

# CITY OF ALLENTOWN

## RESOLUTION

R149 – 2023

*Introduced by the City Council on September 6, 2023*

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Approves the expenditure of such funds necessary to review and investigate issues related to hiring, terminations and discipline of employees as a result of recent allegations made by NAACP and the terminated HR Director letter in terms of their compliance with the personnel code, and all applicable state and federal laws - using Councils investigative powers if need be.

***Resolved by the Council of the City of Allentown, That***

**WHEREAS**, Allentown City Council is desirous of hiring an outside agency to review several personnel related decisions to determine compliance with city codes and all applicable state and federal laws; and

**WHEREAS**, Allentown City Council has the power under SECTION 210 Investigations, by ordinance, to make or cause to be made investigations, audits or studies of the City and the conduct of any City department, office or agency, and, for this purpose, may retain professional and technical assistance, subpoena witnesses, administer oaths, take testimony, require the production of evidence and provide funds for such investigation, audit and study; and

**WHEREAS**, Council's standard practice has been to ascertain approval of such funds by the body if such expenditure was not explicitly noted in their budget; and

**WHEREAS**, Council approves hiring a consultant or other agent to examine procedures related to hiring, terminations and discipline of employees in regard to allegations made by NAACP and the terminated HR Director letter in terms of compliance with the personnel code, and all applicable state and federal laws are complied with - using Council's investigative powers if need be.

**NOW THEREFORE BE IT RESOLVED** that Allentown City Council hereby approves the expenditure of such funds necessary for a review and investigation.

**BE IT FINALLY RESOLVED** that three Council members selected by the body work with Council's City Solicitor to craft all necessary legislation or letter of engagement based on the city's procurement requirements to pursue such a review.

Legislative Information:

1. **Goal/purpose** is to ‘clear the air’ on allegations being made and provide a fact-based report for city council, city employees, city residents and the administration.

Hire consultant/agency to examine procedures related to hiring, terminations and discipline of employees related to charges made by NAACP and HR Director letter in terms of their compliance with the personnel code, that all procedures related to equity and inclusion are followed; and all applicable state and federal laws are complied with - using Council’s power to conduct investigations.

WHEREAS,

The subjects of such investigation, audit or study shall be specifically stated in the authorizing ordinance.

is desirous of releasing budgeted funds in their account for; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council hereby approves the transfers.

1. **Goal/purpose** is to ‘clear the air’ on allegations being made and provide a fact-based report for city council, city employees, city residents and the administration.

Hire consultant/agency to examine procedures related to hiring, terminations and discipline of employees related to charges made by NAACP and HR Director letter in terms of their compliance with the personnel code, that all procedures related to equity and inclusion are followed; and all applicable state and federal laws are complied with - using Council’s power to conduct investigations.

FRAMEWORK AND ISSUES – not sure whether they should be done in conjunction with one another or separate.

1. **Goal/purpose** is to ‘clear the air’ on allegations being made and provide a fact-based report for city

council, city employees, city residents and the administration.

Hire consultant/agency to examine procedures related to hiring, terminations and discipline of employees related to charges made by NAACP and HR Director letter in terms of their compliance with the personnel code, that all procedures related to equity and inclusion are followed; and all applicable state and federal laws are complied with - using Council's power to conduct investigations.

2. **Goal/Purpose:** To review our current personnel code and procedures with an eye to recommending changes pursuant to the city's home rule charter – to wit, including but not limited to merit selection for all applicable positions; establish well-defined job descriptions with salaries to be reviewed on a regular basis; provide for fair and objective annual employee evaluations; provide equal access to employee training; and promotion from within the career service.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

#### **SECTION 210 Investigations.**

- A. In addition to the authority of the City Controller to conduct audits under Section 403D of this Home Rule Charter, Council shall have the power, by ordinance, to make or cause to be made investigations, audits or studies of the City and the conduct of any City department, office or agency, and, for this purpose, may retain professional and technical assistance, subpoena witnesses, administer oaths, take testimony, require the production of evidence and provide funds for such investigation, audit and study. **[Amended 5-18-2021 (1-6-2021 by Ord. No. 15668)]**
- B. The subjects of such investigation, audit or study shall be specifically stated in the authorizing ordinance.

#### **Personnel Section**

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

#### **SECTION 603 Personnel code.**

Within six months of the effective date of this Charter or other applicable law and as a part of the Allentown City Code, City Council shall enact, and from time to time, may amend the Personnel Code for all City employees. It shall be the goal of the Personnel Code to provide for merit selection for all applicable positions; establish well-defined job descriptions with salaries to be reviewed on a regular basis; provide for fair and objective annual employee evaluations; provide equal access to employee training; and promotion from within the career service. The Personnel Code shall include, but not be limited to, the following:

- A. Classification of all City positions based on the duties, authority and responsibility of each position with adequate provisions for reclassification of any position when needed;
- B. Well-defined job descriptions for all City positions;
- C. Well-defined provisions for salary, fringe benefits, such as sick and vacation leave, holidays, overtime and salary administration, including a uniform pay plan for all City positions;
- D. Procedures concerning the substance, procedure and enforcement of a merit personnel system, including fair and objective annual employee evaluations;
- E. Procedures for the recruitment, selection, training and development of personnel, based solely on merit and qualifications;

- F. Procedures for advancement based on merit and qualifications with emphasis on promotion from within the career service;
- G. Procedures concerning the discipline and discharge of personnel, including reduction in force;
- H. Procedures providing for in-house training programs for personnel;
- I. Procedures for those holding provisional appointments;
- J. Procedures establishing grievance procedures, with final hearings on such grievance to be held by the Mayor;
- K. Procedures governing relationship with employee organizations; and
- L. Any other procedures necessary for the administration of personnel.