

**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 §3ll 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.)

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)
