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The Administrative Code is a compilation of legislation passed by City Council and provisions of the Home Rule Charter Law. For the text of the Home Rule Charter or specific ordinances please contact the City Clerk's Office.

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ARTICLE 100
POWERS OF THE CITY

100.01 The City
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Cross Reference: Article I Charter

100.01 THE CITY

The City shall be a municipality of the Commonwealth of Pennsylvania known as the City of Allentown. Its boundaries shall remain as they are on the effective date of this Charter unless otherwise changed by law. The City shall be governed pursuant to this Charter. (Art. I, §100)

100.02 GRANT OF POWER

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter. (Art. I, §100)

100.03 EXERCISE OF POWERS

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by ordinances or resolutions of the City Council. (Art. I, §100)

100.04 PRESERVATION OF POWERS OF THE PEOPLE

Powers reserved to the people by the Constitution of the United States and by that of the Commonwealth of Pennsylvania shall be inviolate. (Art. I, §100)

100.05 CONSTRUCTION; SEVERABILITY

A. Powers. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this Article. (Art. I, §100)

B. Severability. If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be limited in its effect and operation to the particular provision involved. (Art. I, §100)

ARTICLE 101
CODIFIED ORDINANCES

101.01 Codification Adopted
101.02 Component Code; Short Title; Citation
101.03 Amendments, Supplements and Numbering
101.04 Interpretation
101.045 Expiration of Time
101.05 Separability of Provisions
101.99 General Penalty

CROSS REFERENCE
Codification of Ordinances - See 3rd Class §1014.1 (53 P.S. §36014.1); 3rd Class Charter Law §609 (53 P.S. §41609)

101.01 CODIFICATION ADOPTED

A. The Ordinances of the City of Allentown, Pennsylvania, of a general and permanent nature, consolidated and codified with minor non-substantive changes as attached hereto and made a part hereof (Exhibit A), are ordained as the general ordinances of the City revised to 1962 and are hereby approved, adopted and enacted as the "Codified Ordinances of Allentown, Pennsylvania, 1962."

B. This Ordinance shall be introduced in Council, notice of introduction shall be published, and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with §1014.1(b) and (c) of 1951 P.L. 662 as amended by 1957 P.L. 631. (10078 §1 4/16/63)

101.02 COMPONENT CODES; SHORT TITLE; CITATION

The Codified Ordinances of Allentown, Pennsylvania, 1962, hereby adopted, shall be comprised of the following component parts:

Part One	Administrative Code
Part Three	Business Regulation and Taxation Code
Part Five	Traffic Code
Part Seven	General Offenses Code
Part Nine	Streets, Utilities and Public Services Code
Part Eleven	Public Health Code
Part Thirteen	Zoning Code
Part Fifteen	Fire Prevention Code
Part Seventeen	Building and Housing

The Codified Ordinances of Allentown, Pennsylvania, 1962, may be referred to as the "Codified Ordinances"; any component Code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code", and sections of the Codified Ordinances may be cited by their number, such as Section 101.01. (10078 §2 4/16/63)

101.03 AMENDMENTS, SUPPLEMENTS, NUMBERING

A. The Codified Ordinances of Allentown, Pennsylvania, 1962, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Allentown, Pennsylvania, 1962, and any and all such amendments and supplements.

B. All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles, each title shall be subdivided into articles, and each article shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except the penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated ".99" and shall be the last section of the article. (10078 §3 4/16/63)

101.04 INTERPRETATION

In the construction of the Codified Ordinances the following rules shall control, excepting those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article:

1. **Adopting Ordinance** means the Ordinance of the City adopting the Codified Ordinances of Allentown, Pennsylvania, 1962, in the conformity with the Third Class City Code of Pennsylvania, and this Article 101.

2. **Authority** means whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

3. **Calendar and Computation of Time** - "month" and "year" shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day except, if the last be Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

4. **Charter Law** means the Optional Third Class City Charter Law, Act of 1957, July 15, P.L. 901. (11787 §102 1/20/70)

5. **City and Municipality** means the City of Allentown, Pennsylvania.

6. **Conjunctions** means "and shall include "or" and "or" shall include "and" if the sense so requires.

7. **Council** means the Council of the City of Allentown.

8. **County** means the County of Lehigh, Pennsylvania.

9. **Fire Department** means the Fire Department of the City of Allentown, Pennsylvania.

10. **Gender** means words importing the masculine shall extend and be applied to the feminine and neuter genders.

11. **General Rule** means excepting as otherwise provided in this section, words and phrases shall be construed according to the common usage of language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

12. **Joint Authority** means words giving authority to a Board, Commission, Authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof unless otherwise specifically provided.

13. **Keeper or Proprietor** means and includes persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.

14. **Land or Real Estate** means rights and easements of incorporeal nature.

15. **Municipal Election** means that election required by the Constitution of Pennsylvania to be held in odd-numbered years.

16. **Number** means words in the plural shall include the singular and in the singular shall include the plural number.

17. **Oath** shall include affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.

18. **Owner** means when applied to property shall include a part owner, joint owner or tenant in common, of the whole or any part of such property.

19. **Person** means and extends and applies to associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.

20. **Police Department or Bureau** means the Department of Police of the City of Allentown, Pennsylvania.

21. **Premises** means when used as applicable to property, shall extend to and include land and buildings.

22. **Property** means real and person, and any mixed an lesser estates or interests therein. "Personal property" shall include every kind of property except real property. "Real property" shall include lands, tenements and hereditaments.

23. **Reasonable Time** means in all cases where provision is made for an act to be done or notice to be given within a "reasonable time", it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.

24. **Sidewalk** means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

25. **State or Commonwealth** means the Commonwealth of Pennsylvania.

26. **Street** means constructed to include alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.

27. **Tenant or Occupant** means as applied to building or land, shall extend and be applied to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.

28. **Tenses** means the use of any verb in the present tense shall include the future.

29. **Third Class City Code** means the Pennsylvania Act of June 28, 1951, P.L. 662, as amended. The sections of the Third Class City Code may be cited herein as "3rd Class."

30. **Written or in writing** shall be construed to include any representation of words, letters or figures, whether by printing or otherwise. (10078 §4 4/16/63)

31. **Home Rule Charter** refers to the Charter adopted by the Allentown Voters on April 23, 1996 and any subsequent amendments.

101.045 EXPIRATION OF TIME

Whenever any time established by the Codified Ordinances for the taking of any action expires on a Sunday or any legal holiday, such time shall not expire on that day but on the next work day. (11787 §701 1/20/70)

101.05 SEVERABILITY OF PROVISIONS

Each section and each part of each section of the Codified Ordinances is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid. (10078 §5 4/16/63)

101.99 GENERAL PENALTY

Whenever in the Codified Ordinances or in any Ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violator of any such provision or any Ordinance shall be fined not more than Six Hundred ($600.00) Dollars and imprisoned not more than ninety (90) day or both. Each day's continued violation shall constitute a separate offense. (11995 §1 2/21/73; 13396 §1 5/16/96)

ARTICLE 105 ANNEXATIONS

EDITOR'S NOTE: Article 105 has been established to provide a place to list all ordinances covering annexation to the City and a place for future legislation.

CROSS REFERENCES

Annexation Procedure - See 3rd Class §501-551 (53 P.S. §35551)
Distribution of Annexed Territory Among Wards - See 3rd Class §560 (53 P.S. §35560)

ANNEXATION ORDINANCES

Ord. No.	DATE	DESCRIPTION
	June 16, 1870	Part of old city
	March 22, 1904	Part of South Whitehall Township
	June 7, 1907	Part. of South Whitehall Township
	March 23, 1906	Part of Salisbury Township
	January 16, 1907	Part of Salisbury Township
	June 7, 1907	Part of South Whitehall Township
	September 21, 1907	Part of Salisbury Township
	August 14, 1908	Part of South Whitehall Township
	December 1, 1911	Part of Hanover Township
480	January 22, 1917	Part of Whitehall and South Whitehall Twp.
695	June 11, 1918	Part of Whitehall Township
887	June 9, 1919	Part of Salisbury Township
1027	January 29, 1920	Part of Hanover Township
1033	February 19, 1920	Borough of South Allentown
1600	February 25, 1924	Property annexed to Sixth Ward
1602	February 25, 1924	Property annexed to Thirteenth Ward
2544	November 26, 1929	Part of Salisbury Township
2556	November 26, 1929	Part of Salisbury Township
2606	April 4, 1930	Part of Salisbury Township
2637	July 1, 1930	Mountainville Election District
5640	June 4, 1947	Part of South Whitehall Township
6610	May 17, 1951	Part of South Whitehall Township Golf Course)
7218	May 18, 1953	Part of South Whitehall Township
7880	September 27, 1955	Part of South Whitehall Township
7909	November 9, 1955	Part of South Whitehall Township Amends Ordinance No. 7880
7964	December 20, 1955	Part of South Whitehall Township
8449	September 3, 1957	Part of South Whitehall Township
8517	November 26, 1957	Part of South Whitehall Township
8619	April 8, 1958	Part of Whitehall Township
8769	October 7, 1958	Part of South Whitehall Township
9037	November 4, 1959	Part of Salisbury Township
9575	August 29, 1961	Part of South Whitehall Township
9693	December 12, 1961	Part of South Whitehall Township
10072	April 2, 1963	Part of South Whitehall Township
10077	April 9, 1963	Part of South Whitehall Township
10401	June 2, 1964	Part of Salisbury Township
10726	August 10, 1965	Part of South Whitehall Township (100 acres of Trexler Estate)
10865	December 14, 1965	Part of South Whitehall Township (4.12 acres of Fenstermacher Estate)
11019	September 20, 1966	Part of Hanover Township (3.12 acres owned by H. Glazer)

ARTICLE 107
OFFICIAL STANDARDS

107.00 Official Language
107.01 Municipal Coat of Arms
107.02 Municipal Colors
107.03 Flags and Pennants
107.04 Display of Municipal Flag
107.05 Misuse of Flag
107.06 Custody of Flag
107.99 Penalty

CROSS REFERENCES

Official State Title - 76 P.S. §171
Official Seal of Mayor - 3rd Class §1204 (53 P.S. §36402)
Right of City to have and use a Corporate Seal
3rd Class §2402(5) (53 P.S. §37402 (5))
Home Rule Charter

107.00 OFFICIAL LANGUAGE

English shall be the official language of the City of Allentown and the language in which City business shall be conducted, unless otherwise required by applicable state and/or federal law or regulation. (Art I, §100)

107.01 MUNICIPAL COAT OF ARMS

The City adopts a Municipal coat of arms as outlined in the print hereon, in accordance with the following description, and the color impression attached hereto and made a part hereof.

The eagle (grayish brown) represents the Nation, occupying position as if in support of the keystone (white), Pennsylvania's emblem.

The blood-red heart, Allentown's specific insignia, in the center of the keystone, is expressive of everything that pulsates, from the human down, and of everything where growth, power or action is centered and a heartfelt feeling for all mankind.

The oak (reddish brown and green) to the left of the keystone, is indicative of strength and durability.

The laurel (green) at the base of the keystone, is emblematic of victory and success.

The ribbon (white) beneath the laurel contains the names of the city and state and date of founding (1762) in blue.

At the extreme base, the ivy (deep green), stands for clinging friendship.

The entire surmounted by the Grecian lamp (copper-brown) resting on the keystone, is symbolic of a higher light in religion and education. (8187 §1 10/16/56)

107.02 MUNICIPAL COLORS

The Municipal colors are the United States standards, army blue and a rich gold, emblematic of truth and loyalty, riches and progress. Citizens are urged to adhere to these colors towards uniform decoration upon all public occasions. (437 §2 10/18/16)

107.03 FLAGS AND PENNANTS

A. Municipal Flag

In blue and gold with the coat of arms. In silk, 4 feet 5 inches by 6 feet 3 inches in dimensions; in proportions, blue 31 inches and gold 44 inches, with the coat of arms 20 inches by 24 inches painted on both sides, with the center over the seam. The flag to be trimmed with a 2-l/2 inch silk bullion fringe, silk cord and tassels and have a suitable flag staff with solid brass eagle.

In bunting, 5 feet 2 inches by 8 feet 6 inches in dimensions; in proportions, blue 40 inches and gold 62 inches, hand dyed on both sides, with the center over the seam; also to have suitable staff.

B. Merchant Flag and City Ensign

In bunting, 5 feet by 8 feet in dimensions; in proportions, blue 38 inches and golf 58 inches, with blood-red heart 16-l/2 inches by 16-3/4 inches inserted slightly above the center over seam.

C. Pennants (right and left)

In felt, 11-l/2 inches by 30 inches, blue 7-l/2 inches and gold 22-l/2 inches with a blood-red heart, 3-1/8 inches by 3-1/2 inches in the center of the blue, and the letters "Allentown, Pa.," in blue on the golf field.

D. Variation from Prescribed Sizes

When Municipal or merchant flags or pennants are made in sizes other than above, relative proportions shall be maintained. (437 §3-6 10/18/16)

E. Flags purchased by the City of Allentown should be made in the U.S.A. (14525 §1 9/6/07)

107.04 DISPLAY OF MUNICIPAL FLAG

The Municipal flag, together with the American flag, shall be displayed on City Hall on legal holidays and upon such other occasions as Council may direct. The flags shall be carried at the head of all parades when authorized by the Mayor.

The display of the Municipal flag shall in no way trespass upon the rights and precedence of the American flag, but shall be second only to same upon every occasion. (437 §7 10/18/16)

107.05 MISUSE OF FLAG

No person shall use any flag, ensign or pennant described and adopted herein, or any imitation or design of same, except for the usual and customary purposes of decoration and display.

No person shall use such flag, ensign or pennant or any imitation or design of same for advertising or other purposes except for decoration or display, nor shall he print, stamp or emblazon thereon any word, legend or device not duly authorized as hereinbefore stated. (437 §8 10/18/16)

107.06 CUSTODY OF FLAG

The City's flags, ensigns and pennants shall be in the custody of the City Clerk, subject to the orders of the Mayor and Council. (437 §9 10/18/16)

107.99 PENALTY

Any person violating the provisions of this article shall be fined not more than three hundred dollars ($300.00) or imprisoned not more than ninety days, or both. (11995 2/21/73)

TITLE THREE
ARTICLE 110
CITIZENS' RIGHTS AND PARTICIPATION

110.1 General Provisions
110.2 Initiative and Referendum
110.3 Commencement or Proceedings; Petitioners Committee; Affidavit
110.4 Initiative and Referendum; Petitions
110.5 Initiative and Referendum; Procedure After Filing
110.6 Referendum Petitions; Suspension of Effect or Ordinance
110.7 Initiative and Referendum; Action on Petitions
110.8 Initiative and Referendum; Results of Election
110.9 Initiative and Referendum; Limitations
110.10 Citizens' Right to Place an Item on the City Council Agenda
110.11 Citizens' Right to Call a Special Meeting of City Council

110.1 GENERAL PROVISIONS

The Council shall protect and promote the rights of the citizens of the City of Allentown to participate in a positive and constructive manner in the government of the City. Any citizen of the City may participate in the government of the City by:

A. Seeking elective office of the City as prescribed by this Charter and voting for candidates for elective office;

B. Serving on boards, commission, authorities or other agencies of the City government when requested by the appropriate officials;

C. Attending and being heard at public meetings of the Council and other boards, commissions, authorities and agencies of the City government;

D. Addressing suggestions to the Council and others to provide guidance for their actions;

E. Exercising the right of initiative and referendum as provided in this Charter or as otherwise may be provided by law. (Art. X, §1001)

110.2 INITIATIVE AND REFERENDUM

A. Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council. If Council fails to adopt a proposed ordinance, the initiative process gives the qualified voters of the City the opportunity to adopt or reject the proposed ordinance at a primary, municipal or general election. (Art. X, §1002; 11/6/01)

B. Referendum. The qualified voters of the City shall have the power to require reconsideration by Council of any adopted ordinance. If Council fails to repeal an ordinance, the Referendum process gives the qualified voters of the City the opportunity to approve or reject the ordinance at a primary, municipal or general election (Art X, §1002; 11/6/01)

110.3 INITIATIVE & REFERENDUM; COMMENCEMENT OF PROCEEDINGS; PETITIONERS COMMITTEE; AFFIDAVIT

Any five (5) qualified voters of the City may file with the City Clerk, an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed initiative ordinance or citing the ordinance sought to be reconsidered. ~~In~~ Within five (5) days after the affidavit of the Petitioners' Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners. (Art. X., §1003 11/6/01)

110.4 INITIATIVE AND REFERENDUM; PETITIONS

A. Number of Signatures. Initiative and referendum petitions must be signed by 2,000 registered voters of the City. (Art. X, §1004)

B. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall include the address of the person signing and the date signed. Petitions shall contain or have attached thereto, throughout their circulation, the full text of the proposed ordinance or the ordinance to be reconsidered. (Art. X, §1004; 11/6/01)

C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance or sought to be reconsidered. (Art. X, §1004; 11/6/01)

D. Time for Circulation and Filing Initiative Petitions. Petitions must be circulated and signed within sixty-five (65) after the filing of the Petitioners Committee with the City Clerk. (Art. X, §1004; 11/6/01)

110.5 INITIATIVE AND REFERENDUM; PROCEDURE AFTER FILING

A. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once The Petitioners Committee may file a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Subsection (B) and (C) of Section 110.4, and within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient, and the Petitioners' Committee does not elect to amend or request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. (Art. X, §1005; 11/6/01)

B. Council Review. If a petition has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Committee may, within five (5) days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and Council's determination shall then be a final determination as to the sufficiency of the petition. (Art X, §1005; 11/6/01)

C. Court Review; New Petition. A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (Art. X, §1005)

110.6 REFERENDUM PETITIONS SUSPENSION OF EFFECT OR ORDINANCE (REPEALED)

110.7 INITIATIVE AND REFERENDUM; ACTION ON PETITIONS

A. Action by Council. When an initiative or referendum petition has been finally determined sufficient, Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the specified ordinance. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the ordinance under consideration within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City. (Art. X, §1007; 13423 §1 10/24/96; 11/6/01)

B. Submission to Voters. The question shall be placed on the ballot at the next primary, municipal or general election occurring at least ninety days (90) days after final Council action. Copies of the proposed and ordinance to be reconsidered shall be made available to the public during regular business hours at City Hall and at the Allentown Public Library. (Art. X., §1007; 13423 §1 10/24/96; 11/6/01)

C. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated. (Art. X, §1007; 13423 §1 10/24/96)

110.8 INITIATIVE AND REFERENDUM; RESULTS OF ELECTION

A. Initiative. If a majority of the qualified voters vote in favor of a proposed initiative, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. (Art. X, §1008; 13423 §1 10/24/96; 11/6/01)

B. Referendum. If a majority of the qualified voters vote for the repeal of a referred ordinance, it shall be considered repealed upon certification of the election. (Art. X, §1008; 13423 §1 10/24/96; 11/6/01)

110.9 INITIATIVE AND REFERENDUM; LIMITATIONS

A. Default of Initiative and Referendum. Any proposed initiative or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for initiative and referendum for a period of two (2) years from the date of the election where the ordinance was defeated. (Art. X, §1009; 13423 §1 10/24/96; 11/6/01)

B. Repeal of Modification of Initiative and Referendum by Council. The Council shall take no action to repeal or modify substantively an ordinance adopted or repealed by referendum within a period of two (2) years from the date of the election at which the ordinance was approved, or until the January following a municipal election if the initiative was adopted by Council. (Art. X, §1009; 13423 §1 10/24/96; 11/6/01)

C. Limit on the Number of Initiative and Referendum. No more than two (2) initiative and two (2) referendum measures may be placed on the ballot at any primary, municipal or general election. The first two (2) initiative and two (2) referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot. (Art. X, §1009; 13423 §1 10/24/96)

110.10 CITIZENS' RIGHT TO PLACE AN ITEM ON THE CITY COUNCIL AGENDA

A. The qualified voters of the City of Allentown, upon receipt of a petition by the City Clerk, may enter one agenda item on the regular agenda of City Council. (Art. X, §1010; 13423 §1 10/24/96)

B. The petition filed with the City Clerk must contain the signatures and addresses of thirty-five (35) registered qualified voters of the City, and the item to be placed on the agenda of City Council for discussion/consideration before Council. Upon receipt of such petition and a two (2) day review/certification period of the petition by the City Clerk, the President of City Council must include the item on the agenda at the next regularly scheduled meeting of City Council. (Art. X, §1010; 13423 §1 10/24/96)

110.11 CITIZENS' RIGHT TO CALL A SPECIAL MEETING OF CITY COUNCIL

A. The qualified voters of the City of Allentown, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting. (Art. X, §1011; 13423 §1 10/24/96)

B. The petition filed with the City Clerk must contain the signatures and addresses of two hundred (200) registered voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a two (2) day

review/certification period of the petition by the City Clerk, the President of City Council must convene at the special meeting on an evening within fourteen (14) days of the certification. (Art. X, §1011; 13423 §1 10/24/96)

C. The public notification process will adhere to the special meetings provisions of this Charter. (Art. X, §1011; 13423 §1 10/24/96)

ARTICLE 112 PUBLIC RECORDS

112.01 Purpose
112.02 Regulations
112.03 Definition of Public Record
112.04 Procedures
112.05 Appeal Rights
112.06 Judicial Review
112.07 Fees

112.01 Purpose

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law (the "Law"), Act 3 of 2008, 65 P.S. Section 67.101 et. seq. which fully takes effect on January 1, 2009, to provide access to public records of the City of Allentown (the "City"), to preserve the integrity of the City's records and to minimize the financial impact upon the residents of the City regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. (14679 §1 1/16/09)

112.02 Regulations

A. The City designated the City Solicitor's Office as the Open Records Officer under Law.

B. All requests for records shall be in writing on the City's Public Record Review/Duplication Request Form, which is part of this Ordinance. No verbal or anonymous verbal or written requests for records will be honored. Written requests may be submitted to the Solicitor's Office in person, by mail, by facsimile or by email.

C. The written request must describe the record(s) sought with specificity to enable the City to identify and locate the record requested.

D. The City may made records available on its website. If the person requesting the record is unable or unwilling to access the website, the person may, within 30 days notice by the City that the record requested is posted on the website, request, in writing, to have the City convert the record to paper. The City will provide the paper record to the person so requesting within 5 days of the request.

E. Requests need not include an explanation of the reason for the request for records or the intended use of the information unless otherwise provided by law.

F. The City is not required to create a record which does not currently exist. The City is not required to maintain, compile, format or organize a record in a way in which it currently does not do so.

G. Records shall be accessible for inspection and copying in the medium requested, if available. If not, the record will be provided in the medium in which it exists.

H. Records will be made available for inspection in the office of the City Department in charge of keeping the record(s) requested during regular business hours from 8:00 am to 4:30 pm. The presence of a City employee is required at all such times as public records are being inspected and examined.

I. No access to a City or individual employee computer will be permitted.

J. The City may deny access to a record if the person making the request has made repeated requests for the same record and such repeated requests have placed an unreasonable burden on the City.

K. A record not in the possession of the City but which is in the possession of a party with whom the City has contracted to perform a government function on behalf of the City and which directly relates to the government function and is not exempt under the Law shall be considered a public record subject to disclosure under the Law.

L. Trade Secrets. Any person who provides documents to the City may designate, in writing, that the document contains a trade secret or confidential and proprietary information. If a request is made for a record which contains such a designation, the third party who submitted the record containing a trade secret or confidential and proprietary information to the City and made the designation will be notified and will have input on whether or not the record containing such information will be released. (Example: Information submitted in response to competitive bidding requirements).

M. If the City's response to a request for records states the requested records are available for delivery (i.e. pick up) at the Solicitor's Office and the person who requested the records fails to retrieve the records within 60 days of the City's response, the City may dispose of any copies which have not been retrieved and may retain any fees paid to date.

N. If the City's response grants a request for access, the City shall, upon request, provide a certified copy of the record if the person who requested the record pays the applicable fee for certification. (14679 §1 1/16/09)

122.03 Definition of Public Record

A record in the possession of the City is presumed to be a public record subject to disclosure unless:

A. The record is exempted from disclosure under any one or any combination of the thirty (30) exemptions under the Law;

B. The record is protected by privilege;

C. The record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree;

D. The City's Open Records Officer (the Solicitor's Office) determines the public interest favoring access outweighs any individual, agency or public interest that may favor restriction on access. If the City produces a record which is not a public record by definition under this subsection, the City will notify the third party who supplied the record to the City. (14679 §1 1/16/09)

112.04 Procedure

A. General Rule. Upon receipt of a written request for access to a record, the City shall make a good faith effort to determine if the record requested is a public record and whether the City has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in advance in order to receive access to the record requested. The time for the City's response shall not exceed 5 business days from the date the written request is received by the Solicitor's Office of the City. If the City fails to send a response within 5 business days of the receipt of the written request for access, the written request for access shall be deemed denied.

B. Extension of Time.

1. Upon receipt of a written request for access, the City Solicitor's Office shall determine whether one of the following applies:

a. The request requires redaction (i.e. non-public information blocked or blacked out) of a record as provided in Section 3, below;

b. The request requires the retrieval of a record stored in a remote location;

c. Timely response to the request cannot be accomplished due to bona fide and specified staffing limitations;

d. A legal review is necessary to determine whether the record is a record subject to access under the Law;

e. The person requesting the record has not complied with the City's policies regarding access to records;

f. The person requesting the record refuses to pay applicable fees authorized by the Law and this Ordinance;

g. The extent or nature of the request precludes a response within the required time period.

2. Upon a determination that one of the factors listed in subsection 1, above, applies, the Solicitor's Office shall send written notice to the person making the request within 5 business days of receipt of the request for access which will include a

statement notifying the person making the request that the request is being reviewed, the reason for the review, a reasonable date the response is expected to be provided and an estimate of the applicable fees owed when the record becomes available. If the date a response is expected to be provided is in excess of 30 days, following the 5 business days allowed for a response, the request for access shall be deemed denied, unless the person making the request agrees, in writing, to an extension to the date specified in the City's notice of review. If the person requesting the record agrees to an extension, the request shall be deemed denied on the day following the date specified in the notice if the City has not provided its response by that date.

3. Redaction.

If the City determines that a public record contains information which is subject to disclosure as well as information which is not subject to disclosure, the City's response shall grant access to the information which is subject to disclosure and deny access to the information which is not subject to disclosure. The City will not deny access to the record if the information which is not subject to disclosure is able to be redacted (i.e. non-public information blocked or blacked out). Information which the City redacts in accordance with this subsection shall be deemed a denial of the request for the record

C. Denial.

If the City's response is a denial of a written request for access, whether in whole or in part, the City will issue a written denial which shall include:

1. A description of the record requested;

2. The specific reasons for the denial, including a citation of supporting legal authority;

3. The typed name, title, business address, business phone number and signature of the Assistant City Solicitor on whose authority the denial is issued;

4. Date of response;

5. The procedure to appeal the denial under the Law. (14679 §1 1/16/09)

112.05 Appeal Rights

A. If a written request for access to a record is denied or deemed denied, the person making the request may file an appeal to Terry Mutchler, Esquire, Executive Director, Office of Open records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, Pennsylvania 17120-0225 within 15 days of the mailing date of the City's response or within business 15 days of a deemed denial. The appeal shall state the grounds upon which the person making the request asserts that the record is a public record and shall address any grounds stated by the City for denying the request. The Appeals Officer designated by the Executive Director of the state Office of Open Records, who is authorized to hold a hearing, if he or she deems appropriate, shall issue a final determination on behalf of the Office of Open Records on the City's action.

B. The District Attorney for Lehigh County, James B. Martin, Esquire, Lehigh County Courthouse, 455 West Hamilton Street, Allentown, Pennsylvania 18101-1614, shall designate one or more appeals officers to hear appeals relating to access to criminal investigative records in possession of the City. The designated appeals officer shall determine if the record requested is a criminal investigative record. (14679 §1 1/16/09)

112.06 Judicial Review

A. Within 30 days of the mailing date of the final determination of the state Appeals Officer relating to the City's decision or of the date a request for access is deemed denied, the person making the request or the City may file a petition for review with the Court of Common Pleas of Lehigh County. The decision of the Court will contain findings of fact and conclusions of law based upon the evidence as a whole. The Court shall clearly and concisely explain the rationale for its decision.

B. The filing of a petition for review shall stay the release of records until a decision by the Court is issued.

C. The City, the person making the request for records and the state Office of Open Records shall be given notice of the filing of a petition for review with the Court of Common Pleas of Lehigh County and each shall have an opportunity to respond in accordance with the Rules of Court.

