

City of Detroit Board of Ethics

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ADVISORY OPINION #2017-01

Issued: February 3, 2017

Advisory Opinion # 2017-01: The Board of Ethics is authorized to issue advisory opinions regarding the application of the Ethics Ordinance's disclosure requirements or standards of conduct to the Requestor's own conduct. As the conduct targeted by the Requestor is not his own and does not implicate the disclosure requirements or standards of conduct found in the Ethics Ordinance, the Board has no authority to render an opinion here.

I. PROCEDURAL BACKGROUND

On January 13, 2017, the Board received Request for Advisory Opinion No 2017-01. The Requestor, currently employed as a [REDACTED] submitted the following request:

I have been employed by the [REDACTED] since October 2015. I have not received a raise or given a promised uniform allowance since hire. Job description indicates position works part-time, max of 24 hours per week. A recent change by [REDACTED], is that this position will work as she sees fit to include exceeding the max hours per week. Our hours have been adjusted for the Auto-Show while police officer earn overtime police officers earn \$35 to 50 overtime pay for. [REDACTED] per past practices work five day per week, Monday-Friday, but are issued two

sets of uniforms and all other gear is provided by the [REDACTED]

The Requestor did not waive confidentiality.

II. ANALYSIS

The Detroit City Charter defines the term “public servant” as including “the Mayor, members of City Council, City Clerk, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.” Section 2-105(A)(9), 2012 Detroit City Charter. (See also, Section 2-6-3, 1984 Detroit City Ordinances.)

The Requestor is a public servant. The Ethics Ordinance, authorizes the Board of Ethics to issue an advisory opinion under the following circumstances:

A public servant . . . may request an advisory opinion from the board of ethics regarding the application of the disclosure requirements that are found in Division II of this article, or of the standards of conduct that are found in Division III or this article, regarding the public servant's own conduct. Section 2-6-101(a), 1984 Detroit City Code.

As noted above, the Board is empowered to review a request for an advisory opinion seeking advice regarding **the Requestor’s actions or contemplated actions** in light of the requirements of the Ethics Ordinance. The request here targets the conduct or decisions of [REDACTED]. Rather than seeking an analysis of conduct regulated by the Ordinance, it seems to be a grievance regarding the actions or decisions of management concerning uniforms allowances, raises, wages, and hours.

III. CONCLUSION

The Board is without authority to render an advisory opinion here as the request does not seek an opinion regarding the Requestor’s own conduct, nor does it concern matters regulated by the Ethics Ordinance.

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Dated: February 3, 2017