

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 28 City Council Special Meeting, Thursday, August 7, 2014, 4:30 o'clock P.M.

PRESIDING

**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

CALL TO ORDER

**PRESENT: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,
COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON,
COUNCILWOMAN MATOS, COUNCILMAN NARDUCCI,
COUNCILMAN PRINCIPE, COUNCILMAN SALVATORE,
COUNCILMAN YURDIN, COUNCILMAN ZURIER – 12.**

**ABSENT: COUNCILMAN HASSETT, COUNCILMAN JENNINGS,
COUNCILMAN SANCHEZ – 3.**

**ALSO PRESENT: LORI L. HAGEN, SECOND DEPUTY CITY CLERK, SHERI A.
PETRONIO, ASSISTANT CLERK AND JEFFREY M. PADWA, CITY SOLICITOR**

IN CITY COUNCIL

SEP 18 2014

APPROVED:

Paul L. Hagen CLERK
ACTING

INVOCATION

The Invocation is given by **COUNCILMAN NICHOLAS J. NARDUCCI, JR.**

"Tonight I would like dedicate the invocation to our City Sergeant David Tassoni and at this time I would just like everybody to know that his wife was diagnosed this week with lung cancer. So, we need to keep her and him in our prayers and wish them the best. Amen."

PLEDGE OF ALLEGIANCE

COUNCILMAN JOHN J. IGLIOZZI Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT MICHAEL SOLOMON

Request filed with the Second Deputy City Clerk August 5, 2014, Requesting a Special Meeting of the City Council to be Called on the 7th day of August, 2014 at 4:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Communication.

RESULT:	RECEIVED
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WARRANT FOR SPECIAL MEETING

Warrant of the Second Deputy City Clerk to David Tassoni, City Sergeant, with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 7th day of August, 2014 at 4:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Warrant.

RESULT: RECEIVED

ORDINANCES SECOND READING

An Ordinance Adopting the Community Development Block Grant Budget for Program Year 2014-2015 and Authorizing the Department of Planning and Development to Submit the CDBG, HOME, ESG AND HOPWA Budget and Application to the U.S. Department of Housing and Urban Development.

Section 1 – The Budget for the July 1, 2014 – June 30, 2015 Program Year for CDBG, ESG, HOME and HOPWA funding is adopted as follows:

City of Providence Formula CDBG Award	\$ 5,028,707.00
Recapture	\$ 200,000.00
Increase of CDBG Line of Credit for HUD Reimbursement	\$ <u>1,922,712.37</u>
TOTAL CDBG	\$ 7,151,419.37

Administration & Operations Funds

CDBG Award	\$ 1,005,741.40
HOME Award	\$ 91,742.23
HOPWA Award	\$ 26,022.81
ESG Award	\$ 31,493.00
Housing Program Delivery Funds	\$ 80,000.00
Economic Development Delivery Funds	\$ 125,000.00
CDBG Eligible Master Lease Purchases	\$ <u>1,922,712.37</u>
TOTAL ADMINISTRATION	\$ 3,282,711.81

Scheduled 108 Repayment

Section 108 Repayment	\$ 170,000.00
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CDBG Neighborhood Investment Strategy:

Ward 1 - NIS	\$ 58,034.13
Ward 2 - NIS	\$ 58,034.13
Ward 3 - NIS	\$ 58,034.13
Ward 4 - NIS	\$ 58,034.13
Ward 5 - NIS	\$ 58,034.13
Ward 6 - NIS	\$ 58,034.13
Ward 7 - NIS	\$ 58,034.13
Ward 8 - NIS	\$ 58,034.13
Ward 9 - NIS	\$ 58,034.13
Ward 10 - NIS	\$ 58,034.13
Ward 11 - NIS	\$ 58,034.13
Ward 12 - NIS	\$ 58,034.13
Ward 13 - NIS	\$ 58,034.13
Ward 14 - NIS	\$ 58,034.13
Ward 15 - NIS	\$ 58,034.13
TOTAL NIS	\$ 870,511.95

CDBG Housing Grants:

Affordable Housing Funds	\$ 230,000.00
TOTAL HOUSING GRANTS	\$ 230,000.00

CDBG Economic Development Grants:

Lots of Hope Urban Agriculture Project	\$ 30,000.00
Olneyville Housing Corporation	\$ 15,000.00
Social Enterprise Greenhouse	\$ 57,337.62
West Elmwood Housing Development Corporation	\$ 15,000.00
TOTAL ECONOMIC DEVELOPMENT GRANTS	\$ 117,337.62

CDBG Improvement Grants:

Capital City Community Center	\$ 27,006.12
Center for Southeast Asians	\$ 125,000.00
Elmwood Little League	\$ 35,000.00
Family Service of Rhode Island	\$ 25,000.00
John Hope Settlement House	\$ 110,000.00
Mount Hope Learning Center	\$ 45,000.00
ReFocus, Inc.	\$ 83,000.00
Roger Williams Day Care	\$ 40,000.00
Southside Community Land Trust	\$ 5,000.00
The Furniture Bank of Rhode Island	\$ 30,000.00
The Genesis Center	\$ 50,000.00
West End Community Center	\$ 28,714.00
TOTAL IMPROVEMENT GRANTS	\$ 603,720.12

CDBG Public Service Grants:

Adoption Rhode Island	\$	10,000.00
Building Futures	\$	20,000.00
Center for Dynamic Learning	\$	50,000.00
Center for Mediation & Collaboration RI	\$	15,000.00
Clinica Esperanza/Hope Clinic	\$	25,000.00
College Visions	\$	20,000.00
Direct Action for Rights & Equality	\$	25,000.00
Dorcas International Institute of Rhode Island	\$	25,000.00
Educational Center for the Arts & Science	\$	10,600.00
First Works	\$	15,000.00
Health Leads	\$	18,000.00
Inspiring Minds	\$	25,000.00
Lighthouse Community Development Corporation	\$	5,000.00
Living History	\$	20,000.00
Local Initiatives Support Corporation	\$	25,000.00
Oasis International	\$	10,000.00
OpenDoors	\$	20,000.00
Partnership for Providence Parks	\$	20,000.00
Providence After School Alliance	\$	15,000.00
Providence CityArts for Youth	\$	15,000.00
Providence In-Town Churches Association	\$	10,000.00
Providence In-Town Churches Association	\$	25,000.00
ReFocus, Inc.	\$	30,000.00
Rhode Island Tax Clinic, Inc.	\$	10,000.00
Rhode Island Urban Debate League	\$	10,000.00
Riverwood Mental Health Services	\$	20,000.00
Roger Williams Day Care Center	\$	25,000.00
Skate for Joy	\$	10,000.00
Southside Community Land Trust	\$	15,000.00
The Providence Plan / YouthBuild Providence	\$	20,000.00
West Elmwood Housing Development Corporation	\$	10,000.00
Women's Center of Rhode Island	\$	5,000.00
YWCA Rhode Island	\$	10,000.00
TOTAL PUBLIC SERVICE GRANTS	\$	588,600.00

CDBG Community Center Public Service Grants:

Capital City Community Centers	\$	82,371.12
DaVinci Center for Community Progress	\$	54,311.09
Elmwood Community Center (ProCAP)	\$	46,221.41
Federal Hill House Association	\$	29,219.91
Fox Point Senior Citizens Center	\$	35,000.00
Joslin Community Development Corporation	\$	38,506.69
Mount Hope Neighborhood Association	\$	60,012.77
Nickerson Community Center	\$	19,219.87
Silver Lake Community Center	\$	58,718.13
Thomas Anton Community Center @ Hartford Park	\$	42,342.93
Washington Park Citizens' Assoc.	\$	66,200.08
West End Community Center	\$	71,500.36
TOTAL COMMUNITY CENTER PUBLIC SERVICE	\$	603,624.36

Consolidated Neighborhood Opportunity Grants:

Agency	Title	Public Service	Improvements	Total
Amos House	The ACE program is a 16 week culinary course in which students are taught a curriculum which prepares them for work in the food service industry.	\$25,000.00	\$0	\$50,000.00
	Amos House is requesting CDBG funds to provide Carpentry, basic maintenance, and basic manufacturing training to unemployed individuals.	\$25,000.00	\$0	
Crossroads Rhode Island	“Securing Stable Homes” will reduce homelessness and transform homeless services from a shelter system to a housing-solutions system.	\$125,000.00	\$0	\$125,000.00
Institute for the Study of Non-Violence	The ISPN Works Program works with victims or perpetrators of violent crime and trains them for 8 weeks and finds them recidivism reducing employment.	\$85,410.19	\$0	\$85,410.19
Mt. Hope Learning Center	Billy Taylor House is creating workforce development and enrichment opportunities for 15-21 year old youth within the Mt. Hope Neighborhood.	\$71,261.36	\$0	\$121,261.36

	MHLC and BTH are to collaborate to provide before and after school programs at King, and workforce development opportunities to youth and young adults	\$50,000.00	\$0	
Olneyville Housing Corporation	The redevelopment of the Joslin Park is a multi-year endeavor. In 2014-2015 we seek to advance the water park and playground.	\$0	\$205,000.00	\$205,000.00
Providence Community Library	Install air conditioning, modernize heating, and refurbish front windows Smith Hill Library	\$0	\$205,000.00	\$205,000.00
Stop Wasting Abandoned Property (SWAP, Inc.)	Southside Cultural Center -- Handicap Lift	\$0	\$42,500.00	\$42,500.00
TOTAL CNOG		381,671.55	\$452,500.00	\$834,171.55

The authority of this ordinance is referenced in of the Code of Ordinances for the City of Providence identified as Chapter 2003-45.

The City of Providence through its Department of Planning and Development is also authorized to submit applications for the following:

HOME Program

Voluntary Grant Reduction	\$ 233,748.71
Affordable Housing Funding	\$ 825,680.06
Administrative Funds	<u>\$ 91,742.23</u>
TOTAL HOME PROGRAM	\$ 1,151,171.00

Emergency Solutions Grant (ESG)

Amos House – Operation First Step	\$ 65,000.00
Crossroads Rhode Island – Case Management	\$ 100,000.00
Crossroads Rhode Island – Outreach to Unsheltered	\$ 71,941.00
Providence In-Town Churches Association	\$ 15,000.00
Intensive Housing Stabilization Program	\$ 136,470.00
Administrative Funds	<u>\$ 31,493.00</u>
TOTAL ESG	\$ 419,904.00

HOPWA Program

AIDS Action Committee	\$ 70,000.00
AIDS Care Ocean State	\$ 593,218.00
Justice Resource Institute	\$ 89,270.00
STARR	\$ 88,916.19
HOPWA Admin	\$ 26,022.81
TOTAL HOPWA PROGRAM	\$ 867,427.00

Section 2 – The City of Providence through its Finance Department is authorized to pay \$1,922,712.37 from the general fund to the United States Department of Housing and Urban Development as reimbursement for ineligible CDBG expenditures from previous program years.

Section 3 – This Ordinance shall take effect upon passage

Read and Passed the Second Time, on Motion of COUNCILMAN YURDIN, Seconded by COUNCILMAN NARDUCCI, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	Nicholas J. Narducci, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Iglizzo, Jackson, Matos, Narducci, Principe, Salvatore, Yurdin, Zurier – 12.
ABSENT:	Hassett, Jennings, Sanchez – 3.

The Motion for Passage the Second Time is Sustained.

COUNCIL PRESIDENT SOLOMON

An Ordinance in Amendment of Chapter 16, "Offenses and Miscellaneous Provisions, Article II, "Discrimination"

Section 1. The Code of Ordinances of the City of Providence, Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," is hereby amended as follows:

Sec. 16-51. - Findings of the council.

The practice or policy of discrimination against individuals because of race, color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age or country of ancestral origin, is a matter of grave public concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of our people and undermines the foundations of a free democratic state. The denial of equal opportunities because of such discrimination deprives large segments of the population of the City of Providence of the ability to maintain decent standards of living and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

Sec. 16-52. - Public policy.

It is hereby declared to be the public policy of the City of Providence to foster the equal opportunities of all individuals in the city in accordance with their fullest capacities and abilities, regardless of their race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age or country of ancestral origin, and to safeguard their right to be free from such discrimination in housing, education, employment, credit and public accommodation.

Sec. 16-53. - Exercise of police power.

This article shall be deemed an exercise of the police power of the said city for the protection of public welfare, prosperity, health and peace of its people.