D. The record before the Court of Common Pleas of Lehigh County shall consist of the request for access, the City's response to the request, the appeal filed with the state Office of Open Records, the transcript of the hearing held by the state Appeals Officer, if any, and the final determination of the state Appeals Officer. (14679 §1 1/16/09)

112.07 Fees

A. The fee structure established by the state Office of Open Records is adopted, as required by the state, by the City as follows:

1. Photocopies: (Defined as either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page) -- $ 0.25 per page

2. Certification of a Record: (Exclusive of notary fees) -- $1.00 per record, not per page

3. Specialized Documents: (For example, but not limited to, blueprints, color copies, non-standard sized documents) – Actual cost

4. Facsimile/Microfiche/Other Media: -- Actual cost

5. Conversion to Paper: If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the person making the request specifically requests for the record to be duplicated in the more expensive media

6. Postage Fees: Actual cost.

B. If a separate statute authorizes the City to charge a set amount for a certain type of record, the City may charge no more than the statutory amount.

C. If requested records contain both public and non-public information and the City redacts the non-public information, the City will charge the person making the request for the copies it must make of the redacted information in order for the person making the request to view the public record at the Fee Structure outlined in Section A, above. If, after inspecting the records, the person chooses to obtain the copies, no additional fee will be charged.

D. The City may establish user fees for enhanced electronic access to public records, as pre-approved by the state Office of Open Records, by Resolution, from time to time.

E. Except as otherwise provided in this Article 122.06, no other fees may be imposed under the Law unless the City incurs costs for complying with a request and such fees are reasonable.

F. Prepayment: Prior to granting a request for access under the Law, the City will require a person making the request to prepay an estimate of the fees authorized under this Article 112.06 if the fees required to fulfill the request are expected to exceed $ 100.00. All fees, in any amount, shall be paid prior to the City's release of any requested records.

G. The City may, in its discretion, waive the payment of fees. (14679 §1 1/16/09)

PUBLIC RECORD REVIEW / DUPLICATION REQUEST FORM
please print legibly

Date of request: _____

Requestor's name:_____

Requestor's address:_____

Requestor's telephone:_____

Requestor's email:_____

I request† review † duplication of the following records with sufficient specificity to enable the City of Allentown to determine which records are being requested. Use additional sheets if necessary.

_____

_____

_____

I certify that I am a legal resident of the United States. † Yes † No

(must check a box)

_____

Signature of requestor (must sign)

The request may be submitted in person, via e-mail, or by fax to:

Solicitor's Office
City Hall
435 Hamilton Street
Allentown, PA 18101

Frances Fruhwirth – Right to Know Designee
e-mail: fruhwirthf@allentowncity.org
voice: 610.437.7545
fax: 6610.437.8701

Request number: _____ _____

(assigned by City of Allentown) _____

TITLE FIVE - LEGISLATIVE
ARTICLE 115
LEGISLATIVE BRANCH

115.01 City Council
115.02 Eligibility
115.03 Election and Terms
115.04 Compensation
115.05 Vacancies
115.06 Forfeiture of Office
115.07 Filling of Vacancies
115.08 General Powers and Duties
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115.13 Citizens' Right to be Heard
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115.19 Effective Date of Legislation
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115.21 Submission to Mayor and Veto Power
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ARTICLE II5
THE LEGISLATIVE BRANCH

115.01 CITY COUNCIL

There shall be seven (7) members of Council elected at large. The President of Council shall be nominated and elected by the Council members. (Art. II, §201; 13423 §1 10/24/96)

115.02 ELIGIBILITY

Only qualified voters of the City, as established by the general laws of the Commonwealth of Pennsylvania for municipal elections, shall be eligible to run for City Council. (Art. II, §201; 13423 §1 10/24/96)

115.03 ELECTION AND TERMS

A. The regular election of Council members shall be held on the General Municipal Election Day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall begin at noon (12:00 PM), on the first Monday of January next following the municipal election and shall be four (4) years. (Art. II, §203; 13423 §1 10/24/96)

B. In the year the Mayor is elected, four (4) Council members shall be elected. In the next municipal election, three (3) Council members shall be elected. (Art. II, §203; 13423 §1 10/24/96)

115.04 COMPENSATION

A. Each Council Member elected at the first election under this Charter and in subsequent elections, or already in office when this Charter takes effect, shall receive an annual salary in the amount of $6,149. The President of Council shall receive Five Hundred ($500) Dollars in addition to the salary of a regular City Council member. Increases in the salary of City Council members may be attained only by referendum. (Art. II, §204; 13423 §1 10/24/96)

B. In addition to their salary, Council members may, at their own expense, purchase into the existing health care plan for City employees for themselves and for their families at the group rates, charged by the health care provider, to the City, available to City employees. City Council members shall be reimbursed for their legitimate expenses related to the office of Council, and shall receive no other benefits. (Art. II, §204; 13423 §1 10/24/96)

115.05 VACANCIES

The Office of Council Members shall become vacant upon death of the Member, resignation, removal from office in any manner authorized by law or forfeiture of office. (Art. II, §205; 13423 §1 10/24/96)

115.06 FORFEITURE OF OFFICE

A Member of Council shall forfeit office if the Member:

A. Lacks, at any time during the term of office, any qualification for the office prescribed by this Charter or by law;

B. Violates any express prohibition of this Charter;

C. Fails to attend three (3) consecutive regular meetings of the Council without being excused by the President of Council or a simple majority of remaining Council members;

D. Is convicted of any crime classified as a misdemeanor of the second degree or higher, under the laws of the Commonwealth of Pennsylvania or of the United States, or be convicted of any comparable graded crime under the laws of any other state in the United States.

In all cases of forfeiture, the Member shall be entitled to notice and a hearing before Council in accordance with administrative procedures to be established by Council. (Art. II, §206; 13423 §1 10/24/96)

115.07 FILLING OF VACANCIES

A vacancy in the Council shall be filled by a majority vote of the remaining Members of Council. If the Council fails to act within thirty (30) days following the occurrence of the vacancy, the Court of Common Pleas of Lehigh County shall, upon petition of three (3) Members of Council or ten (10) qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. The replacement Council member shall be a qualified voter of the same party as the person vacating the seat, or, if the person vacating the seat had no party affiliation, a person of any political party as appointed by Council. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term. (Art. II, §207; 13423 §1 10/24/96)

115.08 GENERAL POWERS AND DUTIES

All powers of the City not otherwise provided for in this Charter shall be exercised in a manner to be determined by Council. Council shall provide for the exercise and performance of any such other powers and duties in a manner consistent with the terms of this Charter. (Art. II, §208; 13423 §1 10/24/96)

115.09 PROHIBITIONS

A. No Council Member shall hold any compensated appointive City office or City employment. (Art. II, §209; 13423 §1 10/24/96)

B. No Council Member shall serve as a compensated elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof. (Art. II, §209; 13423 §1 10/24/96)

C. No Council Member shall hold any compensated appointive City office or City employment until one year after his or her resignation or one year after the expiration of the term for which the member was elected to the Council. (Art. II, §209; 13423 §1 10/24/96)

D. Except for the purpose of inquiry, the Council and its Members shall deal with all departmental and bureau employees through the Mayor or a designee of the Mayor. (Art. II, §209; 13423 §1 10/24/96)

E. Neither the Council nor any of its Members shall, in any manner, dictate the appointment or removal of any City administrative offices or employees whom the Mayor or subordinates of the Mayor are empowered to appoint except as otherwise provided in this Charter. (Art. II, §209; 13423 §1 10/24/96)

F. No Council Member shall serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the Member was elected to Council. (Art. II, §209; 13423 §1 10/24/96)

G. Any Council Member who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any sale of land with the City or in any contract with the City, shall immediately make publicly known their interest

and shall refrain from voting upon, or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk. Any Council Member who wilfully conceals such interests shall be guilty of malfeasance in office. (Art. II, §209; 13423 §1 10/24/96)

Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City. (Art. II, §209; 13423 §1 10/24/96)

115.10 INVESTIGATIONS

A. 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, or study. (Art. II, §210; 13423 §1 10/24/96)

B. The subjects of such investigation, audit or study shall be specifically stated in the authorizing ordinance. (Art. II, §210; 13423 §1 10/24/96)

115.11 REMOVAL OF POWERS

A. Council shall have the power to remove from office for cause set forth in this section, any person appointed to the office by Council. (Art. II, §211; 13423 §1 10/24/96)

B. Council, may at its discretion, remove the City Solicitor if six (6) Members of the City Council vote in favor of a motion to do so. (Art. II, §211; 13423 §1 10/24/96)

C. Council shall have the power to remove any elected official or appointed department head from office, if Council finds such person guilty of malfeasance in office. Malfeasance in office means an unlawful act committed willfully by an elective public officer in his or her capacity as an elected official. (Art. II, §211; 13423 §1 10/24/96)

115.12 PROCEDURES

A. Rules. The Council shall determine its own rules and Order of Business. (Art. II, §212; 13423 §1 10/24/96)

B. Meetings. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule. Council may, by resolution, cancel a meeting in the advent it is deemed not necessary due to lack of business. (Art. II, §212; 13423 §1 10/24/96; 11/6/01)

C. Special Meetings. Special meetings may be held on the call of the President of Council or at least four (4) Members of Council at such time and place and under such conditions as the Council may prescribe by rule. (Art. II, §212; 13423 §1 10/24/96)

D. Meetings Open to the Public. All meetings shall be open to the public, except executive sessions as authorized by law. The Chambers shall be arranged in such a way as to have all Members of Council facing the public. (Art. II, §212; 13423 §1 10/24/96)

E. Voting. All action shall be at a public session and shall require a majority full vote of Council, except in the case of a vote to override a veto which shall require an affirmative vote of five (5) Members, and in the case of passage of an ordinance which shall require a majority vote of Council as a whole unless otherwise specified in this Charter or State Law. Voting shall be by Roll Call vote, and the vote of each Member of Council shall be entered in the Minutes of the Meeting. (Art. II, §212; 13423 §1 10/24/96)

F. The Council shall provide for keeping of Minutes of its proceedings. The Minutes shall be a public record and shall be maintained in City Hall and a copy in the Allentown Public Library and in the Lehigh County Law Library. (Art. II, §212; 13423 §1 10/24/96)

115.13 CITIZENS' RIGHT TO BE HEARD

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when the Council President, imposes a reasonable time limitation deemed necessary. Council members, by a vote of a majority plus one (1), may override the Council President's time limitation. (Art. II, §213; 13423 §1 10/24/96)

115.14 QUORUM

A Quorum of Council shall consist of a majority plus one of qualified Council members. (Art. II, §214; 13423 §1 10/24/96)

115.15 ORDINANCES IN GENERAL

Council may legislate by passage of an ordinance. All ordinances introduced shall be kept in a place accessible to the public at all reasonable times. Final action on all ordinances shall take place during public meetings. (Art. II, §215; 13423 §1 10/24/96)

115.16 FORM OF AN ORDINANCE

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject. (Art. II, §216; 13423 §1 10/24/96)

115.17 PROCEDURES

A. An ordinance shall be introduced by any two (2) Members of City Council at any regular or special meeting of the Council without vote. (Art. II, §217; 13423 §1 10/24/96)

B. After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council Member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk. (Art. II, §217; 13423 §1 10/24/96)

115.18 FINAL PASSAGE OF ORDINANCES

A minimum of fourteen (14) days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property. However, Council may, by the affirmative vote of six (6) of its seven (7) members, reduce or eliminate the fourteen (14) day period between introduction and passage of any ordinance. (Art. II, §218; 13423 §1 10/24/96)

115.19 EFFECTIVE DATE OF LEGISLATION

Subject to the provisions of Section 221, Submission to Mayor and Veto Power, every adopted ordinance, except emergency legislation, shall become effective at the expiration of thirty (30) days after passage by Council and approval by the Mayor, or repassage by Council, over the Mayor's veto, or at a date specified therein, but not less than ten (10) days after adoption. (Art. II, §219; 13423 §1 10/24/96)

115.20 EMERGENCY ORDINANCE

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for an ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists. (Art. II, §220; 13423 §1 10/24/96)

115.21 SUBMISSION TO MAYOR AND VETO POWER

A. Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within ten (10) days if approved, but if not, shall return it to Council stating objections in a written message except in the case of budget or levy ordinances for which said period shall be reduced to five days (11/6/01 CA). Council may, at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five (5) members of City Council. (Art. II, §221; 13423 §1 10/24/96)

B. If the Mayor fails, within ten (10) days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten (10) day period except in the case of budget or levy ordinances, such ordinances shall be considered adopted at the expiration of the five day period (11/6/01). (Art. II, §221; 13423 §1 10/24/96)

C. The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum. (Art. II, §221; 13423 §1 10/24/96)

115.22 RECORDING OF ORDINANCES

The Clerk shall record all ordinances, resolutions and City Council minutes in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities. No later than three (3) months after the close of each year, the codification and index of ordinances shall be compiled. After they are passed, all ordinances shall be open and available for public inspection at the Allentown Public Library. (Art. II, §222; 13423 §1 10/24/96)

115.23 ACTION BY RESOLUTION OR MOTION

Nothing in this Article is intended to preclude Council from taking appropriate action by resolution or motion. (Art. II, §223; 13423 §1 10/24/96)

115.24 CITY CLERK

City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, take the minutes of all City Council meetings, keep the minutes of its proceedings, be a notary public, shall serve as secretary to the Council and perform such other duties as are assigned by the Administrative Code, the Council, or state law. (Art. II, §221; 13423 §1 10/24/96)

ADMINISTRATIVE OFFICES AND DEPARTMENTS

Art. 121 Administration Generally
Art. 123 Mayor
Art. 125 City Solicitor
Art. 129 City Treasurer
Art. 130 Financial Procedures
Art. 131 City Controller
Art. 133 Public Works Department
Art. 134 Finance Department
Art. 134 Police Department
Art. 136 Fire Department
Art. 137 Community and Economic Development
Art. 138 Human Resources Department

ARTICLE 121
ADMINISTRATION GENERALLY

121.00 Administrative Code
121.01 Departments
121.02 Heads of Departments, Offices and Agencies; Qualifications; Prohibitions; Duties
121.03 Rules and Regulations; Approval, Publication and Record
121.04 Bond and Insurance Coverage and Amounts
121.05 Identification of City Registered Vehicles
121.06 Fixed Assets and Inventory Control
121.07 Severability
121.08 References in Statutes and Ordinances
121.09 Repealer

121.00 ADMINISTRATIVE CODE

The Administrative Code shall be made a part of the Codified Ordinances. City Council shall enact, and from time to time, may amend the Administrative Code, which shall set forth in detail the organization and administrative structure and procedures of the City, including:

A. A specific enumeration of departments, offices and agencies and the division of powers and responsibilities among them;

B. The internal procedures for the operation of the departments, offices and agencies; and

C. Any other rules, regulations and procedures reasonably appropriate for efficient administration. (Art. V, §501)

City Council shall have the power, by ordinance, to adopt uniform administrative procedures, regulations and forms to be followed by all elected officials, departments, offices and agencies. (Art. V, §502)

121.01 DEPARTMENTS

The City shall have the following departments under the supervision of the Mayor:

Finance
Human Resources
Community and Economic Development
Fire
Police
Public Works

(12947 §1 1/20/82; 12583 §2 12/21/83; 12620 §1 9/5/84; 12868 §1, 9/21/88;
Charter §506, §507 and §605)

121.02 HEADS OF DEPARTMENTS, OFFICES AND AGENCIES; QUALIFICATIONS; PROHIBITIONS; DUTIES

A. Appointment: *Except as otherwise provided by this Charter or other applicable statute, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council, by resolution, confirms it or fails to reject it within sixty (60) days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner. (Art. V, §503)*

B. Removal*: The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Mayor's direction and supervision, but the Mayor shall, within fourteen (14) days, notify, in writing City Council of the removal and the reason for it. (Art. V, §503)*

C. **Interim Status:** Head of Department - When a head of department position is vacant, the Mayor may name an interim head of department without Council approval provided the person named is a current city employee. No individual may serve as an interim head of department for more than ninety (90) calendar days; such status shall cease automatically at the conclusion of the 90th day and the employee will automatically return to the position the employee had prior to being named interim head of department. An individual may continue as a head of department past this interim period only if, prior to the conclusion of the interim status, the Mayor appoints the individual for the head of department position or council extends the interim status by resolution specifying the date the interim status shall cease. The appointment of a head of the department will be subject to the appointment procedures described in subparagraph A of this Section. *(14432 §1 11/7/06)*

D. Temporary Absence: Head of Department. When a Department Head position is not vacant but the Department Head is temporarily unable to fulfill his or her daily responsibilities due to military service or to absence authorized by applicable law, regulations, or policy, the Mayor may name an existing City employee as "Temporary Department Head" to fulfill the Department Head's responsibilities until the Department Head is able to resume his or her duties.

When invoking this provision, the Mayor shall notify Council as soon as practicable, in writing, in general terms: the circumstances requiring the need for the Temporary Department Head; the name of the person who will serve as the Temporary Department Head; and of the expected time frame that the Temporary Department Head will serve.

When the Department Head is again available to resume fulfilling his or her duties as Department Head, the Mayor shall provide Council notice in writing of the date the Department Head will be resuming his or her responsibilities. If circumstances require it, the Mayor may extend the time the Temporary Department Head serves in this position by notifying Council in writing, as soon as practicable, of the: circumstances requiring the extension of time; and of the expected duration of the extension.

The Temporary Department Head shall cease in that position immediately when the Department Head resumes the Department Head duties and responsibilities. At that time, the Temporary Department Head will immediately return to the position he or she was serving in prior to being named the Temporary Department Head.

If a Temporary Department Head leaves the Temporary Department Head position for any reason prior to the Department Head resuming his or her duties, the Mayor shall be required to appoint an Interim Head of Department by following the applicable procedures for Interim appointments.

If a Department Head position has been filled on a Temporary Department Head basis for nine months, Council may, by resolution, require the Mayor to name an Interim Head of Department using the applicable procedures for Interim appointments. Extensions made by the Mayor as to the length of time the Temporary Department Head will serve in the position do not limit Council's ability to invoke this paragraph. *(15555 §1 8/21/2019)*

E. Qualifications

The heads of departments, offices and agencies shall be selected solely on the basis of education, training, experience; and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (Art. V, §504)

F. Prohibitions

1. The Department Head shall devote full time to the office; shall hold no compensated elective public office; and shall hold no other City office or City employment for which any compensation is paid or received. (Art. V, §505)

2. A Department Head who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation in any sale of land with the City or, in any contract with the City, shall immediately make known that interest to Council. A Department Head who wilfully conceals such an interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City. (Art. V, §505)

3. The Department Head shall refrain from participating in the debate and discussion of policy by City Council unless authorized by the Mayor, but may respond to inquiries on any matter under consideration. (Art. V, §505)

G. Duties of Department Directors

In addition to the duties prescribed in general law, each director of a department shall, under the general direction of the Mayor:

1. Direct the performance of all duties and responsibilities required of his department or its subordinate agencies provided by State law, this Administrative Code, or other Ordinances of the City, and such other duties as may be required by the Mayor which are not in conflict with law or Ordinances;

2. Prescribe the internal organization of the department and the duties of subordinate officers and employees within the department;

3. Assign functions, powers and duties to subordinate officers and employees within the department, and modify such assignments as need appears;

4. Supervise the work of the department through the provisions provided by this Administrative Code and such other organization units as the director of the department may find necessary or desirable and supervise and direct the work of the employees of the department;

5. Delegate to division heads such of their powers as they may deem necessary for efficient administration; (11787 §3II 1/20/70)

6. Report at least semi-annually, on or near January 31 and July 31, to the Mayor and Council in such form as shall be approved by the Director of Administration on the work of the department during the preceding year and upon request of the Mayor and/or Council, file interim monthly reports for periods requested. (12620 §2 9/5/84; 13013 §1 11/7/90)

(Ed. Note: The section requiring each director to submit a bi-annual inventory - established by Ordinance 13013 §1 11/7/90 - was deleted by Ordinance 13164 §1 12/10/92. See Section 121.10, Fixed Assets and Inventory Control.)

121.03 RULES AND REGULATIONS; APPROVAL, PUBLICATION AND RECORD

A. No rule or regulation made by any department, office, agency or authority of the City, except such as relates to the organization or internal management of the City government or part thereof, shall take effect until it has been approved as to form and legality by the City Solicitor and approved by the Mayor. Council shall receive all such rules and regulations which shall be filed with the City Clerk.

B. All such rules and regulations shall be published by posting in the Office of the City Clerk for twenty (20) days and in whatever other manner Council deems desirable.

C. The City Clerk shall keep a current record of all rules and regulations filed with the office. (11787 §504 1/20/70)

121.04 BOND AND INSURANCE COVERAGE AND AMOUNTS

A. Blanket Bonds

1. All employees of the City shall be covered by a public employees' blanket bond with a surety company authorized by law or the Commonwealth of Pennsylvania to act as surety in an amount specified by Ordinance.

2. Such public employees' blanket bond shall be purchased by the Director of Administration and Finance or his designee based on competitive quotes. (12675 §l 11/6/85)

B. Coverage and Amounts

1. The amount of the City Treasurer's fidelity bond shall be at least One Hundred Thousand ($100,000.00) Dollars.

2. The amount of the City Controller's fidelity bond shall be at least One Hundred Thousand ($100,000.00) Dollars.

3. The officers' and other employees' blanket bonds shall be at least One Hundred Thousand ($100,000.00) Dollars.

4. The amount of the Manager, Treasury and Accounting Operations fidelity bond shall be at least One Million ($1,000,000.00) Dollars.

5. The limits for additional insurance coverage shall be as follows:

Type	Amount
Broad Form Money and Securities (Inside)	$ 50,000
Broad Form Money and Securities (Outside)	50,000
Money Orders and Counterfeit,	5,000
Paper Currency, Depositors Forgery, Excluding Employees	100,000

(12675 §1 11/6/85)

121.05 CITY REGISTERED VEHICLES

A. Identification of City Vehicles

1. All City vehicles, except vehicles in the Police Department as so determined by the Police Administration, shall be appropriately marked. For the purpose of this section, "appropriately marked" means having both the City Seal and an identification number permanently, conspicuously and prominently displayed on the vehicle.

2. All Fire Chiefs' vehicles shall be red in color and have permanent flashing lights.

B. Use of City Vehicles

1. City vehicles are the property of the City and shall be used only for official City business.

2. Vehicles shall be used by City employees only upon authorization by their immediate supervisor. Vehicles shall also be accessible to elected officials. For the purpose of this ordinance, City employees are defined as workers on the City payroll and workers paid by Federal grant programs that serve as part of the City's workforce. Elected officials means the Mayor, City Council and the City Controller. ((13741 §1 3/3/99)

3. City vehicles shall be operated only by City employees or elected officials with a current and validated operator's license which reflects the appropriate classification for the size and type of the vehicle driven. If non-City personnel accompany a City employee, they may share the driving only when authorized by the employee's respective department head. (13741 §1 3/3/99)

4. Only in cases of an emergency shall a City employee or elected official operating a City vehicle carry passengers that are not employed by the City or engaged in business with City personnel if not approved by their immediate supervisor. (13741 §1 3/3/99)

5. IN NO CASE shall vehicles by used for personal errands.

6. Each vehicle shall have a log wherein daily mileage, trip destinations, drivers and repairs shall be recorded. The log shall be filed each month with the Department Director and subject to review by the City Controller.

7. The number of City sedans (with the exception of the Criminal Investigation Division) permitted to be taken home is set at thirteen.

C. Assignment of City Vehicles

Assignment to Personnel

1. The Mayor shall have the authority to assign City personnel to the thirteen (13) take-home sedans mandated by City Council.

2. Employees are expected to travel to and from work at their own expense.

3. In no case shall a City sedan be taken home unless it falls within the thirteen (13) take-home vehicles mandated by City Council.

4. City vehicles cannot be taken home if you are simply "on call" and do not require special equipment or for convenience.

5. City vehicles assigned to personnel who need immediate transportation in order to respond to City emergencies, meeting the criterion stated above; or who need the necessary equipment and tools to implement appropriate action in emergency situations overnight or on weekends, may not be used for any personal transportation or errands.

D. Limits on Use of City Vehicles

1. City vehicles assigned to employees during the work shift as part of the employee's normal work duties may not be used for personal errands of any nature.

2. Any employee who is assigned a vehicle as part of his/her normal duties is authorized to use the vehicle as transportation to lunch and back to the work site only when approved by the foreman or supervisor on a particular job site.

3. City vehicles are to remain within the City limits unless otherwise authorized by the employee's supervisor or on necessary official City business.

E. Funding of City Vehicles

Expenditures on City Vehicles (inclusive of purchase and maintenance) shall be presented in the annual budget in a separate fund.

F. Reimbursement

The process of obtaining mileage reimbursement and the insurance protection afforded employees for use of their private vehicles while on City business shall be provided in the Administrative Information Manual (AIM).

G. Violations

1. It is the responsibility of the operator to operate the vehicle in a manner that is courteous, safe, and in compliance with all City and State traffic and parking regulations. The individual City employee shall assume complete responsibility for any citations resulting from violations of traffic laws incurred while operating the City vehicle.

2. Accidents occurring during any unauthorized use of a City vehicle shall be the sole responsibility of the operator.

3. Vehicle operation which is unauthorized or for personal uses will result in disciplinary action and/or dismissal.

4. Operators violating the provisions of this ordinance shall forfeit any future rights to use City vehicles.

121.06 FIXED ASSETS AND INVENTORY CONTROL

1. The Director of Finance or her designee shall establish a fixed assets program whereby all fixed assets of the City are properly accounted for as established in the AIM. (13164 §2 12/10/92)

2. The Director of each department shall be responsible for the personal property and supplies of the City within their department, and shall prepare and maintain a perpetual inventory of such property and supplies insuring proper verification of

property as established by the AIM. Each Director shall file with the City Controller during the fiscal year a copy of such inventory annually. Each Director shall furnish a copy of such inventory to the Council upon request. (13164 §2 12/10/92)

121.07 SEVERABILITY

The provisions of this Administrative Code shall be severable. If any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the Article shall not be affected thereby. It is hereby expressly declared as the intent of Council that this Article would have been adopted had such unconstitutional or illegal provision or provisions not been included herein. (11787 §702 1/20/70)

121.08 REFERENCES IN STATUTES AND ORDINANCES

A. Whenever in any statute of the Commonwealth of Pennsylvania or Resolution or Ordinance of the City there is a reference to the Department of Accounts and Finance or Director of Accounts and Finance or Finance Officer or Department of Administration or Business Administrator or Department of Finance or the Department of Administrative Services or the Director of Administrative Services, the reference means the Department of Administration and Finance or the Director of Administration and Finance. Where there is a reference to the Department of Streets and Public Improvements or Director of Streets and Public Improvements or Department of Operations or Director of Operations, it means the Department of Public Works or the Director of Public Works. (12620 §3 9/5/84)

B. All references in any other Ordinance to Council or any other board, body, department or office, means such body, officer or office to which the respective functions, powers or duties are assigned by this Administrative Code. (11787 §703 1/20/70)

C. All references in City Ordinances pertaining to the duties, powers, authority, and responsibility of the previous position of Business Administrator shall be reassigned by the Mayor to one of the following: Cabinet Director/Assistant to the Mayor, or the Director of Administration and Finance as determined by the respective functions assigned to these positions by this Administrative Code. (12620 §3 9/5/84)

121.09 REPEALER

A. All Ordinances and parts of Ordinances heretofore enacted which are inconsistent with any provision of this Administrative Code are, to the extent of such inconsistency, hereby repealed.

