

CHARTER REFERENCES

SECTION 503. Heads of departments, offices and agencies.

- 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 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.
- 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 14 days, notify, in writing, City Council of the removal and the reason for it.

SECTION 504. 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.

SECTION 505. Prohibitions.

- A. 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.
- B. 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 willfully 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.
- C. 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.

ARTICLE VI Personnel System

SECTION 601. Job discrimination.

No individual shall be discriminated against with respect to any position or office because of age, gender, race, creed, handicap, color, religion, ancestry, veteran's status, national origin, sexual orientation, political opinions or affiliations or lawful activity in any employee organization.

SECTION 602. Personnel system.

Each elected official, officer and employee of the City shall be a member of either the career or exempt service.

- A. The exempt service shall consist of:
 - (1) All elected officials;
 - (2) The City Solicitor;
 - (3) The heads of departments, offices and agencies immediately under the direction and supervision of the Mayor;
 - (4) The City Clerk;
 - (5) The members of authorities, boards and commissions;
 - (6) Temporary, part-time or seasonal employees;
- B. All other officers and employees shall be members of the career service.
- C. Merit personnel system. There shall be a merit personnel system, the purpose of which shall be to require that all personnel decisions be made solely on the basis of merit and qualifications, applicable to all employees. Any appointment, promotion, transfer, demotion, suspension, dismissal or disciplinary action shall be carried out in accordance with the merit personnel system.

SECTION 603. Personnel code.

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

- A. Classification of all City positions based on the duties, authority and responsibility of each position with adequate provisions for reclassification of any position when needed;
- B. Well-defined job descriptions for all City positions;
- C. Well-defined provisions for salary, fringe benefits, such as sick and vacation leave, holidays, overtime and salary administration, including a uniform pay plan for all City positions;
- D. Procedures concerning the substance, procedure and enforcement of a merit personnel system, including fair and objective annual employee evaluations;
- E. Procedures for the recruitment, selection, training and development of personnel, based solely on merit and qualifications;
- F. Procedures for advancement based on merit and qualifications with emphasis on promotion from within the career service;
- G. Procedures concerning the discipline and discharge of personnel, including reduction in force;
- H. Procedures providing for in-house training programs for personnel;
- I. Procedures for those holding provisional appointments;

- J. Procedures establishing grievance procedures, with final hearings on such grievance to be held by the Mayor;
- K. Procedures governing relationship with employee organizations; and
- L. Any other procedures necessary for the administration of personnel.

SECTION 604. Collective bargaining agreements.

No personnel procedures or policies established under the provisions of this Charter shall conflict with acts of the General Assembly providing for collective bargaining and labor agreement administration. Nothing in this Charter or any ordinances passed by City Council shall interfere with any lawful collective bargaining agreement entered into between the City and representatives of its employees.

SECTION 605. 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.

SECTION 606. Compensation of heads of departments, offices and agencies, and City Solicitor. [Amended 11-5-2002; 5-18-2021 (1-6-2021 by Ord. No. 15666)]

The compensation of all heads of departments, offices and agencies, and the City Solicitor, under the direction of the Mayor, shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code.

Residency requirement. All such heads of departments, offices, and agencies need not be residents of the City at the time of appointment, but shall legally reside within five miles of the City's borders within 12 months of being appointed. The appointment will terminate automatically 12 months after the appointment if the residency requirement has not been met. This provision shall apply to appointments under the requirements of the Charter.

SECTION 607. Political activity.

All employees are prohibited from engaging in any form of political activity during regular work hours and are prohibited from using city facilities or property for any political activity. Violation of this section will warrant discharge or other discipline under the provisions of the Personnel Code.

CODE REFERENCES

§ 5-1. Departments. [Amended 1-20-1982 by Ord. No. 12947; 12-21-1983 by Ord. No. 12583; 9-5-1984 by Ord. No. 12620; 9-21-1988 by Ord. No. 12868]

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

- A. Finance.
- B. Human Resources.
- C. Community and Economic Development.
- D. Fire.
- E. Police
- F. Public Works.
- G. Parks and Recreation. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 5-2. Heads of departments; duties.¹

- A. 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; [Amended 1-20-1970 by Ord. No. 11787]
 - (6) Report at least semiannually, 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. [Amended 9-5-1984 by Ord. No. 12620; 11-7-1990 by Ord. No. 13013]

1. Editor's Note: For related Charter provisions, see Charter §§ 503 through 505.

B. Temporary absence of head of department. **[Amended 8-21-2019 by Ord. No. 15555]**

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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 subsection.

C. Interim status of 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 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 Charter § 503. **[Amended 11-7-2006 by Ord. No. 14432]**

ARTICLE XI
Department of Human Resources¹
[Adopted as Article 138 of the 1962 Codified Ordinances]

§ 5-47. Reporting requirements for salary adjustments. [Added 10-2-2024 by Ord. No. 16066]

The Department of Human Resources shall submit a monthly report to City Council and the Controller detailing any adjustment to salaries to any City employee. The report shall be inclusive of temporary assignments and out of class pay. The report shall include the positions, expenditures and transfers required, an explanation for the expenditure and any other information requested by Council or the Controller. The report shall be reviewed at committee and be distributed at a regularly scheduled Council meeting.