

## **IC 36-4-11**

### Chapter 11. City Deputies and Employees

#### **IC 36-4-11-1**

##### **Application of chapter**

Sec. 1. This chapter applies to second and third class cities.  
*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.52.*

#### **IC 36-4-11-2**

##### **Appointments by city executive; exceptions; suspension or removal; appointees serving remainder of unexpired term**

Sec. 2. (a) The city executive shall make the appointments prescribed by law. If an emergency requires additional employees for a city office, board, commission, department, institution, or utility, the executive may also appoint those employees.

(b) This subsection does not apply to appointments made under IC 20. An executive may not make an appointment between midnight December 31 and noon January 1 of the last year of the executive's final term of office.

(c) This subsection does not apply to appointments made under IC 20. The executive may remove from office a board or commission member appointed by a prior executive if the appointment was made on or after the date of the general election and:

(1) the prior executive was a candidate for nomination as a party's candidate for election to the office of executive at the primary election held during the last year of the prior executive's term of office and the prior executive was not nominated at that election; or

(2) the prior executive was a candidate for another term of office as executive at the general election held during the last year of the prior executive's term of office and the prior executive was not elected to another term of office at that election;

and if the executive notifies the appointee of the removal and sends a written statement of the reasons for the removal to the city legislative body.

(d) The executive may suspend or remove from office any officers, deputies, or other employees of the city appointed by the executive or a prior executive, by notifying them to that effect and sending a written statement of the reasons for the suspension or removal to the city legislative body.

(e) A person appointed by the executive to fill a vacancy caused by a removal under subsection (c) serves the remainder of the unexpired term of the appointee removed from office under subsection (c).

(f) Notwithstanding any other law, if the term of a member of a board who was appointed by the executive expires and the executive does not make an appointment to fill the vacancy, the member may continue to serve on the board for only sixty (60) days after the

expiration date of the member's term.  
*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.185-1988, SEC.3; P.L.68-1996, SEC.7.*

### **IC 36-4-11-3**

#### **Departments; appointment of deputies and other employees; dismissal**

Sec. 3. A department may appoint deputies and other employees at its pleasure, unless a statute provides otherwise. A department may dismiss deputies and other employees, but if thirty (30) days have passed since the department head was appointed, he must file with the city clerk a written statement of the reasons for dismissing any employee other than:

- (1) a deputy; or
- (2) a foreman, inspector, or laborer temporarily employed by the department of public works.

*As added by Acts 1980, P.L.212, SEC.3.*

### **IC 36-4-11-4**

#### **City clerk; appointment of deputies and employees**

Sec. 4. The city clerk may appoint the number of deputies and employees authorized by the city legislative body. The clerk's deputies and employees serve at his pleasure.

*As added by Acts 1980, P.L.212, SEC.3.*

### **IC 36-4-11-5**

#### **Second class cities; city fiscal officer; appointment of deputy**

Sec. 5. (a) This section applies only to second class cities.

(b) The city legislative body may, by ordinance, authorize the city fiscal officer to appoint a deputy. The fiscal officer is responsible for the official acts of his deputy.

*As added by Acts 1980, P.L.212, SEC.3.*