B. The repeal of any Ordinance, or part thereof, by this Code or by any other Ordinance, shall not revive any former Ordinance or part thereof which may have been repealed by such repealed Ordinance or part thereof. (11787 §801 1/20/70)

ARTICLE 123
THE EXECUTIVE BRANCH

123.01 The Mayor
123.02 Election and Terms
123.03 Eligibility
123.04 Vacancy
123.05 Forfeiture of Office
123.06 Prohibitions
123.07 Compensation
123.08 Powers & Duties of the Mayor
123.09 Appointment by the Mayor
123.10 Removals by the Mayor
123.11 Deputy Mayor
123.12 Functions or Services not Specifically Assigned

123.01 THE MAYOR

The executive, administrative and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control and be accountable for the executive branch of the City government, as provided by this Charter. (Art. III, §301)

123.02 ELECTION AND TERMS

The election of the Mayor shall be held in municipal elections in the manner provided by law. The term of office of the Mayor shall be four years commencing the first Monday in January after the election. (Art. III, §302)

123.03 ELIGIBILITY

The candidate for Mayor shall be a registered voter of the City. The Mayor shall continue to reside in the City throughout the term of office. (Art. III, §303)

123.04 VACANCY

A. If the office of the Mayor becomes vacant for any reason, Council shall appoint an interim Mayor of the same political party who shall serve until the next Municipal election. (Art. III, §304)

B. If the Council fails to act within thirty days following the occurrence of the vacancy, the Court of Common Pleas of Lehigh County shall, upon petition of three members of Council or ten qualified electors of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. A vacancy in the office of Mayor shall be filled at the next Municipal Election, in the manner provided by law. The person elected shall hold the qualifications for the office of the Mayor and shall serve the remaining portion of the vacated term. (Art. III, §304)

C. If the vacancy occurs more than ninety (90) days before the next general municipal election, the appointee as selected in the preceding paragraph shall serve until the first Monday of January next following said election. If a portion of the term remains beyond said date, an individual shall be elected at said general municipal election to serve from the first Monday of January following said election to the end of the term as provided in Section 123.02. (Art. III, §304)

D. Until the vacancy is filled, the President of Council shall act as Mayor. If the President of Council should resign or be unable to act, the Acting Mayor shall be chosen by a majority vote of the remaining members of Council to serve as Acting Mayor until the vacancy is filled by election. (Art. III, §304)

123.05 FORFEITURE OF OFFICE

The Mayor shall forfeit office if the Mayor:

A. Lacks at any time during term of office for which elected any qualifications for the office prescribed by this Charter or by law;

B. Violates any expressed prohibition of the Charter; or

C. Is convicted of any crime classified as a misdemeanor of the second degree or higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable graded crime under the laws of any other state in the United States

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In all cases of forfeiture, the Mayor shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council. (Art. III, §305)

123.06 PROHIBITIONS

A. The Mayor shall not hold any compensated appointive City office or City employment during the term of office for which the Mayor was elected. (Art. III, §306)

B. The Mayor shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof. (Art. III, §306)

C. The Mayor shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term of office for which the Mayor was elected. (Art. III, §306)

D. A Mayor who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of land, shall immediately make known that interest to Council. A Mayor who wilfully conceals any such interests shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City. (Art. III, §306)

123.07 COMPENSATION

A. The Mayor shall receive an annual salary in the amount of $61,493 until such amount is changed by City Council. Effective January 1, 2010, the annual salary of the Mayor shall be $95,000. (Art. III, §307; 14562 §1 12/20/07)

B. City Council may determine the annual salary of the Mayor by ordinance, but no ordinance changing such salary shall become effective until the date of commencement of the term of the Mayor elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. (Art. III, §307)

123.08 POWERS AND DUTIES OF THE MAYOR

The Mayor shall have the following powers and duties:

A. Execute, enforce and obey the ordinances of the City, the laws of the Commonwealth of Pennsylvania and the United States of America. (Art. III, §308)

B. Prepare and present a budget to City Council in accordance with the provisions of this Charter. (Art. III, §308)

C. Inform City Council and the public each January of the financial and general condition of the City. (Art. III, §308)

D. Provide Council with all information concerning finances and general conditions of the City as may be requested by Council. (Art. III, §308)

E. Prepare and submit, to City Council, on an annual basis a five (5) year financial plan and budget. (Art. III, §308)

F. Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City. (Art. III, §308)

G. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law. (Art. III, §308)

H. Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees. (Art. III, §308)

I. Ensure that all laws, provisions of this Charter and acts of City Council are faithfully executed. (Art. III, §308)

J. Be responsible for the establishment and development of the administrative policy. (Art. III, §308)

K. Be present or represented at all regular City council meetings. The Mayor may participate in all regular City Council discussions but shall have no vote. (Art. III, §308)

L. Execute all bonds, notes, contracts, and written obligations of the City. (Art. III, §308)

M. Issue subpoenas and compulsory processes, under the official seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Lehigh County. (Art. III, §308)

N. Appoint, suspend or remove any City employee, except as otherwise provided by this Charter or by law, and unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of city government. (Art. III, §308)

O. Perform such other duties and exercise such other powers as stated in this Charter, by law, or ordinance. (Art. III, §308)

123.09 APPOINTMENTS BY THE MAYOR

The Mayor shall appoint:

A. One City Solicitor. Any person so appointed shall hold office unless removed during the term for which the Mayor is elected and until a successor is appointed and qualified. Four (4) affirmative votes of Council, at each Mayor's term, shall be necessary for confirmation. The City Solicitor is required to be reappointed and reconfirmed by the majority of Council and is required to be a resident of Allentown and/or be a taxpayer prior to their appointment. The Mayor may also appoint one or more assistant solicitors as are necessary and approved by Council. (Art. III, §309)

B. All Members of Boards, Authorities and Commissions, over which he has the power to appoint. The majority of Council shall be necessary for confirmation, except where otherwise provided by state statute. (Art. III, §309)

C. One Managing Director. Any person so appointed to Managing Director must be approved by four (4) affirmative votes of Council. The Managing Director does not need to be a resident of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within twelve (12) months of being appointed. *(14395 §1 6/2/06; 15342 §1 1/18/17)*

123.10 REMOVALS BY THE MAYOR

The Mayor may remove from office anyone appointed pursuant to Section 123.09, unless otherwise provided by law. (Art. III, §310)

123.11 DEPUTY MAYOR

Upon taking office, the Mayor shall designate a department head or elected City official who shall serve as Deputy Mayor, in the event of the Mayor's temporary disability or absence from the City. The Mayor may change his designation from time to time. The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office. (Art. III, §311)

123.12 FUNCTIONS OR SERVICES NOT SPECIFICALLY ASSIGNED

Any function or service not specifically assigned herein to any department or to the Solicitor's Office shall be supervised directly by the Mayor or by such person as the Mayor designates. (12071 §4 5/15/74; 13254 §1 4/21/94)

ARTICLE 125
CITY SOLICITOR

125.01 QUALIFICATIONS AND RESPONSIBILITIES

A. The Mayor shall appoint a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as Head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council and all City departments and agencies; and, shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one (1) person shall be the legal advisor of the City except as may be otherwise required by law. (Art. VII, §701)

B. The Mayor shall have the power, if needed, to engage other temporary Solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific legal matters. (Art. VII, §701)

C. The City Solicitor shall be appointed by the Mayor with the advice and consent of Council. The Mayor may appoint, with the advice and consent of Council, such assistant solicitor or solicitors as the Mayor and the City Solicitor deem necessary. (11787 §316 1/20/70)

D. All proposed Ordinances, Resolutions and contracts shall be submitted to the City Solicitor for approval as to form substance and compliance with the charter, administrative code and other relevant statutes, prior to the legislation being placed on council agenda for introduction. (12626 §1 10/3/84; 15644 §1 10/07/20)

ARTICLE 129
CITY TREASURER

EDITORS NOTE: The Allentown Charter did not provide for a City Treasurer, the position was abolished after the term of the Treasurer was over in 1999.

ARTICLE 130
FINANCIAL PROCEDURES

130.01 Fiscal Year
130.02 Submission of Balanced Budget and Capital Program
130.03 Budget Message
130.04 Budget
130.05 City Council Action on Budget
130.06 Revised Budget (removed pursuant to charter amendment)
130.07 Amendments After Adoption
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130.09 Administration of the Budget and Capital Plan
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130.20 Temporary Investment of Funds
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130.21 Vacancy Report
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130.24 Sale of City Land
130.25 Dedicating City Assets
130.26 City Funds Prohibited to Delinquents
130.27 Settlements
130.28 Stabilization Fund
130.29 State and Federal Funded Construction Projects

130.01 FISCAL YEAR

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition. (Art. VIII, §801)

130.02 SUBMISSION OF BALANCED BUDGET AND CAPITAL PROGRAM

On or before ninety (90) days prior to the ensuing fiscal year, the Department Heads will submit Proposed Budget and Capital Program to the Mayor. On or before sixty (60) days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council. (Art. VIII, §802)

130.03 BUDGET MESSAGE

The Budget shall be accompanied by a message which shall include:

A. An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.

B. An outline of proposed programs and an explanation of new, expanded or abolished programs or functions.

C. A summary of the City's debt position.

D. Such other material, as required by Council that will inform the Council and the public of municipal goals. (Art. VIII, §803)

130.04 BUDGET

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all Generally Accepted Accounting Principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The Budget shall contain, among other things, the following:

A. It shall begin with a general summary of its contents. (Art. VIII, §804)

B. It shall show, in detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges. (Art. VIII, §804)

C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year. (Art. VIII, §804)

D. It shall show the number of proposed employees in every job classification. (Art. VIII, §804)

E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four (4) fiscal years. (Art. VIII, §804)

F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures. (Art. VIII, §804)

G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate Capital Program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs. (Art. VIII, §804)

H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility, i.e., water, sewer and enterprise funds, owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. (Art. VIII, §804)

I. The budget shall be in such form as is required by Council for City budgets and shall, in addition, have appended, thereto, a detailed analysis of the various items of expenditures and revenue. Position classification titles, paygrades and salaries for each specific position shall be components of the program detail in the budget that is presented to and adopted by City Council. (13337 §1 6/8/95)

J. The budget submitted to Council and the public shall include budget detail sheets which list each and every program account with the items that justify the respective account expenditure. (15076 §1 6/7/13)

The total of proposed expenditures shall not exceed the total of estimated income. (Art. VIII, §804)

130.05 CITY COUNCIL ACTION ON BUDGET

A. Public Access to Budget: The proposed budget shall be available for public inspection at City Hall and at the Allentown Public Library and the Lehigh County Law Library, and copies shall be available for the public at a reasonable fee to be set by the Council. (Art. VIII, §805)

B. Amendment Before Adoption. After the public hearing, the City Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council. (Art. VIII, §805)

If the amended Budget increases, decreases or readjusts funding requirements by more than five (5%) percent, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three (3) normal City work days. (Art. VIII, §805)

Council shall provide for another public hearing to be held within five (5) days after the Mayor has resubmitted the Budget. (Art. VIII, §805)

The Mayor may propose amendments to the original proposed balanced budget. Any amendment which increases any tax rate or fee shall become part of the original budget provided City Council approves each amendment by five (5) votes. Other Mayoral amendments which do not increase any tax rate or fee shall become part of the original budget provided City Council approves each amendment by four (4) votes. (14078 §1 4/17/03)

C. Adoption. Council must adopt an annual budget by no later than December 15th of the fiscal year currently ending. If Council fails to adopt a Budget by December 15th, the Mayor's original proposed balanced Budget shall become the official Budget of the City for the ensuing fiscal year. (Art. VIII, §805)

The Mayor's original proposed balanced budget is that budget which was submitted at least sixty (60) days prior to the ensuing fiscal year. (14078 §1 4/17/03)

130.07 AMENDMENTS AFTER ADOPTION

A. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 220 of this Charter. (Art. VIII, §808)

B. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the Budget. (Art. VIII, §808)

Council may authorize by ordinance supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year as follows:

1. Council may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.

2. Council may authorize an appropriation from the unappropriated balance of any fund.

3. Council may increase any revenue or income budget account to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

4. Council must approve, by ordinance, any transfer of any funds which results in a change in salary for any City employee. (13221 §1 10/20/93; 13252 §1 4/7/94; 13592 §1 7/17/97)

C. Transfer of appropriations may be made in accordance with provisions of the Administrative Code. (Art. VIII §808)

D. Positions Created by Ordinance: No permanent or permanent part-time position not explicitly provided for in the Budget shall be created; nor shall any budgeted position be deleted or transferred from its budgeted program, unless City Council, by ordinance, authorizes the same position. (12548 §1 3/16/83; 12979 §1 6/20/90)

E. Rules and Regulations on Transfers:

1. Interfund Transfers: City Council may, by ordinance, approve transfers between funds during a budget year. (12979 §5 6/20/90)

2. **Budgeted Transfers**: The Administration shall issue a monthly report, no later than the 15th of each month on the transfer of funds into the Risk Management Fund. (14922 §1 09/16/11)

3. Intrafund Transfers: Subject to the above limitation, the Director of Finance shall have the power within a given account to authorize the transfer of any unexpended balance or any portion thereof, provided such transfers do not exceed Five Thousand ($5,000) Dollars. Transfers that exceed Five Thousand ($5,000) Dollars must be approved by a majority of Council by signing off on an appropriate form submitted to the Clerk's Office. After approval, the transfers shall be distributed to the public as an agenda item and be made part of the minutes of said meeting. (14215 §1 10/7/04)

The Director of Finance must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section. (12979 §4 6/20/90; 13205 §1 6/22/93; 13221 §1 10/20/93; 13284 §1 10/20/94; 13592 §1 7/17/97)

130.08 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a Capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. (Art. VIII, §809)

130.09 ADMINISTRATION OF THE BUDGET AND CAPITAL PLAN

A. The Mayor shall be responsible for and shall supervise the administration of the Annual and Capital Budgets. (Art. VIII, §810)

B. The Department of Finance shall submit a monthly financial report to City Council, and the Controller, showing the financial condition of the various funds of the City inclusive of authorized, year-to- date and monthly expenditures and revenues of the current and previous fiscal years. The report shall be delivered to Council, and the Controller, no later than two (2) weeks or the first business day thereafter at the close of the month. Should the report not be available within the timeframe stated in this

section, an explanation must be provided to City Council and the Controller by the first business day after the stated deadline. (14721 §1 6/3/09)

130.10 CAPITAL PLAN

A. Submission to City Council. The Mayor shall prepare and submit to the City Council a five (5) year capital program no later than the final date for submission of the budget. (Art. VIII, §811)

B. Contents of Capital Plan. The capital plan shall include:

1. A clear general summary of its contents;

2. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;

3. Cost estimates and recommended time schedules for each improvements or other capital expenditure;

4. Method of financing, upon which each capital expenditure is to be reliant;

5. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

6. All Capital Projects must be included in the Capital Plan Budget. (Art. VIII, §811)

The above shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition. (Art. VIII, §811)

C. Financing Capital Projects. Financing for Capital Projects shall be obtained by Competitive Bidding. (Art. VIII, §811)

D. Capital Projects Approved. Proposed Capital Projects in the Capital Plan must be considered on their own individual merits by the Director of Finance, the City Controller, and the Proposer of the project. The procedures to approve the individual Capital Projects are:

1. **Preliminary Feasibility Study** (Art. VIII, §811)

The Capital Project preliminary feasibility study shall include:

a. A clear general summary of its purpose and justification.

b. The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit.

c. The method of financing and sources upon which this Capital Project is reliant.

d. The annual cost of operating and maintaining the project to be constructed or acquired. (Art. VIII, §811)

The Council approval of Capital Projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance. (Art. VIII, §811)

2. **Final Proposal and Financing (Art. VIII, §811)**

The Final Capital Project proposal and financing shall include:

a. A clear general summary of its purpose and justification. (Art. VIII, §811)

b. The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit. (Art. VIII, §811)

c. The method of financing and sources upon which this Capital Project is reliant. (Art. VIII, §811)

d. The annual cost of operating and maintaining the project to be constructed or acquired. (Art. VIII, §811)

e. This final Capital Project Proposal will be published and made available for the public to review (Use Notice and Hearing Notice - Section 812). Capital Project replaces Capital Program. The final Council approval of Capital Projects will require five (5) votes to approve. (Art. VIII, §811)

f. No expenditure for any capital project shall take place unless a specific authorization has been approved by Council that contains a specific revenue source except in the case of a declared emergency by the Mayor and or his designee. (15146 § 9/3/14)

3. **Capital Project Reporting (Art. VIII, §811)**

a. Current Projects. All Capital Projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Director of Finance and the Project Manager to the City Council in such a form that it is available to the public. (Art. VIII, §811)

b. Extended Projects. If commencement of a Capital Project does not begin by end of the fiscal year, following the year in which final approval is obtained, the project must go through Section 811(D)(1) and (2). (Art. VIII, §811)

c. Status Reports to Council:

1. Bi-weekly Report: A bi-weekly report of the active capital improvement projects shall be distributed to the City Controller and City Council upon their request.

2. Report to Council: In addition, the Administration shall provide quarterly reports (March, June, September and December) to City Council. The report shall be delivered to Council, and the Controller, no later than two weeks or the first business day thereafter at the close of the month. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and projected completion date. (13401 §1 6/7/96; 15145 § 9/3/14)

3. No later than forty-five days after the completion of a capital project, the Administration shall prepare and submit to City Council and the Controller, a report on the completed capital project. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and completion date. The report shall include a review of the estimated cost of the project with the final cost, and explain any deviation between the actual and estimated costs. The report shall be submitted with the monthly financial reports. (13401 §1 6/7/96; 15145 § 9/3/14)

4. **Capital Project Transfers.** Once a capital project is completed, the authorization for that capital project shall cease and the "appropriate surplus" shall not apply to any other project. There shall be no transfer of funds from any capital projects unless specifically approved by Council as an amendment to the capital budget. (13401 §1 6/7/96)

5. **Post Project Completion Audit.** Following completion of the Capital project, a complete and detailed audit must be published and made available to the public. This Post Audit is to be completed by an independent auditor appointed by the Council. The purpose of the Post Audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs. (Art. VIII, §811)

130.11 CITY COUNCIL ACTION ON CAPITAL PLAN

A. Public Access to Capital Plan. The proposed Capital Plan shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council. (Art. VIII, §812)

B. Adoption. Council must adopt an annual Capital Plan, with or without amendment, no later than December 15th of the fiscal year, currently ending. If Council fails to adopt a Capital Plan by December 15th then the Mayor's original Capital Plan shall become the official Capital Plan of the City for the ensuing fiscal year. (Art. VIII, §812)

130.12 PUBLIC RECORDS

Copies of the budget, capital plan and appropriation and revenue ordinances shall be public records and shall be made available to the public at City Hall and at the Allentown Public Library. (Art. VIII, §813)

130.13 INDEPENDENT AUDIT

The Council shall provide for an annual independent audit to be completed and submitted to the Mayor within one hundred eighty (180) days of the close of the fiscal year. It shall include City receipts, expenditures, accounts and reports by a Pennsylvania Certified Public Accountant or a Certified Public Accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the City or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion. Within thirty (30) days of completion, the Mayor shall present to the Council, the results of the annual audit and a financial statement of the fiscal affairs of the City, with the results of the independent auditor's survey of internal control and any recommendations thereon. The evaluation of the internal control shall take the form of a Management Letter. This Management Letter shall be submitted to the City Council after every audit. A summary of the annual audit of the independent auditor shall be published at least once in one or more newspapers of general circulation in the City within thirty (30) days after submission to the Mayor. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles, and shall include a balance sheet for each fund, and on a consolidated fund basis reflecting all current assets, current liabilities and fund balances. The Council shall designate such accountant or firm annually or for a period not exceeding three (3) years. Such accountant or firm shall not serve for more than six (6) consecutive years. (Art. VIII, §814)

130.14 APPROPRIATIONS

No monies shall be paid out of the City treasury except upon appropriation previously made by Council and upon warrant pursuant thereto, which warrant shall explicitly state the purpose for which the money is to be drawn. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any monies in any amount which will cause the sums appropriated to specific purposes to be exceeded. In an emergency, however, defined as a situation which endangers or has the potential to endanger the life, safety or well-being of persons, and where expedient action must be taken to preserve and protect property and to avoid a significant potential for financial loss to the City as determined by the City's Emergency Management Committee and based upon the action recommended by them subject to the approval of the Mayor, the Director of Finance shall have the authority to transfer funds from the unappropriated balance of the various funds of the City to a maximum of $50,000 per emergency to the appropriate bureau(s) responsible for responding to the emergency situation. Within twenty-four (24) hours of the decision by the Emergency Management Committee to respond to an emergency as outlined above, a representative of the Committee shall notify the President of City Council of its action. Within ten (10) days from the time of this appropriation, the Director of Finance shall submit a written report to City Council referencing the full details of the emergency, the effect on public safety resulting from this emergency, the action taken to correct the emergency, and the estimated cost of the required action. At no time, except as herein detailed, shall this action be utilized to circumvent the normal appropriation powers and procedures of City Council. (12592 §1 2/1/84; 12979 §2 6/20/90)

130.15 CONTRIBUTIONS

A. The Administration shall furnish, to City Council, a list of all contributions of any nature, cash or non-cash, made to the City. The list shall be furnished on a quarterly basis.

B. The Administration shall not accept any contributions which contain a spending restriction and causes an expenditure of City funds unless specifically authorized by City Council by a Resolution passed at a Council meeting. (13209 §1 8/4/93)

[Editors Note: The section providing for Budget Reconciliation was repealed by Ordinance 13203 passed on June 16th 1993.]

130.16 CONTRACTS

A. Administration

1. Contract administration for the City including but not limited to authority as to preparation of specifications, letting of bids, award of contracts and payment of bills, shall be vested in the Mayor and the Department of Finance to be exercised in accordance with procedures adopted by the Mayor, on file with City Council, and consistent with the requirements set forth herein. (12497 §1 1/20/82).

(a) For the award of contracts or the engagement of professional services, coordination with and approval by Resolution of City Council prior to contract or engagement execution is required. In the case of contracts or the engagement of professional legal services exempted from Council approval under provisions of the Home Rule Charter, the Administration and Solicitor's Office shall forward a memo to the Clerk's Office informing Council of the service. The memo shall include the name of the provider of service, projected rates and estimated total costs for such services, the terms of the contract, and the budgetary allocation. (15224 §1 9/16/15)

(b) For the award of all contracts over $40,000 that are required to be bid, recommendation of the lowest responsible bidder by the Department of Administration and approval by Resolution of City Council prior to contract execution are required. (15224 §1 9/16/15)

(c) For all contracts over $40,000 that are required to be bid whenever an increase by 10% or more is recommended by the Administration, resubmission to City Council and approval by Resolution prior to execution of any increase are required. (15224 §1 9/16/15)

(d) For purposes of this Article, when calculating the dollar value of a contract with renewal clauses, the maximum amount of all renewals provided for beyond the original term shall be included as if all renewals were exercised. (15224 §1 9/16/15)

(e) The Administration shall make available to the City Clerk's Office a list by Department of each duly executed purchase order, identifying the vendor, the product or service purchased and the amount of each purchase order. (15224 §1 9/16/15)

(f) The Administration shall establish and maintain an ongoing prioritized contract monitoring function consistent with established best practices to ensure that the objectives of city contracts are accomplished, and vendors meet their responsibilities. The Administration shall make available to Council and the Clerk's Office all information relating to this section. (15224 §1 9/16/15)

(g) The Administration shall request City Council approval of a Contract Award or change order above the 10% threshold as established by City Ordinance on a form supplied to the Administration by Council Office. The form shall include, but not be limited to the type of contract or change order, funding source, name and address of the recommended Contract/Vendor/Professional Service Provider/Lowest Responsible Bidder, term of the contact, estimated completion date, description of the project or scope of services, the actual or estimated price and payment schedule, renewal options, maximum dollar value of all renewals if applicable, and reasons for recommendation. (15224 §1 9/16/15)

(h) All bid, contract and engagement contracts with the exception of legal counsel exempt under the provisions of the Home Rule Charter shall contain language noting such engagement is subject to Council approval by resolution at a public meeting. (14407 §1 7/31/06; 15224 §1 9/16/15)

B. Bidding Process

1. Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed Forty Thousand ($40,000) Dollars; it shall be the duty of the City to have such work performed pursuant to a contract awarded to the lowest responsible bidder, after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, partnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment. (Art. VIII, §815; 13596 §1 8/21/9; 14684 §1 2/23/09)

2. Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed Forty Thousand ($40,000) Dollars, it shall be the duty of the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder, after advertisement for bids, such advertisement including but not limited to any of the following: newspaper advertisements, internet and trade publications, and shall be posted on the City Website. The City shall make every effort to use available resources to secure the most cost effective responsible bid and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions. (Art. VIII, §815; 13596 §1 8/21/97; 14684 §1 2/23/09)

a. The City shall not evade the provisions of subsection (a) or (b) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under Forty Thousand ($40,000) Dollars upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than Forty Thousand ($40,000) Dollars. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price. (Art. VIII, §815; 13596 §1 8/21/97; 14684 §1 2/23/09)

b. Written or telephonic price quotations from at least three (3) qualified and responsible contractors or vendors shall be requested for all contracts that exceed Ten Thousand ($10,000) Dollars but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of three (3) years. (Art. VIII, §815; 14684 §1 2/23/09)

3. The City shall require as a condition of the award of any contract, pursuant to Subsection (a) or (b) of this section, that the contractor give to the City any bond or Letter of Credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the Third Class. (Art. VIII, §815)

4. All contracts, change orders and leases shall be on file in the office of the City Controller and shall be available for public inspection during normal business hours. (Art. VIII, §815; 13596 §1 21/8/97; 14684 §1 2/23/09)

5. Resident Preference:

a. For the purposes of this section, "Resident Business" means one which maintains its principal place of business in the City of Allentown or maintains an office which employs at least five (5) employees in the City of Allentown.

b. When bids are received from both non-resident and resident businesses, or for a product manufactured in Allentown or manufactured by an entity headquartered in Allentown, and products which are not, and the lowest responsible bid is from a non-resident business or not manufactured in Allentown or by an entity headquartered in Allentown, the contract shall be awarded to the responsible resident business or the product manufactured in Allentown or manufactured by an entity headquartered in Allentown, whose responsible bid is nearest to the bid price of the otherwise low non-resident bidder, if the bid price of the resident bidder is made lower than the bid price of such non-resident business when multiplied by a factor .95. (Residence Preference provision was approved in a Charter Referendum, November 4, 1997)

c. In order to qualify for the preference set forth in Subsection B., above, the resident business or manufacturer must be properly licensed to do business in the City of Allentown and in compliance with all City Ordinances and regulations.

d. This section shall not apply to bids for the construction of public improvements in excess of $50,000, or where the difference between the lowest non-resident bid and the lowest resident bid is in excess of $2,500, or where otherwise prohibited by law or state or federal regulation. (13650 §1 3/5/98)

C. Emergency Purchases. The bidding requirements of this section shall not apply to emergency purchases. An emergency purchase shall mean a purchase necessary for the public safety or to avoid a significant financial loss to the City. *14684 §1 2/23/09)*

Emergency purchases shall be determined by the Mayor, Managing Director, or designee and within one week after the purchase of any goods, equipment or services described in the above, the Finance Director shall submit to the City Controller a report detailing the justification for excluding said purchase from advertised bidding requirements, the vendor selected for the purchase, the price paid for the goods, equipment or services purchased, and any additional information as the City Controller may require. (13596 §2 8/21/97; *14684 §1 2/23/09)*

D. Sweatshop Prohibition: The City is prohibited, to the extent possible, from purchasing, leasing, renting or taking on consignment goods produced under sweatshop conditions. (13591 §1 7/17/97)

The City is directed to notify the City's suppliers of this policy in writing.

Vendors or suppliers must authorize a statement verifying they have made a good faith effort to ascertain such information about the factories which manufacture their products.

To the extent possible, goods from suppliers who will not state that their products are not made under sweatshop conditions will not be purchased.

The criterion spelled out below shall be included in every City purchase as part of the contract stipulating that said vendor has made a good faith effort to ascertain such information about the factories which manufacture their products.

Such a compliance form must also be submitted from each vendor that desires to go on any bidding list.

The following criterion shall be used to qualify goods as not being procured under sweatshop conditions:

1. Child Labor. The factory does not employ anybody younger than the legal age for children to work in the country in which the factory is located, and regardless of the legal age, does not employ anybody younger than age 15.

2. Forced Labor. The factory does not use forced labor of any kind -- prison labor, indentured labor or bonded labor.

3. Wages and Benefits. The factory pays a wage which enables its employees to meet their basic needs for food, shelter, clothing and medical care and to set aside money for future purchases. The factory also provides all benefits required by law in their country and compensates workers for overtime.

4. Hours of Work. Employees are not required to work more than 48 hours per week or less if the law of the country in which the factory is located sets a shorter work week.

5. Workers' Rights. The factory is a workplace free from physical, sexual or verbal harassment. Employees have the right to speak up about conditions in the factory without fear or retaliation and have the right to form unions of their own choosing without employer intimidation.

