



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: December 22, 2011

ORDER NO. S-132

**RE: Local #376, Pontiac Fire Fighters Union, International Association of Fire
Fighters Affiliated with AFL-CIO, Contract Provision Termination**

**TO: Sherikia Hawkins, City Clerk
Cathy Square, Director, Department of Public Works and Human Resources**

Director

**Tyrone Jarrett, Fire Chief
Local #376, Pontiac Fire Fighters Union, International Association of Fire
Fighters Affiliated with AFL-CIO**

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: (g) Make, approve or disapprove any appropriation, contract, expenditure...”; (k) After meeting and conferring with the appropriate bargaining representative and, if in the emergency manager’s sole discretion and judgment, a prompt and satisfactory resolution is unlikely to be obtained, reject, modify, or terminate 1 or more terms and conditions of an existing collective bargaining agreement. The rejection, modification, or termination of 1 or more terms and conditions of an existing collective bargaining agreement under this subdivision is a legitimate exercise of the state’s sovereign powers if the emergency manager and the state treasurer determine that all of the following conditions are satisfied...; (l) Act as sole agent of the local government in collective bargaining with employees or representatives and approve any contract or agreement; (y) Enter into agreements with other local governments, public bodies, or entities for the provision of services, the joint exercise of powers, or the transfer of functions and responsibilities; (aa) consolidation of services; (ee) Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local

government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

The City engaged in good faith collective bargaining with the Local #376, Pontiac Fire Fighters Union, International Association of Fire Fighters Affiliated with AFL-CIO (PFFA). Subsequent meetings with Damon Harney, the Union representative on September 23, 2011 and October 4, 2011. We also met with the PFFA leadership team on October 21, 2011, November 4, 2011, November 17, 2011, November 30, 2011, December 21, 2011, and December 22, 2011.

In October of 2011, the City received an offer from the Charter Township of Waterford to provide fire fighting, fire protection and emergency medical services at a cost to the City of \$6.2 million.

The City most recently met with the PFFA on December 22, 2011 to discuss the proposal to enter into an intergovernmental agreement with the Charter Township of Waterford and reached an agreement with PFFA to the transfer of fire protection and medical response services for the City to the Charter Township of Waterford. This agreement was ratified by PFFA members on December 28, 2011.

It is hereby ordered:

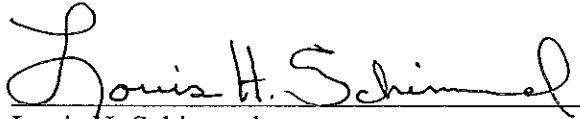
1. The Human Resources Director is directed to prepare a layoff notice to each member of the PFFA.
2. No later than 5:00 p.m., on Thursday, December 22, 2011, the Human Resources Director will distribute all individual employee layoff notices to each effected employee.
3. The final day of employment for each effected employee will be 7:00 a.m., February 1, 2012.
4. Each effected employee must return all property of the City of Pontiac, including but not limited to, equipment, documents, access keys/cards, uniforms, computers, cellular phones, and radios to the Fire Chief by 7:00 a.m., February 1, 2012.
5. The Fire Chief will prepare an inventory of all City property returned by all laid off employees, including but not limited to, equipment, documents, access keys/cards, uniforms, computers, cellular phones, and radios to the Fire Chief by 9:00 a.m., February 8, 2012.
6. The Fire Chief will deliver all computers, cellular phones, and radios to Sarcom to the extent that such equipment will not be used by the Fire Department of the Charter Township of Waterford.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom

of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L".

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council