

Proposed

MINUTES OF
MEETING
POLICE/FIRE COMMISSION (ACT 78)
For October 8, 1981

- I. Call to order: 7:39 PM.
- Roll Call: Present, Michaelson, Strecker
Absent, Wangbichler
- II. Minutes of meeting of June 8, (June 22 and July 13, 1981.)
- Motion to approve: Michaelson Seconded: Strecker
- Yes: All
- III. Petitions & communications:
None
- IV. New business:
None
- V. Old business:
- Review of remand of Daniel M. Bowe (City requests closed session).
Recessed: 9:00 PM.
- Motion for closed session: Michaelson Seconded: Strecker
- Yes: All (7:42 PM)
- Reconvened: 8:05 PM
- Motion to approve the attached order (#1) to reinstate Mr. Bowe
contingent upon agreed order of court on case 80-213558 by plaintiff
and City (with prejudice): Strecker Seconded: Michaelson
- Yes: All
- VI. Reports:
None
- VII. Adjourn: Motion to adjourn: Michaelson Seconded: Strecker
- Yes: All
- Adjourned: 8:08 PM.

FNB/lm

cc: Act 78 Commissioners
City Manager
City Clerk
Bernard Feldman (Bowe)
Fred Cross
Police Chief

Frank N. Blake
Clerk for the Commission

STATE OF MICHIGAN
CITY OF TROY ACT 78 CIVIL SERVICE COMMISSION

DANIEL M. BOWE,
Petitioner,

vs.

CITY OF TROY,
Respondent

ORDER OF CITY OF TROY
ACT 78 CIVIL SERVICE COMMISSION

This matter having come on to be heard before this Board upon the appeal of DANIEL M. BOWE, a probationary police officer, from the decision of the appointing authority to deny him permanent tenure status, and upon remand by the Oakland County Circuit Court back to this Commission of the matter following the Respondent's appeal of this Board's previous decision;

In support of this Order the Commission notes for the record that:

1. The discharge authority Frank Gerstenecker, City Manager for the City of Troy, has indicated to this Commission that after he took action to deny officer Bowe permanent appointment certain information or facts were presented to him that was not available to him at the time of his initial review and action to deny appointment to officer Bowe.

2. The parties through their attorneys have pursued this matter in the Oakland County Circuit Court by way of an appeal filed by Daniel Bowe. The parties are now desirous of avoiding any extended litigation over this matter and the accompanying legal cost and fees of further appeals. The parties have also noted to this Commission that besides the legal appeals being pursued by officer Bowe, he is

LAW OFFICES
STEWART, O'REILLY,
CORNELL, LASCOE
& RANCILIO
PROFESSIONAL CORPORATION
PROFESSIONAL VILLAGE PLAZA
40100 VAN DYKE AVENUE
STERLING HEIGHTS, MICH.
48078
(313) 266-9000

also entitled to a verteran's preference hearing which he has initiated but which has been adjourned pending this Commission's action.

3. The parties, through their respective counsel, have stipulated that this action is in the best interest of both parties.

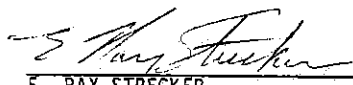
NOW, THEREFORE, in consideration of the above,

IT IS HEREBY ORDERED

A. That DANIEL M. BOWE be reinstated to the status of a full-time tenured police officer with the City of Troy.

B. That the City reimburse to officer Bowe backpay to the date of his appeal with this Commission which is stipulated by the parties to amount to Twenty Four Thousand Nine Hundred (\$24,900.00) Dollars.

C. That the personnel records of DANIEL M. BOWE be purged of any reference to the incidents which gave rise to his discharge or to the discharge itself.


E. RAY STRECKER


N. D. MICHAELSON

(Absent)
ROBERT WANGBICHLER

Dated: October 8, 1981


Clerk 10/8/81

LAW OFFICES
STEWART, O'REILLY,
CORNELL LASCOE
& RANCILIO
PROFESSIONAL CORPORATION
PROFESSIONAL VILLAGE PLAZA
4000 VAN DYKE AVENUE
STERLING HEIGHTS, MICH.
48078
(313) 268-9600

MINUTES OF
MEETING & HEARING
OF

July 23, 1981 & Continuation October 8, 1981

Proposed

Called: 7:28 PM

Roll Call: All Present

- (II. A) The Chairman requested the opportunity for the Commissioners to attend a Civil Service Conference (by the Michigan Municipal League) on July 30, 1981. If the Commission then so desires it should then take the following action:

RESOLVED, that the Police/Fire Civil Service Commission (Act 78) hereby requests City Council of the City of Troy to appropriate sixty (\$60) dollars to the education, training and meetings line item of the Personnel Office budget for 1981/82 for the purpose of paying registration fees for the three members of this Commission to attend a Civil Service Commission seminar sponsored by the Michigan Municipal League on July 30, 1981, at the Southfield Holiday Inn.

Motion to approve: Wangbichler Seconded: Strecker

Yes: All

- B. Appeal: Lieutenant Maur:

Attorney John Lyons (representing Lt. Maur) stated the 90 day time limit as imposed by Act 78 was not met; the action being taken past 90 days of department knowing of incident.

Discussion. Commission recessed at 8:20 PM.

Commission reconvened at 8:40 PM. Discussion.

Commission declared recess to a future date. Recessed: 9:00 PM.

Hearing reconvened 8:33 PM, October 8, 1981.

Roll Call: Present, Michaelson, Strecker

Absent: Wangbichler

Chairman stated that various court cases have been reviewed by the Commissioners over the past several weeks, that it is the Commission's determination the action taken by the appointing authority was past the 90 day time period and, therefore, the action is null and void; that the time lost through the disciplinary action by Lt. Maur is to be restored.

Motion to adjourn: Michaelson Seconded: Strecker

Adjourned: 8:42 PM

Frank N. Blake

FNB/lm
cc: Act 78 Commissioners
City Manager
City Clerk
John Lyons (Maur)

Frank N. Blake
Clerk for the Commission