6. Health and Safety. The factory provides a safe and healthy working environment. (13591 §1 7/17/97)

E. Purchase of Professional Services

1. Unless otherwise prescribed or superseded by the City Charter, any purchase of professional services (excluding those related to public debt offerings or other borrowing) in any amount that exceeds Forty Thousand ($40,000) Dollars shall be made by written contract and shall be conducted as follows (12497 §1 1/20/82; 13351 §1 9/22/95; 13351 §1 9/22/95; 13445 §1 5/20/98; *14684 §1 2/23/09)*

Requests for professional consulting services (excluding those related to public debt offerings or other borrowing) shall be advertised in any of the following: Newspaper advertisements, internet and trade publications, and shall be posted on the City website. The City shall make every effort to use available resources to secure the most cost effective responsible bid, and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions. *14684 §1 2/23/09)*

a. The advertisement shall be in one of two alternative formats. First, it may simply serve notice that a Request for Proposal (RFP) is available for review listing all basic information necessary to elicit responses. Second, the advertisement may briefly summarize the nature of the requested services and solicit statements of qualifications from firms interested in providing the requested services to the City. As a result of the information provided in this phase, selected qualified firms will be asked to respond to a detailed RFP. *14684 §1 2/23/09)*

b. The Request for Proposal shall clearly describe the desired services and shall include, but not be limited to the following information:

1. General background information pertinent to the requested services.

2. Nature and scope of requested services including minimum tasks and activities to be performed together with prescribed completion schedule.

3. Methodology and technical approach to be used in accomplishing the requested work.

4. Description of reports required.

5. Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.

6. Compensation information including detailed cost information itemizing hours and rates of each class of staff to be utilized, overhead and profit (if not included in such rates), and out-of-pocket expenses such as travel, telephone, publication and duplication.

7. Estimated utilization of City resources necessary to complete the engagements.

8. Information on the City's evaluation and selection process. (12432 §1 10/1/80; 13351 §1 9/22/95)

2. The selection process shall be based on the objective criteria contained in the RFP and shall be conducted by a Selection Committee composed of the Director of Finance, Department Head, Bureau Manager, and any other staff deemed appropriate. (12497 §1 1/20/82)

3. Unless otherwise prescribed or superseded by the City Charter, whenever fewer than three (3) proposals are received from qualified and responsible vendors for professional services of more than Ten Thousand ($10,000) Dollars but less than the amount requiring advertisement and competitive bidding Forty Thousand ($40,000) Dollars, the administrative documentation that requests execution of any resulting contract shall provide the reason(s) for not obtaining three (3) proposals. The contract and the administrative documentation shall be kept on file at the City Controller's Office. (*14684 §1 2/23/09)*

F. Policy and Procedures for Engineering By Consultants For State and Federally Funded Projects (15013 §1 8/15/12)

The following procedures shall be used for the orderly determination of the need to use consulting engineering firms, the qualifications and selection of firms, and general administration and monitoring of engineering agreements.

Upon being notified of the need to initiate engineering services on a project, the City Engineer shall analyze the City of Allentown forces to determine if the services of a consulting firm are necessary. The analysis regarding the need to engage consultants will be documented in the project file.

A detailed scope of work describing the project, its location, and services required, will be prepared. An engineering cost estimate will be prepared to compare with the consultant's proposal. A Disadvantaged Business Enterprise (DBE) Goal Request will be submitted to PennDOT's Consultant Agreement Section. The request for letters of interest from consulting firms interested in performing the required engineering services will be advertised in the following: Newspaper advertisements, internet and trade publications, and shall be posted on the City Website. The request for letters of interest must appear in at least two newspapers, of wide local circulation, for one advertisement cycle as required by municipal codes, other statutes or home rule charters. The City of Allentown will submit their advertisements for approval and publishing in Engineering and Construction Management System (ECMS) to either:

Paper copy		Electronically
Department of Transportation Bureau of Project Delivery Highway Delivery Division Contract Management Section 400 North Street, 7th Floor Harrisburg, PA 17120	or	ECMS_Local_Advertisements@pa.gov

The City shall make every effort to use available resources to secure the most cost effective responsible bid and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions.

The advertisement will include the following information:

a) Location and brief description of the required engineering services.
b) Indication of the method of procurement as competitive negotiations;
c) A statement that the City of Allentown encourages responses from small firms, minority firms, and firms who have not previously performed work for the City.
d) The Disadvantaged Business Enterprise Goal, if any, or nondiscrimination provisions to encourage the prime to notify DBE subconsultants of contracting opportunities associated with the agreement and solicit their participation, if DBE

Goals are not required for the agreement.

e) A statement that indicates whether the modified or standard selection method will be used.
f) A list, in order of importance, of the selection criteria against which the letters of interest will be reviewed.
g) A request for special requirements U.S. General Services Administration (GSA) Form 330.
h) Contact information for project discussions.
i) Cut-off time for response to the advertisement (minimum of two weeks).

Three consultants will be selected from those consultants who submit letters of interest. A qualification selection committee, consisting of a minimum of three people:

a. Director of Public Works or designee,
b. Utility Engineer or designee,
c. Assistant City Engineer or designee,
d. Construction Manager or designee shall review the qualifications of consultants who submit letters of interest as well as their responsiveness to the requirements of the advertisement. Documentation of consultants considered and the committee's recommendation shall be maintained in the project file. The committee shall document the reasons for their recommendations.

For selecting a consultant to perform bridge inspection, construction inspection agreements, or non- complex or selected moderately complex projects as defined in DM1, or for selecting a consultant as a Municipal Engineer a modified process may be used, and a ranking will be determined based on a review of the statements of interest.

For all other Agreements, the normal selection method will be used. The Director of Public Works shall review the recommendations of the qualification committee and select three firms to be recommended to the Pennsylvania Department of Transportation (herein after called the Department) as the consultants to prepare a proposal. Upon receipt of the approval of the consultants from the Department, a technical proposal shall be requested from the consultants.

The request for technical proposals shall include a brief written scope of work. The consultants will be invited to a scope of work meeting at which time the project will be explained in detail. Representatives from the Department will be invited to the meeting. The consultants will be advised of the applicable Federal regulations, review procedures, contract format, and administration. A copy of the Department's Publication 442 will be supplied that the specifications will be made a part of the contract. The City of Allentown's limitations of profit, wages, etc. will be explained. The consultants will be given a name and phone number to contact in case they would have any questions during the preparation of their proposal.

Upon receipt of the technical proposals from the consultants, the qualification committee shall review the technical proposals and make a recommendation for the ranking of the shortlisted consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.

The City of Allentown shall conduct discussions with the firms to consider anticipated concepts and compare alternative methods for furnishing services.

For both modified and standard methods of selection, the Director of Public Works shall review the recommendation of the qualification committee and in order of preference, rank the firms. The ranking will be recommended to the Department for approval. Documentation supporting the ranking of the consultants shall be forwarded to the Department when requesting approval of the consultant's ranking. The Department shall approve and/or comment on the municipalities recommended ranking.

The City of Allentown will request a price proposal from the approved first ranked firm and submit the appropriate number of copies to the Department.

The Department will conduct the pre-award evaluation and schedule and hold negotiations, if necessary.

The agreement will be prepared by the Department and circulated for signatures.

It is understood that the consultant cannot begin work until the Federal authorization has been obtained, and both the engineering Agreement and the Reimbursement Agreement have fully executed, and notification of this fact has been received by the City of Allentown.

The City Council designates the Public Works Director to perform liaison activities between the City of Allentown, the

Department, and the consultant.

The City of Allentown will enter into a reimbursement agreement with the department setting forth the methods for reimbursing the federal funds to the City of Allentown. The reimbursement agreement will be prepared by the Department.

During the life of the engineering agreement, monthly (or at other appropriate times) meetings will be held with the consultant and the designated liaison person. The Department will be invited to attend these meetings. Documentation of these meetings will be included in the project file.

Partial payment invoices for work performed will be processed as provided by Publication 442. After review of the invoices by the Public Works Director, or his designee, it will be paid. The invoice will in turn be forwarded to the Department with recommendation for reimbursement of the Federal and/or State share.

Prior to termination of services and payment of the final invoice, a joint review will be made by the Department and the City of Allentown to insure the propriety of claims and that all terms and conditions of the contract have been satisfied. Documentation of these findings will be submitted to the Department with the final invoice.

The City of Allentown's designated liaison person will complete copies of the Form D-429, "Past Performance Report for Consultant Engineers", see Appendix 7G or Form D-429 CI, "Past Performance Report for consultant Engineers Construction Inspection", see Appendix 7H.

It is understood and made part of these procedures that the employees of the City of Allentown will neither solicit nor accept gratuities, favors, or anything of monetary value from consultants or contractors or potential consultants or contractors. Violators of said standards will be subject to dismissal from their employment with the City of Allentown by order of the City Council.
City Council. (15013 8/21/2012)

G. List of Subcontractors Required

Contractors that are awarded a bid shall provide a list of all subcontractors if they will engage in any work on the project. The list shall be part of the contract that shall be on file in the Controller's Office. (14428 §1 10/6/06)

H. Campaign Prohibitions and Regulations on Non-Competitive Bid Contracts or Financial Assistance in excess of $2,500
(15237 §1 10/07/2015)

If an individual or business make a contribution in excess of $250.00 inclusive of in-kind services in the aggregate (family members with a financial interest in the business, business associates, subcontractors, contribution to a PAC which makes a candidate contribution, consultants) during a calendar year, to a candidate for any elective city office or to an elected city office incumbent during the incumbent's term of office, the individual or business shall not be eligible to apply for or enter into any non-competitive bid contract or be eligible to be a sub-contractor for a non-competitive bid contract or to receive financial assistance (grants, tax incentive, etc.) from the city.

1. This section applies to non-competitive bid contracts or financial assistance in excess of $2,500.00 excluding contracts or financial assistance for pass through grants, non-profit organizations, and federal grants such as CDBG allocations.

2. City agencies must notify the Purchasing Office of such opportunities using a form developed by Purchasing.

3. The Purchasing Office must develop procedures to implement this ordinance including a form for notifying potential applicants of contract or financial assistance opportunities.

4. Applicants for such opportunities must disclose all aggregate campaign contributions to city elective office candidates or incumbents.

5. An applicant must provide the name, employer and address of any planned sub-contractors and/or consultants to be used by the applicant.

6. The disclosure forms from all applicants must be made available to the public.

7. Agreements must include a copy of the disclosure forms.

8. Agreement must state that the contribution rules apply during the term of the contract.

9. Breach of such contribution rules shall be cause to void the contract.

10. A voided contract shall make the contractor liable for liquidated damages of 10% of the maximum payment to the contractor.

11. The provisions of this section shall not be applicable where compliance with provisions may lead to loss of federal, state or similar grant funding or where a delay in the award of a contract would pose a threat to public safety.

130.17 OUT-SOURCING

City Council must approve, by Resolution, all contracts for service, to do work or provide City services, which is currently being performed or provided for by City workers as of the effective date of this Ordinance except for temporary emergency service assistance of a duration not to exceed one week. (13355 §1 9/28/95; 13655 §1 3/4/98)(13655 was vetoed by the Mayor and Resolution 27396 was passed on 3/18/98 to override the Mayor's veto.)

130.18 WARRANTS: FORM AND SIGNATURE

A. Warrants are to be issued on forms approved by the City Treasurer, the City Controller and the Director of Finance.(12497 §1 1/20/82)

B. Prior to a warrant being presented to the City Treasurer, it must be signed by the head of the department or office issuing such warrant and countersigned by the City Controller. Upon compliance herewith, such warrant shall be sufficient authority for the City Treasurer to issue a check or draft for payment thereof. (9917 §1,2 10/2/62)

130.19 DEPOSITS; CO-MINGLING; NEGATIVE CASH BALANCES

A. Monies received by the Department of Administration and Finance shall be deposited daily in such banks or other financial institutions designated as legal depositories by the Commonwealth of Pennsylvania for cities of the Third Class.

B. Deposits shall be made in the name of the City and credited to the proper fund(s). Such amounts shall not be co-mingled provided, however, that interfund borrowing to eliminate temporary cash shortages and "pooling" of available cash balances for investment purposes pursuant to Section 130.20 shall not be construed as co-mingling. The Administration shall provide to Council and the Controller, on a monthly basis, the status of any interfund borrowing. (12620 §6 9/5/84; 14218 §1 10/6/04)

C. The Administration must notify Council and the Controller of any negative cash balance in any budgeted fund account within seven (7) days of such occurrence. (14218 §1 10/6/04)

130.20 TEMPORARY INVESTMENT OF FUNDS

The Director of Finance, or designee, shall be authorized to invest any available monies in instruments and securities designated as legal investments by the Commonwealth of Pennsylvania for cities of the Third Class. For purposes of making such investments, any available cash balances may be combined or "pooled" provided, however, that the interest earned on such investments shall be properly pro-rated among the respective funds. (12711 §1 5/21/86)

There shall be an Investment Advisory Committee composed of four (4) members. One (1) member shall be the Manager, Treasury and Accounting Operations, one (1) member shall be the Council President or his/her designee and two (2) members with substantial investment experience who shall be appointed by the Mayor with the advice and consent of Council. The initial members of the Committee shall have staggered terms of one, two and three years. Each succeeding term shall be for a period of three (3) years. During the terms of membership on the Committee, the respective firms, if any, of the two (2) members appointed by virtue of their substantial investment experience shall be ineligible to participate in the solicitation, placement, or receive any investments of the City of Allentown. (12711 §1 5/21/86)

The Investment Advisory Committee shall meet quarterly or as often as necessary to review and make recommendations of the investments, if needed, and shall provide City Council with a copy of the minutes of these meetings. (12711 §1 5/21/86)

The Investment Advisory Committee shall periodically review the investment policy for the City of Allentown. (12711 §1 5/21/86)

130.21 VACANCY REPORT

A. The Administration shall furnish to City Council a list of all position vacancies in each fund on a monthly basis. The list shall include the fund that supports the position, the Department and Bureau wherein the position is vacant, the position, pay class, annual wage, vacancy date and savings.

B. After reviewing the report and consulting with the Administration, Council reserves the right to state their opinion on filling the position with a resolution which demonstrates their intention to delete the position from the budget. (13210 §1 8/4/93)

130.22 LIMITATIONS ON EXPENDITURE OF CITY FUNDS

A. No City funds shall be expended for the purchase of any newspaper which is not a specialized professional journal.

B. For the purposes of this section, a general circulation newspaper shall not constitute a specialized professional journal. (13231 §1 12/16/93)

130.24 SALE/LEASING OF CITY LAND

City owned real estate shall not be sold, conveyed, transferred or leased for a term in excess of five years without the prior authorization of City Council in the form of a resolution adopted at a public meeting. (13253 §1 4/7/94)

130.25 DEDICATING CITY ASSETS

A. Purpose

This policy is to encompass the naming of any City assets including parks, open spaces, facilities, recreation elements, streets and other municipal buildings or properties. The final decision for naming of assets will rest with City Council, including naming opportunities as a result of gifts and sponsorships. The naming of a particular asset is important for public awareness, promotion and emergency access. Therefore, naming will be consistent with the City of Allentown's vision and will not contravene any policy of the City nor reflect negatively on the City's public image.

B. Intent

The intent of this policy is to:

- Begin a practice of naming municipal property, buildings and recreation and park elements after significant geographical, neighborhood and historical elements;
- Recognize on an exception basis, significant contributions that organizations or individuals have made to the public life and the well-being of the people of Allentown;
- Provide direction of how to apply for approval to name, rename or dedicate municipal property, buildings or park elements.

C. Policy Statements

1. There are four main types of naming situations this policy intends to address:
   - Opening of a new City asset or reopening of a City asset following refurbishment
   - Honoring individuals or groups
   - Recognizing international, national or provincial events/competitions
   - Providing recognition of gifts, sponsorships and joint ventures

2. The selection of a name will be based on a number of criteria including but not limited to:
   - A longstanding local area identification with the residents
   - Understandable to the majority of citizens in Allentown
   - Consistent with any other applicable policies and naming guidelines
   - Assists with emergency response situations by being consistent with street names and geographical locations and

meeting the requirements of Allentown Fire Department, Police, and EMS
- Consistent with sponsorship levels

3. Preference will be given to names that:
- Give a sense of place, continuity and belonging reflecting the geographic location, community, neighborhood or street where the City asset is located and/or;
- Recognize the historical significance of the area and/or;
- Reflect unique characteristics of the site and/or;
- Reflect the type of service offered and/or;
- Are in keeping with a selected theme and/or;
- Honor individuals, living or deceased, who have made a significant contribution to the community

4. Names will not be chosen that:
- Cause confusion due to duplication or names sounding similar to existing locations within Allentown;
- Are the names of tobacco companies;
- Lend themselves to inappropriate short forms or modifications
- Are discriminatory or derogatory considering race, gender, creed, political affiliation, or other similar factors;
- Recognize the birth, marriage or anniversary of specific individuals (this can be done through individual dedications of benches and trees though Parks and Arenas).

5. Names of persons, organizations, corporations, foundations or their families will be considered when they have made a significant contribution to the City by:
- Enhancing the quality of life and well-being of the City
- Contributing to the historical or cultural preservation of the City
- Contributing toward the acquisition, development or conveyance of land or building
- Achieving excellence in their endeavors and representing Allentown in a meritorious manner and/or
- Where there is a direct relationship or association that exists between former place of residence of the person or group and the asset to be named

6.. Where the name of an individual is recommended after a discussion, consent shall be obtained from the individual or their next of kin prior to Council's public consideration.

7. Where the naming opportunity is as a result of a sponsorship or gift the following factors must be considered:

- The significance of the contribution made relative to the construction and operating costs of the item being named
- The cost of establishing the naming option (e.g. cost of the signage to be paid by the applicant unless the City has made the request for the name change)
- Sunset clause associated with the length of time that the name will be used. Naming agreements may be renewed if the appropriate gift or sponsorship is received.

8. Existing names will not be changed without consideration of the historical significance of the existing name, the impact on the individual or organization previously named, the cost and impact of changing existing signage, rebuilding community recognition and updating records (i.e. letterhead, databases, promotional materials) Each application will be considered on a case-by-case basis.

D. Application Review and Approval Process

1. Applicant(s) shall submit a written request for civic naming to the City Clerk. The written request shall provide the following:
- Background information concerning the rationale for consideration of the request;
- Biographical information if named after an organization or individual; and
- Documentation including letters from organizations and individuals providing substantial support for the request.

2. Each application for naming/renaming shall undergo a process which will:
- Review the application for conformity with this policy
- Circulate the application to the appropriate internal stakeholders for comment on the suitability of the application
- Discuss any naming in recognition of an individual prior to discussing it with the individual or next of kin.
- Consult with external stakeholders in the community to the level of support or identify possible objections to the requested civic naming
- Determine whether or not a special event is planned to coincide with the formal naming

3. An asset shall only be named or renamed upon the approval of at least five (5) of the seven (7) members of City Council. (13734 §1 2/18/99; 14467§1 2/8/07)

130.26 CITY FUNDS PROHIBITED TO DELINQUENTS

The City shall not distribute any funds to any business or organization that is delinquent in taxes, assessments, or any other municipal fee or charge that is due to the City or any agency created by the City, provided that this section does not violate state or federal laws or requirements. This section shall not prohibit the acquisition of an interest in real estate. (14068 §1 (3/20/03)

130.27 SETTLEMENTS

Council shall be given notice of any legal settlement that entails Fifty Thousand ($50,000) Dollars or more in City funds within thirty (30) days of the settlement. (14433 §1 11/7/06)

130. 28 STABILIZATION FUND (14434 §1 11/7/06; 15482 §1 9/19/18)

1. The Administration shall consolidate $4.8 million as reserves into one fund entitled, the Stabilization Fund, from the proceeds of the bank note authorized by Ordinance No. 14422;

2. The Stabilization Fund shall only be comprised of unreserved, undesignated reserves;

3. All transfers from the Stabilization Fund shall be upon approval of City Council, however this will not preclude the use of the funds for cash flow purposes by other City Funds during a given budget year, provided documented revenue receivables for the borrowing Fund exceed budgeted expenditures and the monies transferred, and all such borrowed monies are returned to the Stabilization Fund before the close of the applicable budget year. Transfers for cash flow purposes shall be allowed provided that they do not go beyond a fiscal year. Council shall be notified that this has occurred within seven (7) days of the "borrowing." (14493 §1 6/10/07)

4. The annual budget documents submitted by the Mayor shall disclose the beginning and ending balance of the Stabilization Fund for the fiscal year;

5. In addition to adopting the budget and setting the rate of taxation for the fiscal year, City Council's ordinance to adopt a budget shall state the beginning and ending balance of the Stabilization Fund for the fiscal year;

6. Once established, the historical data of the Stabilization Fund shall be included as an appendix in all future budgets submitted by the Mayor;

7. The Mayor shall distribute copies of this ordinance to the proper officers and other personnel of the City of Allentown whose action is required to achieve the purpose of this ordinance;

8. As a part of any resolution seeking the authority of City Council to sell City owned real property, the Mayor shall include a proposed Fund distribution of monies to be received from such sale, and at least ten (10%) percent shall be committed toward repayment of this loan beginning in 2008. (14434 §1 11/7/06;14493 §1 6/10/07)

ARTICLE 131
CITY CONTROLLER

131.01 Election and Terms
131.02 Eligibility
131.03 Responsibility
131.04 Forfeiture of Office
131.05 Vacancy
131.06 Prohibitions
131.07 Bond Required
131.08 Accounts and Reports
131.09 Appointment of Acting Controller; Powers, Duties and Liability

131.01 ELECTION AND TERMS

The election of the City Controller shall be held in municipal elections in the manner provided by law. The term of office of the City Controller shall be four (4) years commencing the first Monday in January after the election. (Art. IV, §401)

131.02 ELIGIBILITY

The candidate for City Controller shall be a registered voter of the City and shall continue to reside in the City throughout the term of office. The City Controller elected at the first election under this Charter shall receive an annual salary of $49,892. All future increases or decreases in the City Controller's salary shall be by referendum. (Art. IV, §402)

131.03 RESPONSIBILITY

The City Controller shall:

A. Have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council and City Boards, Commissions and Agencies;

B. Review the Annual Budget before approval by City Council, and make nonbinding recommendations to the Mayor and to City Council for consideration, if he or she deems it necessary;

C. Be present or represented at all Council meetings;

D. Perform specific audits of City finances from time to time as requested by the Mayor or by City Council;

E. Report, to the Mayor and to City Council, on the progress of the implementation of any recommendations as found in the Annual Audit and Management Letter;

F. Assist in all audits conducted by independent auditors;

G. Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations;

H. Furnish to City Council, the Mayor, and others, as appropriate, periodic reports of audits conducted;

I. Interpret and communicate audit policies and procedures to all City management and staff;

J. Direct internal financial security and loss investigation activities;

K. Prepare an annual budget for the office of City Controller and operate the office of City Controller within approved budget limitations; and

L. Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Controller. (Art. IV, §403)

M. The City Controller shall maintain an encumbrance system of budget operation. He or she shall receive from the Director of Finance and department heads such information regarding City properties and obligations and City income and expenditures as deemed necessary to carry out these duties. The Controller shall furnish the Director of Finance, other department heads and Council a report concerning these matters at least monthly and at such other times as he the Controller deems necessary. (12497 §1 1/20/82)

N. The City Controller shall review all warrants for the expenditure of City monies and, if satisfied that such expenditures are within the budget allotment pertaining thereto, shall sign such warrants before they are presented to the City Treasurer for payment. In so doing, the Controller shall also preaudit all claims and demands against the City prior to payment and shall approve warrants for payment thereof only if satisfied that such payment is in accordance with law. (11787 §502 1/20/70)

131.04 FORFEITURE OF OFFICE

The City Controller shall forfeit that office if the City Controller:

A. Lacks, at any time during term of office, for which any qualification for the office prescribed by this Charter or by law;

B. Violates any express prohibition of the Charter; or

C. Is convicted of any crime classified as a misdemeanor of the second or degree higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States. (Art. IV, §404)

In all cases of forfeiture, the City Controller shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council. (Art. IV, §404)

131.05 VACANCY

A. If the office of the City Controller becomes vacant for any reason, Council shall appoint an interim City Controller, of the same political party, who shall serve until the next Municipal Election. (Art. IV, §405)

B. A vacancy in the office of the City Controller shall be filled at the next Municipal Election, in the manner provided by law. The person elected shall hold the qualifications for the office of the City Controller and shall serve the remaining portion of the vacated term. (Art. IV, §405)

131.06 PROHIBITIONS

A. The City Controller shall not hold any compensated appointive City office or City employment during the term of office for which the City Controller was elected. (Art. IV, §406)

B. The City Controller shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof. (Art. IV, §406)

C. The City Controller shall not hold any compensated appointed City office or City employment until one (1) year after the expiration of the term for which the City Controller was elected. (Art. IV, §406)

D. The City Controller shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one (1) year after the expiration of the term for which the City Controller was elected. (Art. IV, §406)

E. A City Controller who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any sale of land with the City or in any contract with the City, shall immediately make known that interest to Council. A City Controller who wilfully conceals any such interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City. (Art. IV, §406)

131.07 BOND REQUIRED

A. The City Controller elect shall give lawful fidelity bond to the Commonwealth, with a surety company authorized by law of the Commonwealth of Pennsylvania, to act as surety, in an amount specified by Ordinance conditioned for the honest and faithful discharges of his official duties.

B. Such fidelity bond shall be purchased by the Director of General Services or their designee based on competitive quotes prior to the first day of the year he is sworn into office. (12394 §3 12/18/79)

131.08 ACCOUNTS AND REPORTS

The City Controller shall receive all bank statements of all City accounts and shall be responsible for the reconciliation of all such accounts and submit the necessary reports to the Mayor, City Treasurer, Director of Finance and City Council in a timely fashion. (12497 §1 1/20/82)

131.09 APPOINTMENT OF ACTING CONTROLLER; POWERS, DUTIES AND LIABILITY

The City Controller may appoint another City employee to serve as Acting Controller when sickness, absence from the City, disability or other cause prevents the Controller from attending to the duties of his office. During such time the person so designated by the Controller shall possess all the rights, powers and duties of Controller. In the case of such appointment, the Controller shall be responsible and liable for the acts or omissions of the Acting Controller. (12177 §1 3/17/76)

ARTICLE 133
PUBLIC WORKS

133.00 Department of Public Works
133.01 Organization and Functions

133.00 DEPARTMENT OF PUBLIC WORKS

The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He or she shall perform the duties required through the Administrative Code or other action, or as may be required of a City Engineer by general law. (Art. VII, §506)

133.01 ORGANIZATION AND FUNCTIONS

The Department of Public Works shall perform those activities required in construction operation, maintenance and in the following City functions: building maintenance; engineering; streets; municipal garage; the water system, including meters, distribution and collection and storage facilities, sewerage, including the sewage treatment plant; maintenance; garbage collection and disposal, including sanitary landfill. This department shall provide engineering services not only for its own activities but in cooperation with the operating activities of the other departments of the City government. (12497 §1 1/20/81; 12991 §1 8/15/90)

ARTICLE 134
DEPARTMENT OF FINANCE

134.00 Department of Finance
134.01 Organization and Functions

There shall be a Department of Finance which is established for the purpose of creating a unified City accounting system. A Director of Finance shall be appointed by the Mayor with confirmation of Council. The Director of Finance shall be responsible for the administration of activities that include:

A. The receipt, expenditure, accounting, investment, custody and control of municipal funds and assets, including the budget (both operating and capital);

B. Financial accounting, which shall be conducted according to generally accepted accounting principles;

C. Investments and insurance;

D. Payroll;

E. Pension administration;

F. Materials management;

G. All other financial matters that may arise. (Art. VII, §507)

H. Shall supervise the establishment and implementation of all City administrative policies and procedures and shall provide staff and support services including: Personnel/Labor relations, human relations/equal opportunity, risk management, real property management, information systems, and all administrative and office-support systems for all City agencies.

