City of Allen Park, County of Wayne,
State of Michigan

ORDER No. 2014-044

AN ORDER TO CONTINUE THE EMPLOYMENT OF CERTAIN APPOINTED PROFESSIONALS CURRENTLY SERVING IN IDENTIFIED 'CRITICAL EMPLOYMENT POSITIONS'.

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby charged with the power and authority to take all actions necessary to develop and implement financial and operational plans, to regulate expenditures, investments, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of ordinances and resolutions affecting the financial condition of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"); and

WHEREAS, pursuant to Act 436 and specifically MCL 141.1552(1)(g) authorizing an emergency manager to make, approve, or disapprove any appropriation, contract or expenditure and MCL 141.1552(1)(dd) and (ee) which provides that an emergency manager has the power and authority to exercise, on behalf of the local government, all authority and responsibilities of the governing body including enforcement of ordinances and resolutions as provided under the Home Rule City Act, 1909 PA 279, and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

WHEREAS, maintaining a trusted, knowledgeable professional staff for as long as possible assists and actively supports the City Administrator and ensures the on-going implementation of the Emergency Manager's long-range plan for stability, internal capacity and sustainability.

WHEREAS, this ORDER is necessary in order to fully carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436, the Contract and the emergency financial plan;

RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 of 2013, THE CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:

1. The positions of City Administrator, Chief of Police, Fire

Chief, Director of Human Resources, Department of Public Works Director, and Building Department Director, for purposes of this ORDER, are all 'critical employment positions' with the City of Allen Park. Therefore, the City of Allen Park hereby hires, retains or otherwise continues the uninterrupted employment of all individuals currently serving in each of the 'critical employment positions' as of the date of this ORDER in full compliance with any contracts that such employee may have and the provisions set forth in this ORDER through the continued period of emergency or October 31, 2015 whichever is the later date and any extensions of such employment as may be determined or ordered by the State Treasurer or his designee(s) during any continuation of the State declared emergency and/or any terms or phases of transition. Such dates stated above do not shorten the continued and on-going employment of the City Administrator in accordance with her contract.

2. The employment by the City of Allen Park of each individual currently serving in an identified 'critical employment position' shall not be terminated during the term of their employment or contract but in no event before October 31, 2015, except for demonstrated just cause as determined by the State Treasurer or his designee during all terms and/ or phases of the State declared financial emergency and any periods of transition.
3. Neither the Mayor, City Council or other city administrator or authority shall suspend, demote, reassign, terminate or otherwise change the terms and conditions of employment of an individual serving in a 'critical employment position' as identified above, without the affected individual's express written consent, or without first obtaining the express written approval concerning said individual from the State Treasurer or his designee and, subsequently providing to the affected individual a written notice of termination, discipline or other change in a condition of employment with an attached copy of the written document signed by the State Treasurer or designee.
4. This ORDER recognizes, respects and finds the terms and conditions of the current City Administrator's continuing Employment Contract to be

compatible with this ORDER.

5. In the event the City should terminate without demonstrated just cause the services of the individuals currently serving in the critical employment positions as defined above, these individuals, pursuant to this enforceable ORDER shall receive the financial equivalent of two (2) months of their respective then current salary. The full sum of severance shall be paid out by the City in an individual's final payroll or vendor payment check;.

6. Should there be a violation of this ORDER, the City shall take all action necessary and be liable for all costs associated with immediately returning any one or more displaced personnel currently serving back to their respective employment position with the City of Allen Park to continue serving in said capacity as contemplated under this ORDER.

7. This ORDER is intended to be fully enforceable similar to a Contract. Any copy of this signed ORDER shall be accepted as appropriate evidence in all legal forums for all enforcement purposes as a duplicate original.

8. All orders of the EM, contracts, resolutions of the Allen Park City Council, and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 25th day of September, 2014.

JOYCE A. PARKER
Emergency Manager
City of Allen Park