and should relate to the item being voted on, as opposed to the membership of the board or committee. Section 6.12 does not preclude the appointment of an individual to the Personnel Board.

Please let me know if you have any questions concerning the above.