134.01 ORGANIZATION AND FUNCTIONS

The Department of Administration and Finance shall be headed by a director who shall be known as Director of Administration and Finance and who shall be responsible for the administrative, general service and financial functions of the City. The Department shall supervise the establishment and implementation of all City administrative policies and procedures and shall provide staff and support services including: personnel/labor relations, human relations/equal opportunity, risk management, real property management, information systems, and all administrative and office-support systems for all City agencies. This department shall also be responsible for the Queen City Municipal Airport and any other responsibilities assigned by the Mayor. The Department shall also be responsible for directing the financial affairs of the City. Such responsibilities shall

include: accounting and financial reporting for all City funds and accounting groups; the preparation and administration of the annual operating and capital budgets; administration of the centralized purchasing and accounts payable functions; debt and cash management; and administration, collection and enforcement of all tax levies, user charges and utility service charges. (12620 §8 9/5/84; 13128 §2 5/21/92)

ARTICLE 135
DEPARTMENT OF POLICE

135.01 Organization and Functions
135.02 Special Police Officers
135.03 Off Duty Employment
135.04 Semi-Automatics Required
135.05 Vacant Positions

135.01 ORGANIZATION AND FUNCTIONS

The Department of Police shall be headed by the Chief of Police who shall be responsible for all police related activities and communications service. (11787 1/20/70;12868 §1 9/21/88; 13128 §1 5/21/92)

135.02 SPECIAL POLICE OFFICERS

A. The position of Special Police Officer in the Department of Police is hereby established. (12868 §1 9/21/88)

B. The position of Park Guard in the former Department of Parks and Public Property is abolished and in lieu thereof there shall be the position of Special Police Officer. (12868 §1 9/21/88)

C. Appointments and removals of Special Police Officers shall be in accordance with this Administrative Code. (12868 §1 9/21/88)

D. Persons appointed as Special Police Officers shall have all the duties previously exercised by Park Guards and in addition thereto, such duties as may be prescribed by the Chief of Police. (12868 §1 9/21/88)

E. Special Police Officers shall at all times be under the supervision and control of the Chief of Police. (12868 §1 9/21/88)

F. Special Police Officers shall have the same power and authority in preserving the peace, maintaining order and making arrests as policemen of the City possess. (12868 §2 9/21/88)

135.03 OFF-DUTY EMPLOYMENT

No member of the police department shall accept outside employment requiring the officer to perform any of the duties or exercise the powers of a sworn police officer or to wear a City of Allentown police uniform or identification or to use any weapon or equipment issued by the City unless such outside employment is coordinated and contracted through the Allentown Police Department and the City of Allentown. The employment must be approved by the Police Chief or the Police Chief's designee and subject to the rules and regulations embodied in the Allentown Police Department Manual. The payment for such services, a fee that is inclusive of (at minimum) salary, insurance and administrative costs as established in the Administrative Information Manual (AIM), shall be made to the City of Allentown, Department of Administration and Finance. (13133 §1 6/4/92)

135.04 SEMI-AUTOMATICS REQUIRED

One (1) year from the effective date of this Ordinance, all police personnel, both present and future, shall be issued/ equipped with semi-automatic weapons. Weapons shall be considered property of the City and shall be returned to the City at the end of the officer's tour of duty. (13354 §1 9/20/95)

135.05 VACANT POSITIONS

Shall vacancies occur in any supervisory position, in the Police Department, the Administration is authorized to exceed the budgeted positions for patrol officers to keep the Police Department at its full complement, provided that upon filling the vacant supervisory position such additional patrol officer position be annulled. (13379 §1 2/22/96)

ARTICLE 136
DEPARTMENT OF FIRE

136.01 Organizations and Functions
136.02 Vacant Positions

136.01 ORGANIZATION AND FUNCTIONS

The Department of Fire shall be headed by the Chief of Fire who shall carry out the fire services required for the protection of persons and property in the City. (12868 §2 9/21/88)

136.02 VACANT POSITIONS

Shall vacancies occur in any supervisory position in the Fire Department, the Administration is authorized to exceed the budgeted positions for firefighters to keep the Fire Department at its full complement, provided that upon filling the vacant supervisory position such additional firefighter position be annulled. (13385 §1 3/25/96)

ARTICLE 137
COMMUNITY AND ECONOMIC DEVELOPMENT

137.01 Organization and Functions

137.01 ORGANIZATION AND FUNCTIONS

The Department of Community and Economic Development shall be responsible for those functions required for the desirable growth and development of the City. The Department shall include planning, zoning, urban renewal, health, inspections (Bureau of Building Standards and Safety). (11787 §315 1/20/70; 11803 §1 3/24/70; 14002 §1 8/1/02; 14563 §2 12/20/07)

ARTICLE 138
DEPARTMENT OF HUMAN RESOURCES

There shall be a Department of Human Resources. A director of the Department of Human Resources shall be appointed by the Mayor. The Director of Human Resources shall be responsible for administering the Department of Human Resources and administering the personnel system on the merit principles described in this Charter and promulgated by City Council as a part of the Personnel Code or otherwise. (Art. VI, §605)

ARTICLE 139 DEPARTMENT OF PARKS AND RECREATION

139.01 Establishment; Appointment of Director
139.02 Park Guards

139.01 Establishment; Appointment of Director

There shall be a Department of Parks and Recreation. A director of the Department of Parks and Recreation shall be appointed by the Mayor with the advice and consent of Council.

139.02 Park Guards

A. The position of Park Guards is hereby established in the Department of Parks and Recreation.

B. Appointments and removals of Park Guards shall be in accordance with this Administrative Code and applicable personnel policies.

C. Persons appointed as Park Guards shall be under the supervision of and may be prescribed by the Director of Parks and Recreation. (14408 §1 7/31/06; 14563 §1 12/20/07)

ARTICLE 140

PERSONNEL CODE
Ordinance No. 14719 adopted on 5/21/09, Section Requiring Two Year Review

140.01 Introduction
140.02 Statement of Purpose
140.03 Non-Discrimination Policy Statement of City of Allentown
140.04 Recruitment Procedures
140.05 Hours of Work and Compensation
140.06 Commercial Driver's License (CDL)
140.07 Promotions and Transfers
140.08 Temporary Assignment Duty
140.09 Work-Related Injury
140.10 Modified Duty (Work Related Only)
140.11 Ethical Behavior
140.12 Permanent Evaluations
140.13 Holidays and Leave Time
140.14 Employee Benefits
140.15 Employee Benefits Upon Separation
140.16 Personnel Records
140.17 Employee Conduct and Work Rules
140.18 Discharge, Discipline and Work Rules
140.19 Smoke Free Environment
140.20 Sexual Harassment
140.21 Harassment
140.22 Drug and Alcohol Policy
140.23 Violence in the Work Place
140.24 Third Party-Email Review, Computer Network and Internet Access
140.25 Pennsylvania Whistleblower Law
140.26 Domestic Partnerships

Article 140.01 Introduction

The City of Allentown operates under a Home Rule Charter adopted by the Allentown voters on April 23, 1996. Article VI, Personnel System, Section 603, Personnel Code, calls for City Council to enact a Personnel Code for all City employees. The Personnel Code may, from time to time, be amended, as needed to keep the information contained herein current.

The Personnel Code, heretofore referred to as Employee Policy & Procedures Manual, is constructed to provide basic information on all policies and benefits for the City of Allentown employees. The Employee Policy & Procedure Manual does not attempt to address all provisions contained in the three union contracts; F.O.P. (Fraternal Order of Police), I.A.F.F. (International Associations of Fire Fighters), and S.E.I.U. (Service Employees International Union).

Although this manual applies to all City employees, for those employees who are members of a collective bargaining unit, where the terms of the collective bargaining agreement conflict with the manual, those agreements supersede this manual. In addition, the City's Police Officers are also obligated to adhere to the Police Department's Rules and Regulations, as well as the Police Civil Service Board Rules and Regulations, and the City's Firefighters are also obligated to adhere to the Fire Department Rules and Regulations as well as the Firefighters' Civil Service Board Rules and Regulations. The City's Paramedics and staff of emergency medical services are obligated to adhere to that department's rules, regulations and standard operating procedures.

The language of this manual and the rules and policies stated in it are not intended to create, nor are they to be considered to constitute a contract between the City and one or all of its employees. Nothing herein shall be construed or interpreted to alter the "at-will" employment relationship. These policies and rules are not permanent. If circumstances arise which warrant consideration of a change in policies or procedures, employees should bring such circumstances to the attention of their manager. This manual and the policies and procedures contained in it are subject to change at any time at the discretion of the City of Allentown.

Article 140.02 Statement of Purpose

This manual was created in accordance with the Chapter 11 Allentown City Home Rule Charter Article VI II.6-603.

The purpose of this manual is to provide a ready reference source for the City of Allentown's employee policies and is written to be a usable guidebook for all managerial and supervisory staff. This manual not only outlines City policy regarding the various

phases of the employer-employee relationship, but it also indicates how policy is to be administered. Consequently, each supervisor should use this manual as a guidebook when City policy is to be applied in a given situation. This manual incorporates the City Human Resources AIM regulations.

The policies herein do not constitute an employment contract or any expectation of or right to continue employment. City employees are considered "at will" employees, unless employment rights are conferred under a collective bargaining agreement or Civil Service.

Article 140.03 Non-Discrimination Policy Statement of City of Allentown

It has been and will continue to be the policy of the City of Allentown that it shall be an equal opportunity employer and will abide by all Federal, State and City equal employment opportunity guidelines. To assure full implementation of the policy, the City of Allentown shall act affirmatively to assure it will:

- Recruit, hire and promote for all job classifications without regard to age, gender, race, creed, handicap, color, religion, ancestry, Veterans status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.

- Base employment decisions on an individual's knowledge, skills, abilities and qualifications and interest in the position being filled.

- Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, company-sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard age, gender, race, creed, handicap, color, religion, ancestry, veterans status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.

- Ensure that sexual harassment and other forms of harassment in the workplace are prohibited (see Section XX and Section XXI of the City of Allentown Policy & Procedure Manual).

In keeping with the above policy, employees who believe they have been or are being discriminated against or sexually harassed should contact the Director of Human Resources, or designee at (610) 437-7521; (610) 437-7523, or at 435 Hamilton Street, Allentown, PA 18101-1699 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Retaliation against persons who have filed charges, testified, assisted and participated in any way in any proceeding, investigation, or hearing under the provisions of the Age Discrimination Law, or under Title VII of the Civil Rights Act, or Americans with Disabilities Act of 1990, is expressly prohibited and unlawful.

The City of Allentown abides by all Federal, State and City non-discrimination guidelines.

Article 140.04 Recruitment Procedures

1. Non-Uniformed Employment: The recruitment of new employees is the responsibility of the Department of Human Resources.

    a. Procurement of non-uniformed replacement employees, will be generated from the following sources listed in order of priority:
        1. Applications or resumes on file in the Department of Human Resources.
        2. Individual referred by current City employees other than a relative.
        3. Individuals procured through advertising.
        4. Applications are screened by the Recruitment Specialist or Human Resources Director. An interview will be conducted by the Department Head and/or designees.

    b. After a conditional offer of employment is made, applicants will be required to undergo a standard drug test, criminal background check and reference check. The screening tests will be scheduled through the HR office with the designated testing facility within 48 hours of offer of conditional employment. Candidates who are unable to successfully pass the drug screen will not be granted employment with the City of Allentown. The City may require a pre-employment physical examination.

    c. All candidates must comply with recognized safety standards upon work commencement.

    d. Applicants under 18 years of age will be required to secure proper working papers and will only be permitted to work when all requirements of the law pertaining to hiring of minors have been met.

e. Hiring of close relatives will be permitted only when related employees are not working in the same Bureau, and there is no direct reporting relationship. Hiring of close relatives may occur because of Civil Service rules and regulations in the Police and Fire Departments.

f. All new non-uniformed employees are required to undergo a ninety (90) actual work days probationary period. Working days is defined as available for work and reporting to work. Employees are evaluated at 45 days and 90 days. At the end of this period, a performance evaluation will be conducted by the immediate supervisor in accordance with the respective department's performance standards, and general guidelines of this policy manual. The purpose of the probationary period is to give the employee an opportunity to demonstrate proper knowledge, skills, ability, and attitude for the position for which they were hired. Failure to meet acceptable standards will result in dismissal without prior notice or obligation during this period.

g. The official personnel file will be maintained in the Department of Human Resources.

Regular Part-Time Employees

Anyone employed 32 hours or less per week is considered a part-time employee. This employee may work an average of not more than 25 hours per week. Average can be based on annual total. Part-time employees are not entitled to fringe benefits. Employees hired must complete the appropriate paperwork in the Department of Human Resources such as the W-4, I-9 and workers' compensation initial notification document.

Employment of part-time and seasonal employees will generally be on the basis of applications received, and qualifications to perform the duties required. Employment will be governed by proper authorization and monetary limits that are imposed by the budget.

Part-time employees are subject to a 30-day lay off in a calendar period.

Temporary/Seasonal Employees

Anyone employed for no more than four (4) months who may work up to a maximum of forty (40) hours per week. Seasonal employees are not entitled to fringe benefits and must complete the appropriate paperwork in the Department of Human Resources such as the W-4, I-9 and workers' compensation initial notification document.

Seasonal golf course employees working conditions are governed by the memorandum of understandings agreed to between the City and the Union.

Employment of minors

Employees under the age of 18 are considered minors. The following procedures will apply in relation to their employment.

a. No person under age 18 will be hired as a full-time employee and no person under age 16 will be hired as a temporary/seasonal employee.
b. Minors under the age of 18 may not operate any City vehicles at any time.

No Hire Policy

As set forth in this manual, it is the City's policy to attempt to rehabilitate deficiencies in employee conduct and job performance before an adverse action is taken with regard to employment status.

Employees who are involuntarily terminated for disciplinary, conduct or performance related reasons are not eligible for rehire as a City employee should such former employee reapply for employment in the future. Performance reasons shall include, but not be limited to, deficient job performance and excessive absenteeism. Disciplinary or conduct related reasons shall include, but not be limited to, all applicable provisions contained within this policy manual as well as collective bargaining agreements and rules and regulations of police, fire and EMS.

Article 140.05 Hours of Work and Compensation

A. Employment Classifications

City of Allentown employees generally fall into one of the employment classifications:

Regular Full-Time:	Employees who are regularly scheduled to work at least forty (40) hours per week. Regular, full-time employees are generally eligible for all available employment benefits, subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time:	Employees that are scheduled to work fewer than forty (40) hours per week based on an annual average, or anyone employed 32 hours or less per week is considered part-time. Part-time employees are not entitled to fringe benefits. Employees will be required to take a 30-day layoff during a calendar year period.
Temporary/Seasonal:	Anyone employed for no more than four (4) months who may work up to a maximum of forty (40) hours per week. Seasonal employees are not entitled to fringe benefits.
Golf Course Seasonal:	Anyone employed from April to November in accordance with the memorandum of understandings with the NFCO/SEIU.

Additionally, for purposes of overtime compensation and time-keeping requirements, the City of Allentown employees will be categorized as exempt or non-exempt employees as follows:

Exempt:	An exempt employee is an executive, administrative, or professional employee who is exempt from the overtime provisions of the Fair Labor Standards Act (i.e., an exempt employee is not eligible for overtime compensation pursuant to the Fair Labor Standards Act).
Non-Exempt:	A non-exempt employee is an employee who is subject to the overtime provisions of the Fair Labor Standards Act (i.e., a non-exempt employee is eligible for overtime compensation pursuant to the Fair Labor Standards Act).

B. Pay Period

The workweek at the City of Allentown runs from Saturday and ends the following Friday, with two (2) work weeks in each pay period. Employees are generally paid bi-weekly on every other Friday. The work period for bargaining unit employees, Fire Fighters, and Police Officers shall be in accordance with their respective contractual agreements. Each paycheck will include earnings for work performed through the end of the previous pay period. Various mandatory deductions are withheld from each regular paycheck.

State and federal withholding taxes (income taxes), depending upon income and number of dependents, are regularly deducted and periodically transferred to the Internal Revenue Service and the State Tax Commission. Social Security (F.I.C.A) taxes are deducted and deposited with the federal government. In addition, all garnishments and employee-authorized deductions (i.e. health insurance contributions, flexible spending deductions, 457 Plan contributions, pension contributions) are also automatically withheld from each regular paycheck.

In the event that a regularly scheduled payday falls on a Federal banking holiday, employees will be paid on the last scheduled day of work before the regularly scheduled payday.

C. Timekeeping Procedures

Accurately recording "time worked" is the responsibility of every City employee. Federal and state laws require that the City keep an accurate record of "time worked" in order to calculate employee pay and benefits. "Time worked" includes all time actually spent on the job performing assigned duties.

It is the responsibility of the manager/supervisor to make certain that no work is performed by a non-exempt employee prior to his or her regular working hours, during lunch, during unpaid breaks, after working hours, or during personal time off.

All hours and changes must be entered by the individual bureau into the Activity Entry screen by no later than Monday at 10:00 a.m. of a pay week except when notified of a special time due to a City holiday. After the entries are completed, the Bureau must run the Activity Audit Report to verify entries and confirm that there are no errors. In most cases, the bureau can correct the error and re-run the report. Otherwise, the bureau is responsible to alert the Payroll Specialist of the error.

The Bureau is required to fax the Activity Audit Report of Earnings Section by Hour Type with the Home Department indicated on the top left hand corner to Human Resources at (610) 437-7675 after the manager, or designee has reviewed and signed the report. The purpose of this fax is to confirm that the individual bureau entry is completed and that there are no errors. The original completed report is forwarded to the Department Director for review and signature before sending it to Human Resources.

The Employee Leave Balance Report should be printed after running the Activity Audit Report. These reports cannot be printed from Eden once the payroll process is started by the Payroll Specialist. No changes may be made on the activity

audit screen after 10:00 a.m. on the Monday of a pay week. Any additions or corrections that were missed may be corrected in another pay period by entering the specific date, hour type and hours.

D. **Work Schedules**
The City of Allentown standard working hours for non-uniformed personnel are from 8:00 a.m. to 4:30 p.m., Monday through Friday, 8 hours per day exclusive of allowed lunch period of 30 minutes, 40 hours per week, unless otherwise directed or approved by the Supervisor. These hours do not pertain to continuous operations.

Exceptions – At times the above conditions may differ. Schedules may be broken in times of emergency, weather threatening conditions or simply at the will of the City.
In order to ensure proper staffing levels at all times, employees of the City of Allentown are required to provide daily notice to their immediate supervisor regarding their arrival and departure from work. In the event that an employee's immediate supervisor is unavailable, notice to any other supervisor in the office will be sufficient for this purpose.
All regular, full-time employees are provided with an un-paid, 30 minute lunch period each workday. Employees are expected to return from lunch breaks on time. Employees who repeatedly report back to work late from their lunch break will be subject to disciplinary action, up to and including termination.

Absent special approval from the employee's immediate supervisor, employees are not permitted to work through their lunch period in order to make up lost time due to tardiness or out-of-the-office appointments. Likewise, employees are not permitted to work through their lunch period in order to leave work early.

a. Uniformed – Refer to the respective Collective Bargaining Agreements for work schedules.

E. **Overtime**
On occasion, non-exempt City employees (i.e. employees paid on an hourly basis) may be required to work overtime hours. When possible, advance notification of overtime assignments will be provided.

Any time actually worked by an employee in excess of forty (40) hours per week is considered overtime. Non-exempt employees shall be paid for overtime at one and a half times the employee's regular rate of pay. All overtime, however, must be pre-approved by the employee's immediate supervisor. For purposes of overtime calculations, time taken as sick hours are not counted as time worked for computing overtime.

Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval prior to working hours that extend beyond their normal schedule.

Refusal to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination of employment.

Compensatory Time in Lieu of Overtime Payment - Non-bargaining unit positions which are considered non-exempt in accordance with the Fair Labor Standards Act overtime provisions are generally considered hourly positions. Employees in these positions are eligible for overtime pay or compensatory time calculated at a time and one-half rate for excess hours worked over forty (40) in one (1) workweek. The minimum compensatory time is not to exceed 240 hours for non-uniformed and 480 hours for uniformed police.

Compensatory time in lieu of overtime pay must be agreed to by both the City and the employee beyond forty (40) hours in one (1) week.

Management positions which are considered exempt from the Fair Labor Standards Act overtime provisions are considered salaried positions. Employees are expected to work as many hours as necessary to complete their job duties, whether or not they exceed or fall short of the time periods in which hourly employees are scheduled.

F. **Shift Differential – Overtime**
Bargaining unit employees are paid in accordance with collective bargaining unit provisions. Eligible non-bargaining unit employees will follow the current SEIU contract shift differential rate. When computing overtime, shift differential, and longevity pay, the amount shall be included with the employee's regular hourly rate of pay.

G. Overpayment – Payroll
If an employee is over-paid, he shall be required to repay the City. A repayment schedule will be established with Human Resources. The length of the payment schedule may not exceed the time period during which the error occurred. Calculations will be based on the amount of the overpayment divided by the number of pay periods in which the error

continued. However, the minimum bi-weekly payment shall never be less than $50.00/pay unless it can be repaid in a smaller one-time payment.

It is the employee's responsibility to ensure the accuracy and correctness of their pay and information on their individual pay stub.

Article 140.06 Commercial Driver's License (CDL)

Since the federal and state governments have passed legislation requiring a CDL (Commercial Driver's License), most Municipal City workers are required to possess a CDL in order to operate specific City vehicles or equipment.

The City of Allentown may reimburse non-bargaining unit employees for applicable renewal CDL license fees.

Article 140.07 Promotions and Transfers

All promotion and transfer decisions are made in accordance with the City of Allentown's Equal Employment Opportunity Policy. As such, all decisions are based solely upon merit and qualifications.

The City of Allentown endeavors to transfer and promote employees from within its existing workforce whenever possible. To this end, most job openings are internally posted by the City of Allentown.

1. Non-Bargaining Unit Employees: Whenever a job becomes available which can be filled by promotion the City will first assess the qualifications of employees interested in the position. Management reserves the right to post internally, externally or both. All vacancies or new jobs may be posted on all bulletin boards for a period of seven (7) business days and be awarded to the employee who has the capability to perform the work. Capability shall be determined by the Department of Human Resources and Department Manager.
2. Bargaining Unit Vacancies: Refer to applicable Collective Bargaining Agreements for posting requirements. A successful bidder can be held in current position for up to two (2) pay periods.
3. Uniformed Employees: Promotions for uniformed employees covered by Civil Service will be made through the administration of Civil Service examinations in accordance with existing Civil Service Rules and Regulations.
4. Promotional Pay Increase: When a non-bargaining unit employee is promoted, he/she may be placed in the salary range of the new position with an increase of five (5%) percent over their current pay grade. The employee will not be paid higher than the highest pay grade for that classification, even if that pay is less than five (5%) percent. This increase may be at the discretion of the department head based on budgetary constraints and at the recommendation of the Bureau Manager.

Bargaining unit employees whose position is changed (upgraded, downgraded, lateral move) shall have such change made in accordance with their respective contractual agreement.

When non-bargaining unit employees' positions are downgraded, they shall be placed in the position and their pay shall remain the same provided their pay does not exceed the pay range for that classification. In these cases, the employee will be placed in the highest pay for the classification.

When bargaining unit employees are promoted to a higher paying non-bargaining unit position, they will be placed in their new pay grade and receive an increase of five (5%) percent over their current pay grade and step. In no event shall an employee be paid higher than the highest pay grade for that classification even if that pay is less than five (5%) percent. This increase may be at the discretion of the new department head based on budgetary constraints.

Article 140.08 Temporary Assignment Duty

The City of Allentown non-bargaining unit employees may be entitled to additional compensation when performing services that are temporary in nature and beyond the scope of, and not part of, their regular responsibilities. Compensation for the additional services will be determined, in advance, through consultation between the Human Resources Department and the Department Head requesting the additional compensation. Employees assuming temporary assignment duty gain valuable experience which could enhance their promotional qualifications.

Municipal bargaining unit employees temporarily assigned to higher paying Municipal bargaining unit positions will be paid in accordance with their respective contractual agreement.

Municipal non-bargaining unit employees temporarily assigned to higher paying non-bargaining unit positions will be paid five (5%) percent above their current base pay as temporary acting duty (TAD) pay. An employees' pay, however, will not exceed the highest rate for that position.

Non-bargaining unit employees temporarily assigned to higher paying non-bargaining unit positions may be paid five (5%) percent above their current base pay unless more than five (5%) percent is necessary to attain the starting salary of such position. Such non-bargaining unit employee's pay, however, shall not exceed the highest pay grade of any temporary assignments pay grade.

Employee attendance records must reflect the number of days that the employee worked the higher paying job while on TAD and the name and pay grade of the higher paying job.

Non-bargaining unit employees in the status on TAD will not be paid TAD for time not worked such as sick leave, vacation, holidays, personal day, "non-productive" or any paid and/or non paid time off.
Bargaining unit employees will be paid in accordance with their respective contractual agreement.

Employees will begin receiving TAD compensation effective the first day they begin performing the increased job responsibilities.

Article 140.09 Work-Related Injury

The City of Allentown has been approved by the Commonwealth of Pennsylvania Department of Labor and Industry Bureau of Workmen's Compensation as a self-insured employer under the existing laws of the Workmen's Compensation Act. All employees that are injured on-the-job, after informing their Supervisor of the injury, should go directly to the designated medical provider as posted at various City locations, or any of the approved physicians, as are approved from time to time by the administration. It is the employee's responsibility to notify their Supervisor and the Department of Human Resources as soon as possible if you have an on-the-job injury, or job related illness.

The Human Resources Department is responsible for employees on workers' compensation and will work with the physician to determine if and when an employee can be released for modified duty and to obtain written limitations for the modified duty assignment. Copies of the limitations will be distributed by Human Resources to the Bureau involved with the modified duty assignment. Modified duty assignments are at the sole discretion of the City. The City is not required to create modified duty assignments.

The following procedures are to be followed for all claims against the City's Workers' Compensation policies:

1. All job related injuries, no matter how minor, should be reported to the injured employee's supervisor immediately. A report must be put on file in accordance with departmental procedures. Delay in notifying the supervisor could jeopardize any and all benefits due.

2. If medical attention is required, the Supervisor must notify Human Resources. If the injury or illness requires immediate attention, the employee should be transported directly to the nearest medical facility and a report form obtained by the supervisor as soon as possible after the incident. Supervisor must then notify the Bureau Manager, who in turn must notify Human Resources no later than noon of the next business day.

3. In the event of a work related injury the employee should go directly to the approved medical provider or to one of the designated physicians as posted at various City locations.

4. Any medical bills received by the City of Allentown for injuries sustained during the performance of work duties that were not reported according to the above procedures may NOT be eligible for coverage and could become the employee's responsibility for payment.

5. Upon return from medical treatment, the employee must submit the doctor's statement to their Bureau. Documents will be forwarded to Human Resources.

6. In the event that an injury or illness, or other events or causes for a sick leave by a City employee is determined to be covered by the Pennsylvania Workmen's Compensation Law, the employee shall thereupon be entitled to receive such compensation as provided under the Pennsylvania Workmen's Compensation Law.

7. During the mandatory 7-day "waiting period" prior to receiving any benefits of compensation under the Workmen's Compensation Law, the employee may elect, but shall not be required, to use part or all of his/her sick leave entitlement. Those sick days will not be considered as part of the sick leave occasions.

8. When an employee is released by the attending physician to return to normal duties, a physician's return to work form must be presented upon return to work. An employee may not return to work without this statement.

9. All medical benefits will be continued during the Workers' Compensation leave. Employees will be required to reimburse any and all health benefit deductions missed while off payroll.

10. The City of Allentown will make a reasonable effort to help injured City employees return to full, productive work status in a timely manner by identifying available temporary interim assignments. Failure on the part of the employee to accept the assignment and cooperate could result in suspension of benefits.

11. If the employee has returned to work but still requires periodic treatment of therapy by a licensed practitioner appointments shall be scheduled during non-working hours. If it is not possible for the appointments to be scheduled during non-working hours, the employee will not lose pay for the time away from the job. The employee is required to submit a note from the practitioner stating the date, duration and type of treatment administered. The employee is to report back to work immediately after the appointment.

12. The City shall have the right to have the employee examined by a physician of the City's choosing for the purpose of evaluating the employee's continuing disability and/or ability to return to work in a normal capacity. The employee will be notified in writing as to the date, time and place of examination. Failure on the part of the employee to attend and cooperate with this request could result in suspension of benefit payments on the part of the City.

13. If the results of the medical examination show that the employee is able to return to work in normal duty capacity, and the employee does not comply, all benefits paid by the City may be suspended.

14. Should a separate illness or injury occur unrelated to the current and ongoing work related incident during the disability period, it will have no effect on the status of payment of workers' compensation benefits. All claims will be submitted according to normal procedures for non-work related benefits.

15. If the employee has returned to work and there is a recurrence of the original illness or injury, medical attention should be sought immediately and physician recommendations followed.

Supervisor Responsibilities

1. The Supervisor will conduct an incident investigation and will ensure completion of all forms for job-related injury /illness and will forward them along with the employee's request for modified duty, through the chain of command to the Human Resources Department.

2. The Supervisor should report the incident to their superior immediately.

3. Ensure that the employee is listed properly on the time sheet as working in a limited duty capacity.

4. Attempt to secure witnesses or witness information where possible and applicable.

Employee Responsibilities

1. Inform your supervisor as soon as possible of the injury/illness

2. Seek medical treatment if needed.

3. Complete forms for injury/illness and forward to the supervisor along with physician's medical release form, and a modified duty request form.