Sec. 16-54. - Definition of term.

- (a) *Bona fide qualifications* refers to a valid consideration of race and color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin which has been certified as such by the commission or by the Rhode Island Commission on Human Rights.
- (b) *Charge* is that which is brought by a complainant alleging an unlawful practice or that which is filed by the commission following an investigation.
- (c) *Commission* means the Providence Human Relations Commission, its agents and employees.
- (d) *Complaint* is that which is issued by the commission on its own behalf or in the behalf of the complainant and subsequent to a probable cause determination.
- (e) *Discrimination* includes any policy or practice which by design or effect segregate, separates or has a disproportionate impact according to race or color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin or because of the race or color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin of any person with whom they are or may wish to be associated, and which is not required by business necessity.
- (f) *Employment agency* includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.
- (g) *Employee* does not include any person employed by his or her parents, spouse or child.
- (h) *Employer* includes the city and all its departments and authorities, and all persons employing seven (7) or more individuals within the City of Providence, or any person acting as the agent of an employer either directly or indirectly. The term does not apply to a religious corporation, religious association, religious educational institution, or religious society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its religious activities.
- (i) *Educational facilities* means any public or private institution of learning.
- (j) *Gender identity or expression* means a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

- (k) *Housing accommodation* includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home, residence, or commercial business of one (1) or more persons, but excludes any dwelling unit which, under the provisions of state fair housing laws, are exempt by virtue of their location in an owner-occupied building.
- (l) *Labor organization* includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.
- (m) *Public accommodation* refers to any public resort, accommodation, assemblage, amusement, business, or establishment that provides a service or function, personal, or otherwise licensed, or unlicensed, including but not limited to inns, taverns, bars, roadhouses, hotels, motels, trailer parks, camp sites, restaurants, diners, or any place where food or beverage is sold, retail stores and establishments, dispensaries, clinics, hospitals, rest homes, nursing homes, rest rooms, bathhouses, barber shops, beauty parlors, trade schools or vocational establishments, theaters, motion picture houses, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, athletic or recreational facilities, seashore accommodations, public libraries, garages, all public conveyances operated on land, water, in the air or underground, as well as the stations and terminals thereof, public halls and rooms and public stairs and elevators of buildings or other public accommodations, public housing projects, clubs, societies, fraternities, sororities, associations, or other organizations that are public or quasi-public, banks, finance companies, insurance companies, building and construction companies, other businesses; traffic and other courts, and licensing and regulating bodies and all public policies, programs, and activities. Nothing herein contained shall be construed to include, or apply to, any place of accommodation which is by its nature distinctly private; provided, that where public use is permitted, that use shall be covered by this article.
- (n) *Disability* means any condition or characteristic whether physical or mental which renders a person disabled as defined by 42 USC 1202(2), commonly referred to as the "Americans With Disabilities Act of 1990", as amended.
- (o) *Sexual discrimination* shall be deemed to include situations where an individual, acting independently, is discriminated against because of gender.
- (p) *Discounts*. Any reduction of the normal charge for products or services. Includes those offered on a free basis.

Sec. 16-55. - Unlawful housing practices.

It shall be an unlawful housing practice:

- (a) For any owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those:
1. To discriminate or directly or indirectly make or cause to be made any written or oral inquiry concerning race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any prospective purchaser, occupant, or tenant of such housing accommodation;

2. To discriminate or directly or indirectly to refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual, such housing accommodation because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such individual;
 3. To discriminate or directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice or advertisement relating to the sale, rental, lease or let of such housing accommodation which indicates any preference, denial, limitation, specification, qualification, or discrimination, based upon race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age or country of ancestral origin;
 4. To directly or indirectly discriminate against any person because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin in the terms, conditions, or privileges of the sale, rental, lease, or let of any such housing accommodation or in the furnishing of facilities or services in connection therewith;
- (b) For any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured;
1. To discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly discriminate in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such applicant, or of the existing or prospective occupants or tenants thereof;
 2. To discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of an appraiser's, whether independent or not, evaluation of the property or neighborhood under consideration, when such evaluation is based on discriminatory criteria;
- (c) For any person, agent, firm, corporation or association, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by:
1. Implicit or explicit representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 2. Implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities;