4. Keep all medical appointments and follow the physician instructions.

5. Provide progress reports to the Human Resources Department when received by the physician.

6. Submit medical release form to the Human Resources Department when released by the physician.

Police Officers and Firefighters may be eligible to receive benefits under the Heart & Lung Act of 1935, P.L. 477, No. 193.

Article 140.10 Modified Duty (Work-Related Only)

The City of Allentown will make a reasonable effort to help City employees who incur a work-related injury return to full, productive work status in a timely manner by identifying available temporary interim assignments for them. Modified duty is a

privilege offered to employees that provides benefits to both the City and to the employee. *The City maintains no permanent modified duty positions*

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When an employee suffers an injury/illness and is unable to perform the essential job functions of their positions, consideration will be given to a modified duty assignment. Whether the injury/illness is work-related or non-work-related will ultimately be determined by the City's Workers' Compensation carrier. Falsifying an injury or illness is a violation of City policy and subject to disciplinary action up to and including termination.

Employees are required to report medical conditions that do not allow them to perform the essential job functions of the employee's current assignment and position to their supervisor and the Department of Human Resources. The following are procedural guidelines for this policy:

1. Modified duty assignments will be determined and scheduled according to the needs of the City and medical restrictions.

   The Department of Human Resources will notify the Bureau Manager of an employee's eligibility for modified duty, expected date of return to work, and provide recommendations as to suitable job placement for temporary modified duty assignments.

2. The Department of Human Resources will be responsible for monitoring, coordinating and processing of all modified duty requests and placements.

3. The Department of Human Resources, Bureau Manager or employee's immediate Supervisor will discuss the assignment with the employee. The employee may request union representation. An employee's refusal to take an approved interim modified duty assignment will constitute insubordination, and will result in disciplinary action up to and including discharge.

4. The Department of Human Resources will ensure proper follow-up with the employee including medical releases to return to regular duties. As the City provides no permanent modified duty positions a maximum of six (6) months will be allotted for modified duty assignments, with no more than one such assignment in any given 12-month period per employee. At the end of six (6) months if the employee remains unable to return to full duty without restrictions, the Human Resources Department will review the employee's status and medical documentation to determine if an employee can return to work to perform the essential functions of the job, or if they will be recommended for termination. Such a recommendation would be made to the department Bureau Manager by the Director of Human Resources.

5. Promotional processes and transfers while on modified duty will be at the discretion and approval of the department Bureau Manager and/or in accordance with union contracts.

6. Whether or not a duty weapon may be carried, a marked or unmarked vehicle operated, or uniform worn during modified duty (where applicable) will be at the sole discretion of the Police, or designee.

7. If the employee is fit for modified duty, but there is no suitable assignment available, he or she will continue receiving workers' compensation.

8. Modified duty assignments are not to be used for employees unable to perform the essential functions of the job due to matters not related to work-related illness or injury.

9. Upon receipt of a medical release form from the physician releasing the employee for full duty the employee is required to report back to work as of the date on the release from the physician. Failure to report back to work in accordance with the medical release date may result in disciplinary action, up to and including termination.

ARTICLE 140.11 Ethical Behavior

As referenced in the City's Code of Ethics, public office demands the highest respect of the public and consequently there is an incumbent daily upon all public officials and employees to fulfill that trust.

City employees must maintain the highest ethical standards in the conduct of City affairs. The intent of this policy is that each employee will conduct the City's business with integrity, and comply with all applicable laws in a manner that excludes considerations of personal advantage of gain.

The City of Allentown Ethics Ordinance, Article 171 of the Codified Ordinances, is in place which governs all ethical matters, supersedes this Policy and shall govern and control any conflict that may arise. Employees are imputed with knowledge of the Ethics Ordinance, and bound by it.

Violation of the Ethics Ordinance by an employee or appointed official may result in disciplinary action up to and including discharge.

A copy of the Ethics Ordinance may be obtained from Human Resources, City Clerk or viewed on the City's Official Website.

Employees are required to notify their immediate supervisor if any action or activity that may be in violation of the Ethics Ordinance. The Ethics Board has issued opinions regarding certain topics, which may provide guidance to the action or activity in question; Human Resources should be consulted. The employee or supervisor may also seek an opinion directly from the Ethics Board, which opinion shall be controlling until or unless it is overturned through the applicable appeal procedure or by a court of competent jurisdiction.

This Policy shall set forth a general summary of actions or activities that have the potential to violate the Ethics Ordinance.

- Any relationship or activity that might impair, or even appear to impair your ability to make objective and fair decisions when performing your job.

- The use of City property, information or position for personal gain, including by way of example, the use of City-owned vehicles, equipment, materials, services or property for the convenience or profit of themselves or any associate, except when such are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

- Using or directing the use of subordinates on City time for private or personal benefit. Public employees should refuse to perform improper personal tasks on government time and immediately report such activity to Human Resources.

- Ownership, associate of or significant interest in, any outside enterprise which may gain an advantage due to one's position with the City or its interests.

- Acting as a broker, finder, go-between or otherwise for the benefit of the third party in transactions involving or potentially involving the City or its interests.

- Any other arrangement or circumstances, including family or other personal relationships which might dissuade the employee from acting in the best interest of the City.

- Accepting gifts, discounts, favors or services from a customer/potential customer, or supplier, unless equally available to all City employees.

- Accepting any valuable gift, in the form or service, loan, thing, or promise, from any person, firm, corporation or association which to their knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City; nor shall such official or employee or associate of either of them accept any gift, regardless of value, favor or thing of value that may tend to influence them in the discharge of their duties or grant in the discharge of their duties any improper favor, service or things.

- Using the prestige, power or influence of his position on behalf of any political party.

- Engaging in political activity during while on duty or during work hours.

- Taking an active part in political campaigns for candidates for City office or promise an appointment to any municipal position as a reward for any political activity nor remove or threaten the removal of another official or employee for failure to participate in political activity.

- Owning in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns, any real property within the City of Allentown that is in violation of City or state laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner.

- Appearing on behalf of private interests before any agency of the City or to represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.

Article 140.12 Performance Evaluations

Each employee shall be evaluated during the first 45 and 90 working day increments after being hired. At which time the employee's supervisor and the Director of Human Resources will determine whether to provide the employee with regular status, extend the employee's probationary period or discharge the employee.

Article 140.13 Holidays and Leave Time

Holidays, vacation, personal and sick leave are granted to all full-time employees according to length of employment and union/non-union status. Employees who are union members, or whose positions are covered by a collective bargaining agreement are granted leave time in accordance with contract provisions. Employees who are not covered by a collective bargaining agreement are granted leave in accordance with the provisions outlined below. Any provisions outlined below which are not addressed in either collective bargaining agreement apply to all full-time non-bargaining employees.

A. HOLIDAYS

Paid holidays are provided to all full-time non-bargaining employees effective with the date of hire. If an employee requests a sick day before or after a holiday, a medical certification must be submitted upon return to work. Below is a listing of holidays observed by the City of Allentown:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	

B. VACATION TIME

The following vacation schedule has been established for all full-time nonbargaining unit employees:

Date of hire prior to January 1, 1998

Years of Completed Service	***Vacation Leave Allowance***
1 year but less than 2	1 Per Month
2 years	15 days
3-5 years	16 days
6-10 years	18 days
11 years	19 days
12 years	20 days
13 years	21 days
14 years	22 days
15 years +	25 days

Date of hire after December 31, 1997

Years of Completed Service	***Vacation Leave Allowance***
1st year	.625/day per each completed month
2 – 3 years	10 days

4-5 years	14 days
6-10 years	16 days
11 years	17 days
12 years	18 days
13 years	19 days
14 years	20 days
15 years +	25 days

Vacation time accrues after the completion of the first four months of employment.

Accrued vacation time is to be taken in the current year during which it becomes available. Up to 10 days of unused vacation time may be carried over from one year to the next.

Approval is required by the Bureau Manager for all requests, with consideration given to ensure adequate departmental staffing. Seniority will dictate when conflicting requests are made simultaneously or at the beginning of the current year. Approval of other requests made throughout the year will be granted on a first-come-first-served basis.

C. PERSONAL DAYS

Non-bargaining unit employees receive eight (8) personal days earned per year.

Personal time cannot be used until after the completion of the first four months of employment.

Personal days must be used during the calendar year in which they are earned, and not carried over from one calendar year to the next.

Sick Bonus – Non-bargaining unit employees that use three (3) days or less sick days in a calendar year are eligible for one (1) additional bonus personal day in the following year. (14770 §1 11/18/09)

D. SICK TIME

Sick time is provided for all non-bargaining employees and accrues at 1-3/4 days per month, up to 200 days. If an employee needs to call off sick, the supervisor must be notified within one hour of the employee's normal starting time. If employee does not report off in the required time period the employee will receive no pay for that day's absence.

Beginning from date of hire, sick leave accrues as follows:

1-3/4 days per month

Employees must complete a four (4) calendar month waiting period before using sick leave. Sick leave will be earned during the 4 month period of employment, but cannot be used until after the 4 months of employment.

The City will not make sick leave payments to any person whose injury or illness is attributable to employment outside the City services and the City reserves the right to demand repayment of the sick leave benefits made under such circumstances.

Medical certification for non-bargaining employees is required for sick leave in excess of five (5) consecutive days.

For a non-bargaining unit employee who reaches their sixth occasion of sick leave usage within a twelve-month period will be required to submit a City medical certification form. The City will notify the employee after the 5th occasion that a medical certification will be required with the 6th occasion.

If the employee is diagnosed with a chronic, on-going or recurring health condition, the employee may submit a letter from his/her physician stating the nature of the illness and the dates of the sick occasions that relate to this diagnosis and those occasions will be recorded as one. Future occasions relating to this same diagnosis will require the employee to submit a City medical certification form from the physician indicating that the latest occasion of sick leave relates to the original diagnosis and then the employee will not be charged with additional occasions.

Sick Time Pay-Out – At normal, full retirement employees eligible for pension will receive ten ($10.00) dollars per day for unused sick leave days to a maximum of 100 days. Employees vesting in their pension are not entitled to this payout.

Sick Bonus – Non-bargaining unit employees that use three (3) days or less sick days in a calendar year are eligible for one (1) additional bonus personal day in the following year.

E. LEAVE OF ABSENCE

The City of Allentown recognizes that circumstances may arise which require that a full-time employee be absent for an extended period of time for medical reasons. In such instances, the employee may be granted an unpaid leave of absence, depending upon the circumstances of the individual's situation and based on the Bureau Manager's approval.

An unpaid leave of absence begins as of the date the employee is deactivated from City payroll.

Personal Leave of Absence - Any regular full-time non-bargaining unit employee may apply in writing to the Human Resources Department for an unpaid City leave for personal reasons if he/she has completed at least one year of continuous service for the City of Allentown and has used all accrued vacation time. The length of total leave time approved, including any paid time (such as vacation time) will not exceed one year.

Such a leave of absence will not exceed 180 consecutive calendar days measured from the date the leave commences.

To qualify for leave of absence the employee must have utilized all of her/his "available" and/or "accrued paid leave.

A personal leave of absence is approved by the Bureau Manager of the employee's absence does not impact the operational needs of the City. A leave that would cost the City more than the salary savings of the employee for the unpaid period, or would undermine the City's service delivery because of the specialized training, critical nature of the job, or seasonal workload fluctuations, will not be granted a leave of absence.

Employees requesting a leave of absence should request the leave in writing, to their Bureau Manager at least 30 calendar days before the leave would commence if possible. The request should include the purpose of the leave, the starting date, the duration of the leave in work days and the return to work date.

An employee will be eligible for medical benefits through COBRA coverage at their own expense during the unpaid personal leave of absence.

F. FAMILY AND MEDICAL LEAVE ACT ("FMLA")

The City of Allentown recognizes that it sometimes may be difficult for employees to balance the demands of a job with personal and family needs. The Family Medical Leave Act of 1993 ("FMLA") requires certain employers to allow eligible employees to take up to 12 weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, or to care for a seriously ill family member. For purposes of this policy, "family members" include: (1) the employee's spouse, (2) the employee's parent, (3) the employee's natural or adopted child or dependent stepchild. For FMLA purposes, the year shall begin on the first date FMLA leave is taken.

An eligible employee is one who has at least 12 months of service with the City of Allentown and has worked at least 1,250 hours for the City during the previous 12-month period. Eligibility is determined at the time the employee requests the leave.

An employee of the City of Allentown who has worked for the City for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and works at a worksite which employees fifty (50) or more employees within seventy-five (75) miles, is eligible for leave under the Act. Spouses, both of whom are employed by the City of Allentown, are limited to a total of twelve (12) weeks of leave between them, in any twelve (12) month period, except in circumstances where either spouse or their child is affected by a qualifying serious health condition.

Your twelve (12) weeks of leave may be taken intermittently or your weekly schedule may be reduced in hours, only if written approval from the City of Allentown is given. If you need intermittent or reduced leave schedules due to a

medical necessity, your request may be accommodated, provided you make every effort to schedule your absences so as to minimize the impact on the City of Allentown business operations.

Eligible Conditions: Family and medical leave may be requested for:

- *Birth, adoption, or foster care* – A new parent or foster parent may apply for leave within one year after child is born or placed in the parent's home. If both parents work for the City of Allentown, they will be entitled to a total of 12 weeks between them.
- *The employee's serious health condition, as defined by the law*.
- *A family member's serious health condition, as defined by law*.
- *For qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.*

A covered employer also must grant an eligible employee who is a spouse, child, parent, or next of kin of a current service member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of **26 workweeks** of unpaid leave during a "single 12-month period" to care for the servicemember.

Use of Paid leave Prior to FMLA Leave: For non-bargaining unit and SEIU employees, leave time will run concurrent with Family medical leave. However, for Police and Firefighters leave time will not run concurrent and employees will be allowed to take the 12 week family medical leave after leave time has been exhausted, if requested by the employee, in writing.

If an employee requests leave under FMLA because of his/her own serious health condition, the employee must first use his/her accumulated sick leave, accumulated vacation days and any accrued vacation or personal days. If an employee requests leave to care for an adopted child with a serious health condition, he/she must first use accumulated vacation and personal days and any accrued vacation days. If these days are fewer than 12 weeks required under the law, the City will grant additional days without pay but with paid medical benefits provided by the Act to a total of 12 weeks.

FMLA leave taken because of an employee's serious health condition shall no be considered when calculating occasions of sick leave used. During the term of FMLA leave, employees will accrue seniority, sick leave, vacation leave and personal days.

Prior Notice and Authorization: The City of Allentown requires that you provide the City with a thirty (30) days' advance notice when FMLA leave is needed, if your need is foreseeable. Otherwise, you must provide the City of Allentown with as much notice as is possible. The City may delay the taking of foreseeable FMLA leave until 30 days after the required notice is provided if these conditions are not met. If you are taking leave for personal illness or the illness of a family member, the City of Allentown requires that you submit medical certifications from a physician. When you request such leave, we will provide you with the appropriate forms.

Forms: When the City receives a medical certification indicating that the employee has a serious health condition and will be on medical leave for longer than five (5) days, the employee will be notified in writing that medical leave will be charged to the yearly entitlement under the provisions of the FMLA.

The employee will be required to provide medical certification of a serious health condition to the City of Allentown in accordance with FMLA and as will be further explained to the employee requesting FMLA leave at the time of such request. When an employee requests such leave, the City will provide the employee with the appropriate forms. The Department of Labor-Certification of Health Care Provider form must be completed by a Physician and returned within 15-days following the request.

While on FMLA leave, employees are requested to report periodically to the City every 30 days regarding the status of the medical condition and their intent to return to work.

In accordance with our uniform medical leave of absence policy, if you take FMLA leave for personal illness, the City of Allentown will also require a medical certification, on a City of Allentown Medical Certification form, indicating whether you are able to return without restrictions or unable to return from leave due to your health condition. Restoration may be denied until such certification is provided.

Return from FMLA Leave: At the conclusion of FMLA leave, most employees will be restored to their original or equivalent positions with the equivalent pay, benefits and other terms and conditions of employment. The City of Allentown is not obligated to restore any employee whose job position has been eliminated during the leave period. The City of Allentown reserves the right to deny restoration to certain highly compensated employees if necessary to avoid substantial and grievous economic injury to the City of Allentown's operations. These "key" employees are among the ten percent (10%) most highly compensated employees and will be notified of their status as "key" employees at the time they make their request for family medical leave. If it is anticipated that it may be necessary to deny restoration to a "key" employee, the City of Allentown will notify that employee and offer him/her an opportunity to return to work. If that employee elects not to return to work, the City of Allentown will nevertheless reconsider at the end of the leave period whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.

Health Care Coverage: During the period of your FMLA leave, the City of Allentown will continue your health care coverage as if you were continuously employed. Failure to make timely co-payments, for those required, may result in the termination of your health care coverage. Provisions for the payment of your health care co-payments will be made at the time of your leave request. The use of FMLA leave will not affect your exempt status under the Fair Labor Standards Act if you are already considered exempt. If you fail to return to work at the conclusion of your leave period, you are obligated to repay the City of Allentown the cost of your health care premiums paid for by the City during the period of your leave.

Other Terms and Conditions: The City of Allentown will not interfere with, or restrain or deny the exercise of any right provided under the FMLA. We will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will we discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints of violations and may bring an action in any federal or state court against a company for violating the FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violations of the FMLA. It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law which provides for greater family medical leave benefits. The FMLA does not affect an employer's obligation to provide greater leave benefits if that is required under a collective bargaining agreement or employment benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by the agreement, plan or contract. A copy of your rights under the FMLA is posted at the City of Allentown, and we are always happy to answer any questions concerning the FMLA or other concerns you may have as an employee. When FMLA is requested, we will provide you with a summary of your rights and obligations, and the expectations that we have of you in exercising leave. If an employee should find that an additional leave of absence is needed at the end of the FMLA leave period, that employee should feel free to contact the City of Allentown Human Resource Department. Requests for additional leave of absence will be handled on an individualized basis.

G. OTHER COMPENSATED LEAVE

Additional instances may arise when a non-bargaining unit employee needs to be away from work for reasons unrelated to vacation, personal or sick time. The following instances are identified:

1. Bereavement Leave

All full-time non-bargaining unit employees will be granted the following paid bereavement leave to attend the funeral to mourn the recent death of a family member:

Relative	***Days of paid leave***
Spouse, Spouse's immediate family; parents, children, brothers, sisters, grandparents and grandchildren.	4 (Days off may begin on the day of the death but will end no later than one week following the day of the Funeral.)
Other Family Members: Spouse's brother or sister.	1 (Day for the Funeral)

Employees who become eligible for funeral leave while on sick or vacation leave will be paid funeral leave rather than sick or vacation leave.

An employee should make every effort to notify their supervisor prior to taking such leave. The City of Allentown reserves the right to demand proof of any death and relationship for which leave is taken.

2. Military Leave

a. Training - Time off with pay is provided for employees who are required to attend active training. The leave(s) include scheduled work weekends, summer training, etc.

1. The employee may request leave verbally or in writing, however, the request must be in as much in advance as possible. In addition, it is asked that the employee submit two (2) copies of the orders pertaining to the military duty to Human Resources along with the request or upon receipt.
2. Employees are required to complete the Military Benefits Request form in order to receive pay.

b. Active Duty – Request leave under 2.a.1 above. Pay for the difference between the employee's City pay and the employee's military pay begins. Any cash benefits received from military (with the exception of quarters allowance BAQ, hostile fire, VHA) shall be included in calculations for differential. Credit will be given the reservist with appropriate annual and anniversary salary increases from the City.

1. Pension – Employee will pay the full amount as a member of the pension system on the full salary the employee would have earned if still employed by the City for the time that the employee wishes credit. Employee will have up to three times the length of the employee's immediate past period of military service to make up the missed contributions, with a maximum repayment period of five (5) years. The employee will have the option of paying member contribution, as a lump sum payment or by payroll deduction over the period specified herein.
2. Seniority – Credit as if reservist had not left.
3. Term Insurance – Coverage will be provided as if the reservist had not left City employment.
4. Health Coverage – Coverage will be provided for reservist and dependents.
5. Dental Coverage – Reservist and dependents can participate in the City's plan by paying the current employee amount of the premium cost.
6. Vacation, Sick Leave and Personal Days – Employee's options are to be paid the vacation balance when employee leaves, employee can take vacation prior to leaving, or employee can request to hold in escrow vacation which is available at time of active duty call-up.

3. Court Appearances - The City recognizes when an employee will need to be excused from work to appear in court (if subpoenaed) to testify on matters pertaining to their City job. Subpoenas shall be submitted with attendance records to the Human Resources Office. Prompt notification of the supervisor is required.
   a. Witness fees for City-related court appearances must be submitted to the City in order for the employee to receive full pay.
   b. Employees shall make their own arrangements for court appearances not related to their job (e.g. vacation, personal day).

4. Jury Duty – The City recognizes an employee's obligation to fulfill a jury duty summons. Employees are permitted time off with pay; however, instances may occur when it is necessary for the employee to request the Court to reschedule the dates of attendance.
   a. An employee must notify his/her supervisor immediately upon receipt of a jury duty summons. A copy of the summons will be put in the employee's personnel file.
   b. Employees will continue to receive full pay for jury duty service. However, upon return to work, a receipt must be submitted of payment received for services rendered as a juror. The amount received for jury duty equal to the payment is to be reimbursed to the City within ten (10) working days following the employee's return to work. If reimbursement payment is not received, the employee's next paycheck will be adjusted to reflect the amount due to the City.
   c. If jury duty extends beyond thirty (30) days, the City reserves the right to request written confirmation from the court administrator attesting to the need for the employee to continue serving as a juror for the duration of the trial.

Article 140.14 Employee Benefits

The second component of compensation, following pay, is employee benefits, consisting of the various forms of insurance and work-related cost savings to employees, which are paid partially or completely by the City. This section lists and briefly explains the various employee benefits.

A. HEALTH

The City of Allentown provides full-service hospitalization/medical services/major medical, health maintenance organization plan, prescription, dental and vision benefit plans for full-time employees and their eligible dependents. Coverage is available for an enrolled full-time employee effective after a two-month waiting period.

All covered employees and their dependents have an option of participating in either the traditional hospitalization/medical services/major medical coverage, or in a health maintenance organization (HMO) plan.

Effective January 1, 2010. active non-bargaining unit employees shall pay an employee contribution of seven and one-half (7.5%) percent toward the cost of whichever tier said employee elects under the Traditional Blue Cross plan or equivalent as provided by the City of Allentown. (14770 §1 11/18/09)

The seven and one-half (7.5%) percent employee contribution shall also be effected on the Keystone HMO plan or equivalent as provided by the City of Allentown effective January 1, 2010. (14770 §1 11/18/09)

1. Traditional Medical – A major medical supplement having an individual and family deductible.

2. Health Maintenance Organization - Employee must choose a primary care physician and pay the current office visit co-payment of fifteen ($15) dollars. (14770 §1 11/18/09)

3. Prescription – A mandatory generic prescription drug program is provided. Generic drugs will be dispensed unless written "brand necessary" by treating physician. The prescription drug program for all covered employees and their dependents has $5/25/40 co-pay. A 90-day supply is available through mail order. (14770 §1 11/18/09)

4. Dental – A basic dental plan is provided with a limited deductible for each family member. The employee will be required to pay a portion of the premium costs.

5. Vision – Employees have a choice between the basic vision plan (offered only through the health maintenance organization coverage), or a specialty program for vision coverage for the employee or eligible dependents. Employees may be required to pay toward the premium costs through payroll deductions.

6. There will be an opt-out incentive of $1,500, payable over 26 pays, for those non-bargaining employees who totally opt out of the City health and prescription plans. To be eligible for this incentive, the opt-out must involve non-City health coverage for which proof of coverage must be shown. (14770 §1 11/18/09)

Retiree Coverage – For all eligible retirees, the City will provide the same health insurance benefits described above including the prescription plan, but excluding the dental plan and vision plan, subject to the following conditions:

1. To be eligible the employee must have at least fifteen (15) years of service and retire on or after January 1, 1984, the age of eligibility is 55. Coverage will remain in effect until the retiree attains age 65, until the retiree ceases contributions, or until the retiree's death, whichever occurs first.
2. Coverage is at the option of the retiree. If he/she retires before obtaining the age of eligibility, he/she must enroll in a plan before her/his eligibility age birthday. If he/she retirees after attaining the eligibility age, he/she must enroll before terminating employment.
3. Once covered, if a retiree discontinues making payment of the required contributions or does not make the contribution by the 9th day of each month, he/she can never participate in a City retiree plan again for any reason.
4. Coverage for dependents is contingent upon the retiree's eligibility for coverage and the retiree's timely option for enrollment.
5. Opt-in or Opt-out Option - Non-bargaining unit employees may opt in or opt-out of the current medical program offered at the time of his/her retirement. If a covered employee chooses to opt out of the current medical program offered at the time of his/her retirement, that retiree may elect to opt in, but prior to the age of 65, to a medical program offered to retired non-bargaining employees by the City at the time of a subsequent, future open enrollment period. The election by the retiree to opt in to a future City sponsored medical program may be exercised only once during each retiree's lifetime.
6. The City will pay 75% of the premium costs for said medical and prescription coverage and the retiree will pay the remaining 25% of the premium costs. Failure to make payment by the 9th day of each month will cause the coverage to cease and the employee will receive a COBRA notification. Employee will not be able to exercise their retirement option for coverage because of nonpayment.
7. A non-bargaining unit employee must retiree from the City with 15 years of service and attain the age of 55 to be eligible for this retiree health benefit. Employees resigning from the City of Allentown and vesting their pension are not eligible for this retiree health benefit option.

Summary plan descriptions are made available to all employees enrolled in the plans.

B. LIFE/ACCIDENT

Life term insurance coverage is available to all full-time employees based on their group status as follows:

Group Name	*Amount*
SEIU Employees	$20,000
Non-Bargaining/Supervisor Employees	$50,000
Fire Union Employees	$50,000
Police Union Employees	$75,000

This policy includes an accidental death and dismemberment clause which provides a benefit equal to the life insurance benefit to the designated beneficiary in the event of the employee's accidental death. See the summary plan description booklet for details on plan provisions. The City pays the full cost of this coverage.

There is a waiting period for this coverage.

Upon retirement the employee will receive a reduced death benefit.

C. PENSION PLANS

There are two pension plans available to eligible employees which provide income security upon retirement:

1. Uniformed Plan: The police and fire bargaining units maintain a separate pension plan. Contributions may be required from all participants in accordance with the applicable pension ordinance and contractual agreements.

2. Non-Uniformed Plan: All full-time non-uniformed employees are eligible and required to enroll in the plan administered through Pennsylvania Municipal Retirement System (PMRS) at the completion of the initial waiting period of four months. The employee is required to contribute 7.5% of their total compensation (on a pre-tax basis). The retirement benefit is based on the last five (5) years average salary. Full retirement age is age 55. Full plan details can be obtained by referring to the plan booklet provided by PMRS.

D. FLEXIBLE SPENDING ACCOUNT

The City provides a Flexible Spending Account to allow all regular, full-time employees to set aside a portion of their compensation or wages to cover eligible expenses of insurance premiums, un-reimbursed medical and dependent care costs without having federal and social security taxes deducted.

E. DEFERRED COMPENSATION PROGRAM

The City provides to all full-time employees the opportunity to participate in a deferred compensation program, 457 Plan. The plan lets you defer, or "set aside", a portion of current earnings into an account for your retirement. When you do this, you reduce the amount of your income that is taxable now.

F. EMPLOYEE ASSISTANCE PROGRAM

As part of your employee benefits program you can obtain professional help through an Employee Assistance Program for yourself or a family member.

A staff of professional psychologists and counselors provide confidential assistance in dealing with any number of problems you may have, such as a family crisis concerning relationships with spouses, children, adolescents or older parents, legal issues, pressures on the job or at home, drug or alcohol addiction, or any other personal problem. The first five visits are free. Additional sessions may be partially covered under the City's medical plan.

Employees interested in learning more about the City's EAP program should contact the City's EAP counselors. Brochures are available in the Human Resources office or from your Supervisor.

Article 140.15 Employee Benefits Upon Separation

The following outlines various ways in which an individual's employment ceases and the effects on employee benefits:

A. RESIGNATIONS

If an individual's employment ceases with the City for any reason other than willful misconduct and the employee provides at least two (2) weeks written notice, the employee is entitled to receive pay for any accrued vacation time. The employee will not be compensated for any unused sick and personal time. If the employee participated in either the uniformed or non-uniformed pension plan, he/she may expect to receive a distribution from the applicable plan, pursuant to the terms of that plan. The pension plan distribution and accrued vacation will be paid following the employee's termination date. City-sponsored health and life insurance coverage will continue through the end of the month.

B. LAYOFFS/REDUCTION IN WORK FORCE

In the event of a layoff or reduction in work force which affects employees not covered by a collective bargaining agreement, the City will provide thirty (30) days notice to affected regular full-time employees, or appropriate (equivalent) pay in lieu of notice. Employee benefits will be affected as stated above. The notice and employee benefit allowance provisions do not apply to individuals who are not regular full-time employees.

C. RETIREMENT

An employee eligible for retirement should contact the Human Resources Department at least thirty (30) days in advance of the anticipated retirement date to discuss the effective date of termination and its' effect on employee benefits, and to begin the processing of required paperwork. Vacation accrual allowances will be paid following the date of retirement. City-sponsored health coverage ceases on the last day of month of employment.

D. DEATH OF AN EMPLOYEE

In the event of the death of an employee, his/her beneficiary or estate will receive compensation for any salary to which the employee is entitled, as well as any benefit amounts due from life insurance and pension plans, in accordance with beneficiary designations.

Article 140.16 Personnel Records

It is important for every employee to notify the Bureau Manager and the City's Human Resource Department, in writing of any change in the employee's personal information, such as: name, address, telephone number, marital status or number of dependents. This information, as well as performance evaluations and any other information which the City deems appropriate, will be placed in the employee's personnel file. The City will treat the information contained in that file as confidential.

Article 140.17 Employee Conduct and Work Rules

A. ATTENDANCE

All employees are expected to be at work on time each scheduled workday, unless on an authorized absence. Good attendance practices are necessary to accomplish the work required to operate the City in an effective manner. All employee absences must be reported on the weekly attendance sheet. The Supervisor and the Human Resource Department will monitor attendance and abusive trends.

1. Work Week – For purposes of payroll processing, the City maintains a seven-day work week, Saturday through Friday.

2. Work Hours – All employees' work a standard work week of forty (40) hours, except as designated by administrative policy.

3. Pay Periods – Payroll is processed in biweekly pay periods, every other Friday. If a payday falls on a banking holiday, payroll is processed on the last business day prior to that holiday.

4. Lunch Periods - All full-time employees are provided a lunch break each day. Employees may leave the building during their lunch periods. A schedule of when lunch periods may be taken is prepared by the Bureau Manager to ensure adequate staffing. Union employee lunch breaks are outlined in each respective collective bargaining agreement.

B. OUTSIDE EMPLOYMENT

Employees may hold outside employment as long as it does not interfere with the performance standards of their job with the City of Allentown. However, outside employment that constitutes a conflict of interest is prohibited. See Section XI, Conflict of Interest.

C. TRAVEL POLICY

It is the policy of the City to reimburse employees for travel expenses, including the cost of transportation, meals and lodging, provided such travel is performed in the course of conducting City business and has been approved by the respective supervisor in advance and the proper pre-authorization documentation is completed by the employee.

1. Activities which justify reimbursement of travel expenses include the attendance at professional association meetings, conventions, and seminars or other selected educational functions related to the employee's job.
2. Upon return from travel, all employees must complete the appropriate form, Travel Expense Voucher, and submit it within thirty (30) days of return.

D. TELEPHONE USAGE

Telephones are provided for employees to conduct day-to-day City business. Non-business personal long distance and local calls on City telephones at the City's expense is strictly prohibited. The abuse use of telephones consist of, but is not limited to, use which interferes with the employee's work performance, or the ability of other employees, or incoming calls to utilize that telephone line. City issued cellular phones are part of the City's phone system.

Abuse of the City telephone system will result in disciplinary action up to and including termination.

E. PARKING

Parking spaces are available for employees on a monthly rental fee in the parking deck at Fourth and Hamilton Streets. The fee will be deducted from each employee's paycheck.

All employees who are authorized to use the parking deck will be required to register their vehicle's make, model and license number. It is the employee's responsibility to inform the Allentown Parking Authority of any changes in vehicle ownership.

An electronic key entrance card will be issued to each registered employee.

The Human Resources department interacts with the Allentown Parking Authority for the parking spaces available for City Hall employees.

F. CITY EQUIPMENT AND PROPERTY

It is prohibited for any City employee to use City equipment or property for personal benefit or any other use other than day-to-day City business.

When operating a City-owned, or leased vehicles, employees are required to have in their possession at all times a current valid driver's license which reflects the appropriate classification for the size and type of the vehicle driven.

Infractions that could lead to immediate disciplinary action up to and including termination of employment include, but are not limited to:

- Use or evidence of alcoholic beverages or controlled substances while operating or when scheduled (including standby) to operate City vehicles or equipment.
- Operation of City vehicle while driver's license is under suspension.
- Operation of City vehicle without proper driver's license classification.
- Unauthorized use of City vehicle or equipment.
- Unauthorized passengers when operating City equipment.

- Failure to report an accident which results in property damage or personal injury, regardless of who was injured or to what extent or where the accident occurred.
- Careless loading or unloading of equipment or materials.
- Failure to take necessary precautions to protect a load or equipment; e.g. tarps on asphalt and leaf loads.
- Failure to report mechanically defective condition of vehicle or equipment.
- Use of seat belts or safety restraints or devices.

Driver's Licenses: An employee who is required to possess a valid driver's license and who, as a result of revocation/suspension of that license (for ninety days or less), are unable to perform the full scope of the duties and responsibilities of their position shall have their base salary reduced by five (5%) percent. If the reduction/suspension of that license is over six (6) months, the City may terminate, suspend or temporarily transfer the employee.
If an employee permanently loses their driver's license and it is a requirement of their position to hold a valid license, employment with the City will be terminated.

If an employee is required to have an ignition interlock device in their personal vehicle as part of their driving restrictions, the City will not allow the employee to operate any City vehicles during this restriction. The City will not put an ignition interlocking device in any City vehicle to accommodate an employee who has these restrictions. The City will not sign an ignition interlock employment exemption affidavit to allow an employee who holds an ignition interlock license to drive any employer-owned vehicles.
The Bureau Manager or the designated Supervisor is the primary contact between the employee and City management and is responsible for the following:

1. Every ninety (90) calendar days the manager must check each driver's license of each employee who operates City vehicles or equipment. Employees must have a current valid driver's license which reflects the appropriate classification for the vehicle they are operating.

2. Keep dated, written records of each employee's quarterly driver's license check and report the finding to the City's Safety Compliance Officer.

3. Notification needs to be provided to the Bureau of Human Resources of all employees involved in license-related infractions.

G. ELECTRONIC RECORDING DEVICES

The City of Allentown prohibits employee use of cameras, camera phones, tape recorders or other recording devices in the workplace as a preventative step believed necessary to secure employee privacy and other business information.

It is prohibited for any employee to use a camera or other video or audio recording device in the workplace unless specific advance written authorization has been obtained from the Director of the Department.

Authorization may be granted when a specific business purpose will be served by the possession or use of such a device and when its use will not violate employee privacy. In such a case all parties to the meeting or conversation that is to be recorded must have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded and they have consented to such actions prior to the conversation, preferably in writing.

Authorization may be revoked at any time for any reason. In such cases employees will be given a reasonable opportunity to remove the equipment from the premises.

Employees are also prohibited from arranging for others, including non-employees, to engage in any recording of conversations, phone calls, or other activities in the workplace.

Employees should regard this policy as an explicit statement that the employer does not consent to tape recording of any meetings or discussions without prior authorization as discussed above.

Employees with questions about this policy should contact their supervisor.

H. RULES OF CONDUCT

In the interest of efficient and safe services to the public and to protect the well-being and rights of all employees, employees must observe certain work rules and rules of conduct. Employees are expected to become familiar with these rules and observe them without exception. If any of these rules are not clear, employees should consult their supervisor. Violation of these rules is cause for disciplinary action, up to and including discharge. This list is not all-inclusive, but a thorough knowledge of its contents will minimize the possibility of employees being disciplined for actions that they thought were acceptable.

1. Employees are expected to be on the job, on time, each scheduled workday. Absent or tardy employees must notify their supervisor as early as possible, indicating how long they will be absent or late so that work schedules can be adjusted. Bureau Managers may require notification before the scheduled starting time if supervisory personnel are available to receive calls. Absent employees who do not report off within ½ hour of the starting time will be considered to be absent without leave. If an employee does not report to work or is tardy without notice AND a replacement is called in the employee will be treated as being absent for the entire day and will not receive any pay for the day.
2. Excessive absenteeism or tardiness will not be tolerated. A continuing record of unsatisfactory attendance/punctuality will result in progressive disciplinary action. Employees may not take time off without pay to avoid disciplinary action.
    a. Full-Time Employees: Subject to the approval of their Bureau Manager, full time employees may take off without pay a maximum of fifteen (15) days (120 hours) in any calendar year. Such time may not be used in smaller increments than two (2) hours.
    b. Part-Time Employees: Subject to approval by their Bureau Manager, part-time employees may take off without pay a maximum of eight (8) days (64 hours) in any calendar year. Such time off may not be used in smaller increments than two (2) hours.
3. An employee's performance of their job is important. All employees are expected to cooperate with their supervisors and follow instructions. Insubordination, which is the refusal to follow a supervisor's proper order, is a major offense and may result in immediate suspension and possible discharge.
4. Poor workmanship is not acceptable. Employees are expected to perform their work properly and efficiently and to meet established standards of quality considered to be acceptable for the type of work performed.
5. Rules for Safety and Health are established for employee's protection. These rules must be observed. Employees injured on the job must report the injuries to their supervisors as soon as possible. Willful or habitual violation of safety regulations is unacceptable.
6. Disruptive horseplay is not allowed.
7. Possessing firearms, ammunition, or any other kind of offensive or defensive weapon or device without specific authorization by the Police Chief is forbidden.
8. Any conduct which is in violation of the law or accepted standards of decency or morality, including the use of obscene or abusive language and/or behavior, will not be tolerated.
9. Sleeping loitering, unnecessary visiting, doing personal business and not present at the job site constitutes a theft of time and will be subject to discipline.
10. Appearance and hygiene are important. Employees are expected to wear the issued uniforms and to maintain them in a clean and presentable manner. Employees not issued uniforms are expected to wear clothing that conforms to accepted business and work place standards.
11. Employees are expected to use and maintain their tools and equipment in a safe, clean condition. Abuse, careless use, and/or unauthorized use of tools and equipment are unacceptable. Employees who lose or abuse equipment can be required to pay for its replacement. Management will obtain replacements through standard City procedures. The employee will reimburse the entire cost to the City through payroll deduction.
12. Employees' jobs may entail working with confidential information. Employee's are not permitted to release or discuss confidential information with unauthorized persons and are required to abide by all applicable Federal, State, and Local laws. Violation of this directive will result in discipline up to and including discharge.
13. Public employees' major responsibility is to provide service to the community. Courtesy and respect to all members of the public as well as to all co-workers are extremely important.
14. Employees are obligated to cooperate in every investigation of misconduct or wrongdoing in the workplace of which they have knowledge and report to their supervisors instances of such behavior. Responses, whether oral or in writing, shall be truthful and complete to the best of the employee's recollection. An employee's refusal or failure to cooperate fully and/or provide truthful responses will result in discipline.

I. DRESS CODE

Fostering a positive, professional, and comfortable working environment is a key priority for the City of Allentown. It is expected that employees will exercise good judgment, and appropriate grooming when dressing for work. Individual

departments may require more stringent dress policies for business purposes. In those circumstances, the departmental policy will prevail.

1. Uniformed Employees – No aspect of this policy shall usurp standard practices and polices for those employees required to wear uniforms, and shall not conflict or supersede any collective bargaining agreement.
   - *Fire and Police*: Each employee shall be governed by their applicable collective bargaining agreement and departmental guidelines.
   - *Municipal*: Appropriate uniforms and safety equipment will be furnished to all employees required to wear uniforms or use such equipment
2. Employees are required to wear City-issued clothing and safety equipment during work hours. Bureau Managers are given the discretion to alter the dress codes to meet extreme conditions of cold or hot weather. Employee or personal safety must not be compromised. City supplied outer garments must be worn outside any personal clothing. Employees may wear t-shirts during warm weather, but they must be the currently authorized City color, with no lettering other than a union logo.
3. Uniforms are not to be worn when off duty in accordance with SEIU Contract Article 34, Item 5.
4. Uniforms identify the individual as an employee of the City of Allentown. Identification patches on the uniform shall not be removed. Altering City clothing or cutting off sleeves, pants legs, etc. or defacing the fabric is not permitted.
5. New uniforms and equipment are issued on an as needed basis in accordance with SEIU Contract Article 34, Item 3. Retiring or otherwise separating employees must return old uniforms and equipment.

The City of Allentown wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is not acceptable: Spandex, bare feet, shorts-pants-skirts worn below the waistline, sexually provocative clothing, hats in the office environment; clothing with profanity, nude, or semi-nude pictures, sexually suggestive slogans; cartoons or drawings, or the observable lack of undergarments and exposed undergarments. In addition, visible body piercing (other than ears) is prohibited.

Monday through Thursday Attire:

1. Choose business or business casual clothing for employees not required to wear a uniform or City issued clothing.
2. Keep your workday schedule into account when you are dressing. Casual business attire means clothing that allows employees to feel comfortable at work, yet appropriate for an office environment. Business attire includes, but is not limited to: slacks, khakis, oxford shirts, ties, skirts and dresses, turtlenecks, sweaters, loafers, or other closed-toe shoes, and sandals.
3. In some cases, and only as specified and approved by your supervisor, employees will be permitted to wear jeans. Such occasions would appropriate to employees performing tasks that do not require uniforms, but require more durable fabric in the course of their work.

Friday

While the City observes a casual dress policy on Friday of each week, there may be situations requiring more formal attire. If you are conducting or attending meetings, seminars, roundtables, etc. where you come in contact with other business professionals, you are expected to represent the City in a professional manner and dress appropriately for conducting such business. Know your audience, remember what you represent and dress accordingly. We want to stress that casual business dress code policy is a privilege and must be adhered to in order to be retained.

The Friday dress code for the office may include jeans and well-kept athletic shoes. However, “Casual Friday” does not mean “sloppy” nor is it a time to become slack in one’s appearance. It should be a time for one to feel comfortable, but dressed neatly.

The following attire will not be allowed: tank tops, tee shirts, flip flops, cut-off jeans, jeans with holes or shorts. Again, employees who in the course of their work must wear a uniform will be expected to continue that practice on Casual Day.

Managers and supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance to the public is inappropriate. Reasonable accommodation will be made for employees’ religious beliefs and disabilities whenever possible, consistent with the business necessity to present a professional appearance to the public. Questions or complaints that cannot be handled to an employee’s satisfaction by his or her supervisor or manager should be taken to the Human Resources Department.

Any employee whose appearance does not meet these standards will be counseled by their supervisor or manager. If the appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Employee will not be paid during this absence when they are sent home to correct the problem. Repeated disregard for the dress and grooming policy may result in disciplinary action up to and including termination of employment.

J. PERSONAL RELATIONSHIPS

An employee who is involved in a personal relationship with another employee may not work directly for or supervise the employee with whom he or she is involved. *Personal relationship* is defined as a marriage or relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The City of Allentown reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.

If a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Director or Manager. When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

Employees should be made aware that consensual sexual or romantic relationships can result in claims of sexual harassment because the voluntariness of the consent may be questioned when a power differential exists. If a sexual harassment claim subsequently is filed, the argument that the relationship was consensual will be evaluated in light of the power differential.

Article 140.18 Discharge, Discipline and Work Rules

For the benefit and protection of all employees, the City and the City's residents, certain rules with regard to proper employee conduct are necessary.

The first purpose of disciplinary action is to correct the behavior of employees who have violated City, departmental or bureau work practices or rules of conduct. Discipline should be administered carefully and consistently.

Disciplinary action will be progressive; verbal reprimand, written reprimand, time off without pay, discharge. Progressive disciplinary action is not limited to violations of only one work rule; that is, verbal reprimand for tardiness may be followed by a written warning for horseplay, time off for drinking on the job and discharge for another tardiness incident. Progressive discipline may also "skip" less severe disciplinary action if the violation warrants, even if there have been no previous disciplinary action taken against the employee. Any discipline other than a reprimand must be reviewed with the Human Resource Manager or designee.

Managers/Supervisors are required to fully document all disciplinary measures and the incidents that give rise to the discipline. A copy of all such documentation must be provided to Human Resources. Reports of sexual harassment or any other harassment must be reported to Human Resources.

The following is a partial list of the kind of improper conduct which, when engaged in, will constitute grounds for disciplinary actions, up to and including immediate discharge:

A. WORK RULES

1. Excessive Absenteeism or Tardiness will not be tolerated. Hourly employees are expected to be on the job, on time, each scheduled workday. Absent or tardy employees must notify their supervisor as early as possible, indicating how long they will absent or late so that work schedules can be adjusted. Absent employees who do not report off within one-half (1/2) hour of the starting time will be considered to be absent without leave, will not receive pay for the day and will be subjected to progressive disciplinary action. Tardy employees who do not report to work within one-half (1/2) hour of their scheduled starting time will not be permitted to work.

2. Insubordination will not be tolerated. An employee's performance of his or her job is important. All employees are expected to cooperate with their supervisors and follow a supervisor's proper order and instructions.

3. Poor workmanship is not acceptable. Employees are expected to perform their work properly and efficiently and to meet established standards of quality considered to be acceptable for the type of work performed.

4. Violations of Safety and Health Rules. Employees are expected to perform their work properly and in accordance with established safety and health rules.

5. Disruptive horseplay is not allowed.

6. Possession of firearms, ammunition, or any kind of offensive or defensive weapon or device during work time or while in or on City property without specific authorization by the Police Chief is forbidden.

7. Reporting to work under the influence of alcohol or illegal drugs, while at work, during lunch or during break periods. An illegal drug includes prescription medication for which the employee does not have a valid prescription.

8. Bringing alcohol or illegal drugs onto City property.

9. Selling or attempting to sell alcohol or illegal drugs in or on City property.

10. Theft of time, property and/or services of the City, another co-worker, or the public.

11. Punching another employee's timecard or moving the card as a joke.

12. Terroristic threats, fighting, threatening, intimidating or coercing another co-worker.

13. Falsifying records, including time cards, time sheets, accounting records, applications for employment or any other City records relating either to the employee or his/her work.

14. Malicious acts; acts of vandalism; willfully or carelessly damaging City property, the property of another employee or of a City resident.

15. Use of City equipment or property for personal benefit or any other reason other than day-to-day City business.

16. Any conduct that is in violation of the law or of accepted standards of decency or morality, including the use of obscene or abusive language and/or behavior.

17. Sleeping, loitering, unnecessary visiting, doing personal business and getting "lost" during hours that employees should be working constitutes a theft of time.

18. Unacceptable appearance and hygiene.

19. Disclosing confidential information with unauthorized persons.

20. Lack of respect and courtesy to the public and co-workers.

21. Interference with City communications systems, including radio transmissions, data networks, telephone systems, fax transmissions and/or mail systems.

22. Unauthorized use, delivery or copying of data, or licensed computer programs.

23. Attempting to gain unauthorized access to the City's computer system. Deleting, corrupting or intentionally falsifying records.

24. Disruptive, abusive arguments which undermines the work being performed.

25. Insubordination, rebellion, failure to recognize or accept the authority of a supervisor, or open defiance of a person in charge.

26. Operating a City vehicle when driver's license is under suspension or revocation.

27. Unauthorized use of City vehicle or equipment.

28. Failure to report an accident which results in property damage or personal injury, regardless of whom was injured, the extent of the injury or where the accident occurred.

The above list is not intended to be all-inclusive.

Article 140.19 Smoke-Free Environment

The City of Allentown by law is adopting the 2008 Clean Indoor Act, Pennsylvania Senate Bill 246 that prohibits smoking in workplaces, enclosed and substantially enclosed areas. The use of tobacco products is prohibited in all City buildings, including fire houses, police stations and City vehicles. "No Smoking", "Smoke-Free Building", or "Smoke Free Workplace" signs are posted throughout City properties by Building and Maintenance.

Department Directors and their Bureau Managers are responsible to enforce this regulation.
Smoking poses a significant risk to the health of the smoker and is a dangerous, life-threatening addiction. It can damage sensitive technical equipment and can be a safety hazard. A growing body of research now documents that smoking can also pose a significant health risk to nonsmokers. Most threatened are those with chronic heart or lung diseases such as asthma, chronic bronchitis or emphysema. Smoke-filled air can aggravate their illnesses. Healthy nonsmokers who are exposed to environmental tobacco smoke are also at risk. Environmental tobacco smoke is a cause of diseases, including lung cancer in healthy nonsmokers.

Article 140.20 Sexual Harassment

A. Definitions: The following phrases shall have the meanings specified below for the purposes of this policy:

1. Sexual Harassment: Unwelcome, on-the-job, offensive conduct of a sexual nature.

2. Quid Pro Quo Harassment: Submission to or rejection of unwelcome sexual advances or sexually oppressive conduct by an individual being used as a basis for employment decisions affecting such individual.

3. Hostile Environment: Conduct which unreasonably interferes with an individual's job performance or creates an "intimidating, hostile or offensive working environment," whether or not it leads to tangible or economic job consequence.

B. Policy:

It is the policy of the City of Allentown to maintain a working environment that is free from all forms of sexual harassment. It is against the policy of the City of Allentown and illegal under State and Federal law for any employee, male or female to sexually harass another employee. The City will abide by the Federal and State laws prohibiting sexual harassment.

This policy applies to all employees of the City of Allentown, including, but not limited to, full and part-time employees, seasonal and temporary employees, employees covered or exempted from personnel rules and regulations on or off-duty employees harassing another City employee on or off-duty, employees working under contract for the City and employees harassing non-employees while the employee is on duty or in City uniform.

It is hereby declared that acts of unwelcome sexual conduct, as defined herein, or the creation or perpetuation of a hostile work environment, or quid pro quo harassment are hereby prohibited within the employment of the City of Allentown by officers, agents and employees of the City.
Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to that conduct is made either explicitly or implicitly as a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
- The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following when such acts or behavior come within one of the above definitions:

- Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors.

- Intentional touching or grabbing a sexual part of the body.
- Intentional touching or grabbing any part of the body without consent or after that person has indicated, or it is known, that such physical contact is unwelcome.
- Continuing to ask an employee to socialize on or off-duty when that person has indicated that they are not interested.
- Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that behavior is unwelcome.
- Continuing to write sexually suggestive notes or letters if it is known or should be known that person does not welcome such behavior.
- Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior.
- Regularly telling sexual jokes or using sexual vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior.
- Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties of work environment, etc.).
- Derogatory or provoking remarks about or relating to an employee's sex.
- Harassing acts or behavior directed against a person on the basis of an employee's sex.
- Off-duty conduct that falls within the above definition and affects the work environment.

Sexual harassment can also consist of intimidating, abusive or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female, or males because they are male; for example, is likewise a violation of this policy on the same level as harassment of a sexual nature.

Sexual harassment can also be same sex harassment. It is likewise a violation of this policy for a male to harass another male, or a female to harass another female.

Offensive conduct of a sexual nature by non-employees; such as, vendors, outside contractors and the like, against employees in the workplace should be reported immediately so that the appropriate action can be taken.

C. Procedures, Investigations, Sanctions and Appeal Notifications

Any employee who feels subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels comfortable. Complaints may be made orally or in writing to:

- Employee's immediate supervisor
- Employee's department director
- Human Resource Manager, or designee
- City Solicitor
- The Mayor

Although employees are encouraged to try and resolve disputes with the help of their immediate supervisor, employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment.

The employees should be prepared to provide the following information to the individual to whom a complaint of sexual harassment is made:

- The employee's name, department and position title.
- The name of the person committing the sexual harassment, including person's title, if known.
- The specific nature of the sexual harassment, its duration and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- Any witnesses to the harassment.
- Whether the employee has previously reported such harassment and, if so, when and to whom.

The filing of a bona fide complaint or otherwise reporting sexual harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

Investigation

All complaints of sexual harassment will be promptly investigated and addressed by the designated Equal Employment Opportunity Officer.
The City of Allentown is committed and required by law to take action when it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

Care will be taken to protect the identity of the complaining party and of the accused partly or parties, except as may be reasonably necessary to successfully complete the investigation.

It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the Human Resource Manager, or designee, or in the event the sexual harassment complaint is against the Human Resource Manager, to the City Solicitor.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

Upon the receipt of a complaint of sexual harassment, the investigator shall immediately:

- Obtain a written statement(s) from the person complaining of sexual harassment that includes a comprehensive report of the nature of the sexual harassment complained of and the times, dates and places where the sexual harassment occurred. The investigator shall orally question the person complaining of sexual harassment about any information in the written statement that is not clear or needs amplification.
- Obtain a written statement(s) from witnesses that include a comprehensive report of the nature of the conduct witnessed and the times, dates and places where the conduct occurred and the conduct of the person complaining of sexual harassment. The investigator shall orally question witnesses about any information in their written statements that is not clear or needs amplification.
- Obtain a written statement(s) from the person against whom the complaint of sexual harassment has been made. The investigator shall orally question the person against whom the complaint of sexual harassment has been made about any information in the written statement that is not clear or needs amplification.
- Prepare a report of the investigation that includes the written statement of the person complaining of sexual harassment, the written statements of witnesses, the written statement of the person against whom the complaint of harassment was made and the investigator's notes connected to the investigation and submit the report to the Human Resources Manager or designee. In the event that the sexual harassment complaint is filed against the Human Resources Manager, the report shall be submitted to the City Solicitor.
- The investigator may require any statement to be made under oath. When a statement is to be made under oath, it shall be substantially in the following format:

  I, _____ hereby make under oath, penalty of perjury and with full understanding that false statements will result in disciplinary action, including possible job termination, that the following is true:

  INSERT FACTS HERE

  Date:_____ Signature:_____

Upon receipt of a report of the investigation of a complaint of sexual harassment against an employee, the Human Resources Manager, or designee shall immediately review the report. The Human Resources Manager, or designee may question the person complaining of sexual harassment, the person against whom the complaint of sexual harassment has been made, witnesses to the conduct in question or any other person who may have knowledge about the conduct in question. The Human Resources Manager, or designee, shall keep written records of the investigation in the same manner prescribed for the investigator. If the Human Resources Manager, or designee, finds the investigation report is adequate, a determination may be made as to whether sexual harassment occurred based on the report, subject to due process hearing rights.

Based on the report and the separate investigation, where one is made, the Human Resources Manager, or designee, shall within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment, subject to due process hearing rights. In making the determination, the Human

Resources Manager, or designee, shall look at the record as a hole and the totality of the circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

Sanctions: The Human Resources Manager, or designee, determines that the complaint of sexual harassment is founded; the person against whom the complaint of sexual harassment was made shall be subject to immediate and appropriate disciplinary action.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors that relate to fair and efficient administration of perception of the offense and the light in which it casts on the City.

The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands.

The victim of sexual harassment shall be informed of the nature of any disciplinary action taken,

The Human Resources Manager, or designee may monitor future conduct of the parties involved in order to reasonably insure that the remedial action taken has been effective in stopping the harassment and that no retaliation has occurred.

Notifications: This policy will be distributed to all employees and Department Directors of the City. Annually, every employee shall receive a copy of this policy and shall be required to certify that they have received such copy. This certification shall be maintained in each employee's personnel file. A summary of this policy including where to obtain a full copy of the policy shall be placed on all employee bulletin boards in every Department. It shall be a violation of this policy to remove the policy from any bulletin board or deface this policy in any manner. Mandatory training sessions on this policy and the prevention of sexual harassment shall be held for all personnel during appropriate in-service training programs and orientation sessions.

D. Employee and Supervisor Responsibility

1. Employee Responsibility: It is the duty of all employees, to be familiar with this policy. Each employee has a stake in preventing sexual harassment and thus shares responsibility with the Human Resources Manager, or designee in taking measures to eliminate sexual harassment in the workplace.

   No employee, shall, in any way, retaliate, harass or discriminate against a person making a complaint of sexual harassment or involved as a witness or otherwise with a complaint of sexual harassment.

   In cases in which sexual harassment is committed by a non-employee against a City employee in the workplace, the Human Resources Manger, or designee shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

   Employees are not only encouraged to report instances of sexual harassment; they are obligated to report instances of sexual harassment. Sexual harassment eposes the City to liability and part of each employee's job is to reduce the City's exposure to liability.

   Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not limited to:

   a. Coming forward with evidence, both favorable and unfavorable concerning a person accused of sexual harassment.
   b. Fully and truthfully making a written report under oath upon request.
   c. Orally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

   Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.
   Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, or who fails, or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

2. Supervisor Responsibility - Every supervisor is responsible for promptly responding to and taking immediate and appropriate action when they see sexual harassment in the workplace.
   Supervisor must report any complaint or suspected acts of harassment. Supervisors should report to the Human Resource Manager (who has been designated to receive such complaints or reports) or to the City Solicitor.

   Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Article 140.21 Harassment

It is the policy of the City of Allentown to prohibit any and all forms of harassment and discrimination of employees. Pursuant to the City's policy of equal opportunity, the City of Allentown shall maintain a work environment for its employees free from harassment and discrimination related to race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law. A finding that harassment/discrimination exits shall result in disciplinary action up to and including discharge.

A. Harassment/discrimination is defined as conduct both verbal and physical against a person which is unwelcome, humiliating and demeaning and which denigrates or shows hostility toward an individual because of protected class and when:
   1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment.
   2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
   3. The conduct has the purpose of effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

B. Examples of harassment/discrimination include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
   1. Either explicitly or implicitly conditioning any term of employment; e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts on acceptance of or submission to harassment/discrimination.
   2. Displaying or transmitting derogatory pictures, objects, cartoons, or posters relating to any individual(s) referenced in the policy statement above if it is known or should be known that the behavior is unwelcome.
   3. Using sexually suggestive, ethnically offensive or racially derogatory terms or epithets, addressing or referring an employee by names based upon the individual's disability or handicap, or making statements indicative or religious intolerance if it is known or should be known that such behavior is unwelcome.
   4. Regularly telling jokes offensive in nature related to any individual(s) as referenced in the policy statement above if it is known or should be known that the person does not welcome such behavior.
   5. Retaliation of any kind for having filed or supported a complaint of harassment/discrimination; such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.
   6. Derogatory or provoking remarks about or relating to any employee as referenced in the policy statement above.
   7. Harassing acts or behavior directed against a person on the basis of an employee's race, color, religion, sex, age, national origin, disability, or any other protected characteristic as established by law.
   8. Off-duty conduct that falls within the above definition and affects the work environment.
   9. Harassment/discrimination can also take the form of offensive conduct by non-employees, such as vendors, outside contractors and the like against employees in the workplace.

This general harassment/discrimination policy applies to all employees of the City of Allentown, including, but not limited to, full and part-time employees, seasonal and temporary employees, employees covered or exempted from the personnel rules and regulation, on or off-duty employees harassing another City employee on or off-duty, employees working under contract for the City and employees harassing non-employees while the employee is on duty or in City uniform. Any harassment/discrimination in the work place, whether committed by supervisory or non-supervisory personnel, is prohibited.

The procedures for investigations, sanctions and appeals and employee responsibilities are outlined in the Sexual Harassment policy in Section XX.

Article 140.22 Drug and Alcohol Policy

The City of Allentown is firmly committed to the health and safety of employees and considers the influence of alcohol and drugs in the workplace to be detrimental to employees, co-workers, and the public. To maintain a drug-free workplace, the City of Allentown has established a drug-free awareness program. Whenever necessary, employees are encouraged to seek drug or alcohol counseling and rehabilitation information through the City's Employee Assistance Program. Information regarding the Employee's Assistance Program is located in Section XIV of this policy. Employees should reference the City's Substance Abuse Handbook for CDL drivers.

Adherence to the City of Allentown's policy on drugs and alcohol is a condition of employment for all employees.

As an employee of the City of Allentown, It is unlawful to, manufacture, distribute, dispense, or possess an illegal controlled substance at the City of Allentown. The unlawful possession, distribution, or use of an illegal controlled substance in the workplace will result in immediate dismissal.

A. PRE-EMPLOYMENT TESTING

All applicants, regardless of position, are subject to testing for drugs and alcohol as part of the hiring process.

B. RESONABLE SUSPICION TESTING

All City of Allentown employees shall be subject to urinalysis testing for the presence of a controlled substance or illegal drug and breath or blood alcohol testing for the presence of alcohol where there is reasonable suspicion to believe based on specific and immediate physical, behavioral or performance indicates probable drug or alcohol use. Employees shall not consume or use alcohol or controlled substances while off duty to the extent that evidence of such use is apparent when reporting for duty, or to the extent that the employee's ability to perform his/her duty is impaired. Employees who are taking medication that affects their job performance must alert their immediate Supervisor. Symptoms which indicate reasonable suspicion include but are not limited to the following:

- Odor of alcohol
- Glassy eyes
- Changes in speech pattern
- Staggering gait or poor coordination
- Unusual behavior, mood variations or deteriorating performance
- Physical or verbal altercations
- Possession of drugs or alcoholic beverages
- Excessive tardiness
- Insubordination
- Attendance problems
- Erratic operation of motor vehicle or equipment
- Drug or alcohol related arrests on or off the job

C. POST VEHICLE ACCIDENT TESTING

All City of Allentown employees shall be tested through urinalysis for the presence of controlled substances or illegal drugs and breath or blood alcohol testing for the presence of alcohol when the following occurs:

- The loss of human life

- The employee receives a citation under State or local law for a moving traffic violation arising from the accident, or
- Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Testing is required for each covered employee whose performance contributed to the accident or whose performance cannot be completely discounted as a contributing factor to the accident. Testing for alcohol shall be performed as soon as practical, but no more than eight (8) hours following an accident. Testing for drugs shall be performed as soon as practical, but not more than thirty-two (32) hours following an accident. The employee is prohibited from consuming alcohol until the alcohol test is performed or for an eight hour period following the accident, whichever is less.

D. TESTING RESULTS

In the event of an initial positive drug test, a confirmatory urinalysis test will be conducted using the more reliable clinical testing procedure available (Gas Chromatography/Mass Spectrometry, or CS/MS Test). In the event the confirmatory test is positive or an alcohol test and confirmatory test is positive, the employee shall be subject to the following:

First Offense – Applicants who refuse to take the drug/alcohol test or who have a confirmed positive test result shall not be hired.

Probationary employees who refuse to take the drug/alcohol test or who have a confirmed positive test result will be terminated for the first offense.

Non-probationary employees who refuse to take the drug/alcohol test or who have a confirmed positive test result shall be suspended without pay for thirty (30) work days.

Second Offense – Employee is terminated.

For the purposes of discipline and all related matters, the refusal or failure to submit to testing shall be equal to testing positive.

E. RETURN TO DUTY

Employees who are suspended because of a positive test result or because they refused to take a drug/alcohol test must participate and complete the treatment that is prescribed by the Employee Assistance Counselor. Minimum requirement for any employee testing positive or refusing to take a drug/alcohol test is participation in an addiction awareness group. Employees who do not successfully complete the treatment prescribed by the Employee Assistance Counselor shall be terminated.

Employees must pass a drug/alcohol test before being able to return to work. Prior to returning to work from the 30 work day suspension, the employee shall contact the City Program Administrator for return to duty drug/alcohol testing. The employee will pay in advance for the initial return to work testing. The employee will be reimbursed for the costs of the tests only in the event that the results are negative. The City of Allentown will pay for follow-up testing thereafter. If the test is passed and the prescribed treatment program is successfully completed, the employee shall be reinstated to their former position and pay grade.

If the test is passed but the employee has not yet completed the prescribed treatment program, the employee will return to work and their pay is subject to be reduced by 5%. This employee cannot operate any vehicle that requires a Commercial Drivers License. If the return to duty test is positive, the employee shall be terminated.

F. FOLLOW UP TESTING

Based on the recommendation of the Employee Assistance Counselor, an employee who returns to duty after substance abuse rehabilitation will be subject to a reasonable program of random follow-up drug and/or alcohol testing. A positive follow-up test result will be considered a second offence resulting in the termination of employment.

G. DRUG DETECTION LEVELS

The drug detection levels established below are subject to change based on Federal law for CDL drivers.

DRUG DETECTION LEVELS

Initial screening: Detection sensitivities - ALL REPORTS ARE IN MG/ML

DRUG	POLICE	APPLICANTS (HR)	FIRE	CDL (DOT)	
Amphetamines	1,000	1,000	1,000	1,000	
Barbiturates	300	300	300		
Benzodiazepine	300	300	300		
THC (marijuana	50	50	100	50	

metabolite)				
Cocaine metabolite	300	300	300	300
Methadone	300	300	300	
Methaqualone	300	300	300	
Opiates	300	2000	300	2000
Phencyclidine	25	25	25	25
Propoxyphene	300	300	300	

Confirmation by GC/MS: Detection sensitivities

DRUG	POLICE	HR	FIRE	CDL
Amphetamines	500	500	500	500
Methamphetamines	500	500	500	500
Barbiturates	100	100	300	
Benzodiazepines	100	100	300	
THC (marijuana metabolite)	15	15	20	15
Cocaine	150	150	100	150
Methadone	200	200	100	
Opiates - Total	300	300	300	
Codeine	150	2000	150	2000
Morphine	150	2000	150	2000
Phencyclidine	25	25	25	25
Propoxyphene	300	300	300	
Methaqualone	100	100	100	

ALCOHOL TESTING
Threshold

.02 Alcohol Concentration *

- Alcohol Concentration refers to the concentration of alcohol in a person's blood or breath. When expressed as a percentage, it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

Article 140.23 Violence in the Workplace

It is the policy of the City of Allentown that no City employee should have to work under circumstances that cause the employee to reasonably fear that the employee may be subject to violence. The City has zero tolerance for acts of workplace violence or the threat to use violence in the workplace.

Employees who threaten or use violence in the workplace are subject to severe disciplinary action, up to and including discharge. Activities that might prelude to violence are also subject to discipline, up to and including discharge. Examples of workplace violence include, but are not limited to the following:

- Assaults upon an employee in the form of pushing, shoving, slapping, punching, hitting and other physical contact.
- Sexual assault, rape, stalking.
- Threats of physical harm, either oral or in writing.
- Inappropriate anger and rage.
- Harassment, name calling, taunting, the use of ethnic or racial slurs and other similarly volatile activities or behavior.
- Vandalism, arson, hostage taking.
- Any act that rises to the level of criminal offense.

If an employee observes, or believes themselves to be the subject of workplace violence, they are to immediately report the observations and concerns either orally or in writing, to one of the following persons:

- the employee's immediate supervisor
- the employee's department director
- the Human Resources Manager, or designee
- the City Solicitor

Supervisors are, through this policy, made aware that when violence or the threat of imminent violence is reported to them, it is their duty to react immediately so that the matter is promptly and appropriately investigated and resolved. In such instances, the supervisor shall contact the Director of Human Resources, or his/her designee. If necessary the Police Department should also be notified.

The Director of Human Resources is responsible for the investigation of all alleged violations of this policy.

This policy applies to engaging in violent acts, or threatening violent acts, toward co-workers or other employees during non-working hours and/or offsite from City of Allentown facilities. If there is a relationship between work and the violence or threatened violence then that act is covered by this policy. Furthermore, persons who develop an off-duty record of violence or threatening violence place their continued employment at risk, where a reasonable person would conclude that the off-duty conduct demonstrates the person to be untrustworthy in terms of controlling violent tendencies. The City will undertake all reasonable steps, including cooperation with local law enforcement authorities, to insure that someone who has reported violence or the threat of violence will suffer no adverse consequences from so doing.

City of Allentown employees are also entitled to work without having to face violence or threats of violence from the public. If any member of the public threatens an employee, or acts violently toward an employee, this matter should be reported immediately as described above, and a prompt investigation will be undertaken which will, in turn, be followed by appropriate action.

Although employees have the right to report workplace violence to the Police Department, you are not obligated to do so.

Article 140.24 Third Party E-mail Review, Computer Network and Internet Access

The City of Allentown provides access to an electronic (e-mail) system to assist employees for the purpose of conducting City business. The facilities to provide that access represent a considerable commitment of City resources for telecommunications, networking, software, storage, etc. Given the City's investment in providing this facility, the City reserves the right for justifiable cause, to inspect the content of all e-mail housed in its systems. This policy also outlines the procedures and responsibilities in gaining authorization for third-party review of employee emails and applies to all officers, employees and contractors of the City of Allentown.

The Electronic Mail ("E-mail") system provided by the City of Allentown is the owner of all e-mail accounts and addresses in its registered domains. All e-mail messages processed by the City's e-mail servers become the property of the City of Allentown. E-mail users have no right of ownership or expectation of personal privacy in their e-mail messages or usage.

The City reserves the right, without notice to inspect, modify, return, reject, redirect or discard any e-mail message it receives for any reason. The City reserves the right, without notice, to limit or restrict any individual's e-mail usage. City e-mail services shall be used in accordance with all applicable Federal and State laws, policies, rules and regulations and administrative instructions, and may not be used as a vehicle to harass or intimidate. All users of City e-mail services are expected to conduct themselves in a professional ethical manner.

An employee should not assume that E-mail messages and their attachments are secure or private. E-mail messages may be retrieved by anyone to whom an employee has given their password, to whom an employee has given E-mail access rights, or by anyone having access to your computer while you are logged into it.

Any communication by e-mail should be drafted with the same care as a formal memorandum and should not contain informal remarks that might potentially be embarrassing to the sender, the receiver or anyone involved in the contents of the information contained in the e-mail message and/or attachment(s). The contents of e-mail should not include anything the sender would not want publicly disclosed.

E-mail should never contain offensive or harassing language. This prohibition includes the display or transmission of sexually implicit images, cartoons, jokes, messages, vulgarities, obscenities, sarcasm or exaggerations. Employees are strictly prohibited from sending E-mail messages of a harassing intimidating, offensive or discriminatory nature.

E-Mail should not be used to discuss confidential or sensitive information relating to employees.

Personal solicitation is permitted only to publicize charitable events.

E-Mail Third-Party Review

The City, as part of a fully authorized internal or external investigation, may find it necessary to confidentially access employee e-mails, in some cases, the City may be under a court order to perform "E-Discovery", in which case the City must comply with the Court Order.

Only the Mayor or a Department Director may initiate a request for e-mail retrieval. This request must be accompanied by an authorization from either the Solicitor's office or from the Director of Human Resources.

The authorized request will be confidentially forwarded to the Director of Information Systems who will confidentially execute the e-mail search request. The City is under no obligation to inform the user that this search is underway. The Director of Information Systems will execute the search specifically as requested and limit the search to only the individual(s) specified in the authorization and for the keywords, timeframes specified. The search is not extended beyond the originally authorized request.

The results of the inquiry will be either be downloaded to a CD or printed and confidentially returned, by hand to the requestor. Given the confidentially of this work, the results will never be e-mailed to anyone.

Unauthorized interception, retrieval or monitoring of E-mails or failure to adhere to these standards may result in disciplinary action up to and including dismissal.

Computer Network

All information, in any format, stored by any means on the City's electronic facilities (Voicemail, E-mail, computer network drives, hard disks, or individual diskettes) is the property of the City of Allentown and subject to inspection at any time without notice. Do not assume that any electronically stored information is private or inaccessible by others. In addition to periodic, unannounced review of stored material by authorized City employees, such information might be retrieved by unauthorized persons.

Computer Software Licenses

1. The City purchases licenses permitting the use of computer software. The City does not own this software or its related documentation and, except as authorized by the owner thereof, does not have the right to reproduce.

2. With regard to use on local area networks or on multiple machines, the City employees shall use software only in accordance with license agreement(s).
3. Employees learning of any misuse of software or related documentation within the City shall notify the Director of Information Systems or their designee.

4. No one may install personal software on City computers without approval of the Director of Information Systems.

Internet Usage

The City has contracted with an Internet Access Provider to provide access to the Internet on certain City computers. This Internet access has been obtained and is maintained for City business purposes only. The following policies apply to all use of the Internet from City computers:

1. The City's computer system and access to the Internet is maintained for the purpose of conducting City business. Use of City computers or the Internet during work hours for personal purposes is strictly prohibited.

2. Only the employees of the City are authorized to use the City's computer(s) or access the Internet through the City's system; not their families, dependents or other parties. This relates to City and non-City purposes. No employee has the authority to authorize or permit others to use the City's computer(s) for any purpose.

3. The use of E-mail, list-servers, bulletin boards and other such communications other than for City purposes is not permitted on the Internet.

4. The use of the Internet for profit, by any employee, is strictly prohibited.

5. Employees utilizing the Internet shall comply with network etiquette.

6. Any and all information which an employee is downloading shall first be scanned for any virus.

7. The use of the Internet to access, download or display pornographic, obscene, or otherwise offensive materials is strictly prohibited and will be considered a violation of the City's policies.

8. No information or materials related to City business or operations may be posted on the Internet without prior approval.

9. The terms of the Agreement between the City and the City's Internet Company apply to all Internet usage by City employees except that the City makes no assurances of privacy as to any employee's usage of the City's computer system. The City specifically retains the right to review employee usage of the City's computer(s) and the Internet to assure compliance with these policies.

10. Any employee violating the computer usage policies may be subject to disciplinary action, up to and including discharge. In addition, the City retains the right to discontinue the policy of permitting employee access to the City's computer(s)/Internet access, for non-City business, at any time.

Employees should not have an expectation of privacy in anything they create, store, send, receive, or display on or over the City's computer system. The City may use any means to monitor the contents or use of its computer.

Please refer to the IT e-mail policy implemented. Copies are located on the X drive on the City computer.

Article 140.25 Pennsylvania Whistleblower Law

It is the policy of the City of Allentown to abide by all federal, state and local laws, rules and regulations, and to have all of its employees do the same.

The Pennsylvania Whistleblower Law, P.L. 1559, No. 169, 43 P.S. s1421 provides that an employee may not be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, term, conditions, location or privileges of employment because the employee or person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste or that the employee is requested by an appropriate authority to participate in any investigation, hearing or inquiry held by an appropriate authority or in a court action.

Any instance of suspected waste of wrongdoing should be reported to an employee's immediate supervisor, Department Director or to the Director of Human Resources or designee, in writing and signed by the employee. If this is not practical, or if that action is taken but does not correct the perceived violation(s), a written statement, signed and dated, should be made by the employee to the Mayor, with the specific information that the employee knows, so that an investigation may be undertaken, if necessary.

An employee who believes that they have been discriminated or retaliated against in violation of the Pennsylvania Whistleblower Law may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation.

140.26 Domestic Partnerships

14868 1/26/2011 provided for domestic partner benefits.

A. DEFINITIONS:

Domestic Partnerships

Definition. For purposes of this Chapter, "Domestic Partnership" shall mean two individuals, one or both of whom are City employees or retirees, who have consented to enter a domestic partnership with each other and meet all of the following qualifications:

i. Both individuals are currently living together;

ii. Both individuals are jointly responsible for each other's basic living expenses;

iii. Neither individual is part of an existing domestic partnership, civil union or marriage with any third party;

iv. Neither individual has been in another registered domestic partnership in the 30 days preceding the date of registration of the present domestic partnership;

v. The individuals cannot marry each other under the laws of the Commonwealth of Pennsylvania;

vi. Each individual is competent to enter into a contract; is eighteen years of age or older; and both individuals are not related to one another in a way that would bar marriage in the Commonwealth of Pennsylvania; and

vii. Agree under penalty of law to notify the City of any change in the status of the Domestic Partnership.

"Living together" means sharing a domicile that is the primary place of residence for both partners. It is not necessary that the legal right to possess the shared place be in the names of both domestic partners. Two people may live together even if one or both have additional places to live. Domestic partners do not cease to live together if one leaves the shared place but intends to return.

"Basic living expenses" means basic food and shelter.

"Joint responsibility" means that domestic partners jointly provide for each other's basic living expenses. (14868 1/26/2011)

B. Identification of Domestic Partnerships

Verification. To verify a domestic partner for the purposes of this Ordinance, city employees and retirees shall complete a form prescribed by the City indicating they have satisfied the qualifications for domestic partnership requirements set forth in above. In addition, the employee must provide three additional documents, one from list A and two from list B:

List A (Residency)

1. A lease or sublease indicating that their residence is rented by both individuals;
2. A deed or mortgage indicating that their residence is owned by both individuals;
3. Driver's licenses for both individuals showing the same address;
4. A utility bill addressed to both individuals at the same address.

List B (Joint Responsibility)

1. A deed or mortgage showing joint ownership of property by both individuals;
2. Evidence of a joint credit card, debit or bank account;
3. A will or life insurance policy of one individual that names the other individual as a beneficiary;
4. Documents showing that one or both individuals have power of attorney for the other; or
5. Any document that in the opinion of the Director of Human Resources conclusively

demonstrates the individuals are domestic partners living together and are jointly responsible for each other's basic living expenses as defined by this ordinance. (14868 1/26/2011)

C. Termination

Either Domestic Partner may terminate the Domestic Partnership by filing a sworn Termination Statement with the City, in the form and manner required by the Department of Human Resources, stating that the Domestic Partnership is to be terminated. The termination shall become effective thirty (30) days from the date the Termination Statement is filed, if it is signed by both Domestic Partners. If it is not signed by both Domestic Partners, the Termination Statement shall become effective thirty (30) days from the date proof is filed with the Department of Human Resources that a copy of the Termination Statement was served, either personally or by certified or registered mail, on the other Domestic Partner. (14868 1/26/2011)

D. Operation of the Ordinance

The City shall provide the same health and other employment benefits to employees and retirees with same sex domestic partners as it provides to employees and retirees with spouses, consistent with the fullest extent of the City's authority under the law. It is the intent of this ordinance to apply to all employees and retired employees, including those employees who retired prior to the adoption of this ordinance.

This ordinance shall apply to same sex domestic partners insofar as state law prohibits such couples from entering into a marriage that is recognized by the laws of Pennsylvania. In the event that the Commonwealth of Pennsylvania recognizes same sex marriage, domestic partners who would be impacted by this ordinance will have a 90 day period of continued coverage in order to facilitate a marriage.

To the extent that any applicable health plan requires an affidavit that is inconsistent with the parameters of this ordinance, the parameters of that health care plan affidavit and health care plan will control. (7-0)

Pension benefits associated with active or retired members of the Police, Fire or Officers and Employees pension plans are not included in the operation of this ordinance.

As of the date of effectiveness, the provisions of this ordinance shall become effective upon all non-bargaining unit employees, all employees whose job classifications fall under the SEIU collective bargaining agreement and all employees whose job classifications fall under the MESA "meet and discuss" unit.

This ordinance shall become effective upon all employees whose job classifications fall under the IAFF and FOP collective bargaining agreements if the following two provisions are satisfied:

1) the benefits provided in this ordinance are approved by the two respective unions and the administration following the appropriate collective bargaining process.
2) The City Council extends these benefits to employees under these two bargaining units by ordinance. (14868 1/26/2011)

Repealer: Any ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of their inconsistency. (14868 1/26/2011)

That the provisions of this ordinance become effective for each bargaining unit after the signing of memorandum of understandings in the case of the IAFF, SEIU and FOP; and after meet and discuss meetings with MESA. Nothing in this ordinance shall supersede any collective bargaining agreement for which the City of Allentown is a party. (14868 1/26/2011)

Severability: The provisions of this article are declared to be severable and if any section, sentence, clause or phrase of this article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this article but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part. (14868 1/26/2011)

Editorial Note

The following is a brief description of the amendments made to the Administrative Code since 1994. If you have any questions on the legislation, comments or suggestions on the format, call the City Clerk's Office at 437-7539 or email at Michael.Hanlon@allentownpa.gov**.**

15224 (9/16/15) requires council approval of professional services, contract over $40,000, and change orders above a 10% threshold.

15145 (9/4/2015) amends capital projects reporting section requiring quarterly and closing reports on capital projects.

15146 (9/4/2014) amends capital project requirements by requiring revenue sources to be identified when any capital project is authorized.

15129 (5/8/14) creates the Public Arts Committee.

15076 (6/7/2013) the budget submitted to Council and the public shall include budget detail sheets.

15013 (8/21/12) Amends Article 130.16 to comply with consultant selection as required by PennDOT to receive state and federal funds for consultant professional services.

14991 (5/16/2012) Allows the City to enter into a cooperative purchasing agreement for 911 goods and services with other participating municipalities.

14922 (09/16/11) Amended Article 130 by requiring the administration to issue a monthly report, no later that the 15th of each month on the transfer of funds into the Risk Management Fund.

14868 (1/26/11) Amending the Personnel Code by providing the same health and other employment benefits to employees with same sex domestic partners as it provides to employees and retirees with spouses.

14865 (12/22/10) Amends Article 130, Financial Procedures, of the Administrative Code by adding Section 130.28, State and Federally Funded Construction Projects requiring a Project Labor Agreement to be included in all construction project bids excluding architectural and engineering services having a total value equal to or in excess of Two Hundred Fifty Thousand Dollars ($250,000)

14770 (12/11/2009) Amending Article 140, the Personnel System by requiring active non-bargaining unit employees to pay an employee contribution of seven and one-half (7.5%) percent toward the cost of whichever tier said employee elects under the Traditional Blue Cross or HMO plan or equivalent as provided by the City of Allentown, establishes a prescription drug co-pay program for all covered employees and their dependents at a $5/25/40 co-pay, and provides for a $1,500 opt out incentive of health and prescriptions plans for non-bargaining employees.

14721 (6/9/2010) requires monthly financial report.

14719 (5/21/09) adopted a new Personnel Code.

14684 (2/23/09) amends Article 130.16, Contracts, by standardizing bidding policies and controls to ensure the most cost effective securing of goods and services for the City.

14566 (2/8/2008) created the Environmental Advisory Board.

14679 §1 1/16/09 – Right to Know law amendment.

14566 (2/8/2008) created the Environmental Advisory Board

14493 (10/6/07), establishes a Stabilization Fund requiring Council to be notified of 'borrowing' and beginning in 2008, 10% of the proceeds from the sale of property shall go towards paying off the fund.

14467 (2/8/07), amends Article 130.25, by establishing a police on Naming/Dedicating City Assets

13252 (4/7/94) and 13284 (10/20/94), amend section 130.04, Supplemental Appropriations, by deleting the section that required certain transfers be approved by resolution by providing for signing off on a waiver by four councilpersons.

14215 (10/7/04), amends the Administrative Code, 130.07, Amendments after Adoption, by providing that transfers be distributed as an agenda item after they have been approved.

14218 (10/6/04), amends the Administrative Code, 130.19, Deposits; Co-Mingling, by requiring the Administration to notify Council and the Controller of any deficit cash balance or inter-borrowing of funds.

13253 (4/7/94), adds section 130.13, Sale of City Land, by prohibiting the sale, transfer or leasing of City Land without Council approval by resolution.

13254 (4/21/94), amends Article 123, Mayor, by deleting the section that mandates certain hours for the Mayor.

13276 (9/7/94), adds a new section 121.055, making English the official language of the government of Allentown.

13309 (12/22/94), amended Article 115, Council, by making elected or appointed officials eligible for insurance coverage comparable to that provided to full-time non-bargaining unit personnel and added the same to the position of Treasurer, Article 129, City Treasurer.

13337 (7/8/95), amends Article 130.01, Capital Improvement Program and Budget, by requiring the budget to have a form as required by Council which shall contain position classification titles, paygrades and salaries for each specific position.

13351 (9/22/95), amends Article 130.06, Contracts by increasing the threshold for certain bidding procedures.

13354 (9/20/95), amends Article 136, Department of Police, by requiring the issuance of semi-automatic weapons within one year of the effective date of the ordinance.

13355 (9/28/95), adds Article 130.065, Out-Sourcing, by requiring Council approval by resolution all contracts for service which is currently being performed by City workers that would result in a lay-off.

13423 (10/24/96), amends the Administrative Code to comply with the Charter.

- 13591 (8/17/97), amends the section on Contracts by establishing a policy prohibiting the purchase, lease or rent of goods produced under sweatshop conditions.

13592 (8/17/97), deletes a section on supplemental appropriations in conflict with the Charter, organizes the Code, deletes redundant sections on the audit and creates a $2,500 threshold for transfers.

13596 (8/21/97), amends the Administrative Code to comply with two questions passed on the Charter - changing the bidding threshold to $20,000 and allowing for emergency purchases.

13650 (3/5/98), amends the Administrative Code to comply with the local preference legislation placed on the ballot in November of 1997 -- this basically allows a 5% preference for local businesses provided that the differences do not exceed $2,500.

13655 (3/18/98), amends the Administrative Code, 130.17, Out-Sourcing, to require Council approval of all contracts for service for work currently being performed by City Workers.

13741 (3/3/99), amends the Administrative Code, 121.05, City Registered Vehicles, and Administrative Regulation 6-3-02, City Vehicle and Equipment Operation by, allowing elected officials to operate City-owned or leased vehicles (passed over Mayor's veto, Resolution 27478).