3. Implicit or explicit false representations regarding the availability of suitable housing within a particular neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale, rent, lease, or let within a requested price range, regardless of location, so as to promote the continuance or maintenance of segregated housing or so to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood.
- (d) Except where based on a valid affirmative action program or record keeping or reporting requirements:
1. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential to directly or indirectly make or keep a record of any applicant's, prospective tenant's, or tenant's race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 2. To use any form of housing or loan application which contain questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 3. Establish, announce, or follow a pattern, practice, or policy of denying, excluding or limiting by any means whatsoever housing accommodations to any group because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, country of ancestral origin of such group;
- (e) For any person to discriminate in any manner against any individual, or deny that individual because he or she has opposed any practice forbidden by this article, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this article;
- (f) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be unlawful housing practice, or to obstruct or prevent any person from complying with the provisions of this article or any regulations or issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice;
- (g) Nothing contained in this section shall be construed to prevent the operation or establishment of housing facilities designed for the exclusive use of the aged or elderly and/or disabled, nor to prohibit the establishment of programs assigned to meet the needs of circumstances of handicapped disabled persons.

Sec. 16-56. - Unlawful education practices.

It shall be an unlawful education practice:

- (a) For any school, educational institution or facility:
1. To discriminate or to directly or indirectly fail or refuse to admit or grant entrance, or provide, furnish, or make available, equal educational services, materials, or opportunities to any person because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;

2. To discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcast, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice or advertisement relating to education indicating any preference, denial, limitation, specification, qualification, practice, or discrimination based on race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 3. To establish, announce, or follow, a pattern, practice, or policy of denying, excluding or limiting educational services, materials, or opportunities to any group because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such group;
- (b) For any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this article or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this article;
- (c) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful education practice, or to obstruct or prevent any person from complying with the provision of this article, or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful education practice.

Sec. 16-57. - Unlawful employment practices.

- (a) Findings and intent. It is the intent of the City of Providence to combat pregnancy discrimination by requiring employers to provide reasonable accommodations to pregnant women and those with conditions related to pregnancy and childbirth. Such a reasonable accommodation may include more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, break time and private non-bathroom space for expressing breast milk, assistance with manual labor, or modified work schedules, among other things. It is not the intent of the City of Providence to require such accommodations if this provision would cause an undue hardship in the conduct of an employer's business.
- (b) For the purposes of this section:
1. The term "reasonably accommodate" shall mean providing reasonable accommodations, including, but not limited to: more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, break time and private non-bathroom space for expressing breast milk, assistance with manual labor, or modified work schedules, provided that:

- i. no employer shall be required by this subsection to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation, such as those who are injured on-the-job or those with disabilities and;
 - ii. the employer shall not be required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need it, such as those who are injured on-the-job or those with disabilities.
 - iii. Nothing in this chapter shall be construed to require an individual with a need related to pregnancy, childbirth, or a related medical condition to accept an accommodation which such individual chooses not to accept.
 2. The term “related conditions” includes, but is not limited to, lactation or the need to express breast milk for a nursing child.
 3. The term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of the factors set forth in Sec. 16-57 (b) (1).
 - i. The employer shall have the burden of proving undue hardship. In making a determination of undue hardship, the factors that may be considered include but shall not be limited to:
 1. the nature and cost of the accommodation;
 2. the overall financial resources of the employer; the overall size of the business of the employer with respect to the number of employees, and the number, type, and location of its facilities; and
 3. the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.
 - ii. The fact that the employer provides or would be required to provide a similar accommodation to other classes of employees who need it, such as those who are injured on-the-job or those with disabilities, shall create a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.
 4. The term “employer” includes any contractor hired by the City of Providence.
- (c) It shall be an unlawful employment practice:

1. For any employer:

- a. To fail or refuse to hire any applicant for employment or otherwise discriminate because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin; or
- b. Because of such reasons, to discharge an employee or discriminate against him or her with respect to hire, tenure, compensation, promotion, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to employment; or
- c. In the recruiting of individuals for employment or in hiring them, to utilize any employment agency, placement service, training school or center, labor organization, or any other employee referring source which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
- d. To treat disabilities caused or contributed to by pregnancy, miscarriage, childbirth or recovery therefrom, differently than other temporary disabilities under any health or temporary disability insurance, or sick leave plan available in connection with employment. Pay, tenure, benefits, seniority, and re-instatement shall be afforded in the same manner for medically necessary pregnancy-related absences as they are for other medically necessary absences.
- e. To refuse to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition, including, but not limited to, the need to express breast milk for a nursing child, if she so requests; unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.
- f. To require an employee to take leave if another reasonable accommodation can be provided to an employee's condition related to the pregnancy, childbirth, or a related medical condition.
- g. To deny employment opportunities to an employee or prospective employee, if such denial is based on the refusal of the employer to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition.

2. For any employment agency:
 - a. To discriminate or to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, handicap, disability, age, or country of ancestral origin; or
 - b. For any employment agency, placement service, training school or center, labor organization, or any other employee referring source to discriminate or to comply with an employer's request for the referral of job applicants if such request indicates either directly or indirectly that such employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
3. For any labor organization:
 - a. To discriminate against or deny full and equal membership rights to any applicant for membership because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin; or
 - b. Because of such reasons, to deny a member full and equal membership rights, expel him or her from membership, or otherwise discriminate in any manner with respect to hire, tenure compensation, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of such labor organization, or by a collective labor agreement or other contract; or
 - c. To fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - d. To treat disabilities caused or contributed to by pregnancy, miscarriage, childbirth or recovery therefrom differently than any other temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment. Pay, tenure, benefits, seniority, and re-instatement shall be afforded in the same manner for medically necessary pregnancy-related absences as they are for other medically necessary absences.
4. Except where based on a bona fide occupational qualification which has been certified by the commission, for any person, employer, employment agency, labor organization, placement service, training school or center, or any other employee referring source prior to employment or admission to membership of any individual, to:

- a. To discriminate or elicit or attempt to elicit any information directly or indirectly pertaining to the individual's race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - b. Except where based on a valid affirmative action program or record keeping or reporting requirements to make or keep a record of the individual's race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - c. Use any form of application or membership blank which contains questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - d. Conduct any interview in person or otherwise where information is elicited pertaining to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - e. To discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted or mailed any written, printed, painted or oral communication, notice, or advertisement relating to employment or membership indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - f. Establish, announce, or follow a pattern, practice, or policy of denying, under-utilizing or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such group;
5. For any person, employer, employment agency, labor organization, placement service, training school or center, or any other employee referring source to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this article, or because he or she has made a charge, testified, or assisted in any manner in an investigation, proceeding, or hearing under this article;
 6. For any person, whether or not an employer, employment agency, labor organization, placement, service training school or center, or employee, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful employment practice, or to obstruct or prevent any person from complying with the provisions of this article or any regulation or order issued hereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

- (d) Notice of rights. An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions pursuant to Sec. 16-57 (a) (b) and (c) to new employees at the commencement of employment, and to existing employees within one hundred twenty days after the effective date of the ordinance amending Sec. 16-57. Such notice may also be conspicuously posted at an employer's place of business in an area accessible to employees.
- (e) Section 16-57 (a) (b) and (c) shall not be construed to affect any other provision of law relating to sex discrimination or pregnancy, or to preempt, limit, diminish or otherwise affect any other law that provides greater protection or specific benefits with respect to pregnancy, childbirth or medical conditions related to childbirth.

Sec. 16-58. - Unlawful credit practices.

It shall be unlawful credit or loan practice:

- (a) Any financial organization governed by the provisions of Title 19 of the General Laws, entitled "Financial Institutions", or any other credit granting, reporting, appraising, or approving institution, agency, business or association:
 - 1. To discriminate in the granting, reporting, approval, or extension of any form of loan or credit, or of the privileges or capacity to obtain any form of loan or credit, on the basis of the applicant's race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - 2. To directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted oral communication, notice, or advertising relating to loans or the extension of credit indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - 3. To discriminate or to use any form of loan or credit application which contains questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - 4. To establish, announce or follow a pattern, practice, or policy of denying, excluding, or limiting the extension of loans or credit to any group because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such group;
- (b) For any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this article, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding or hearing under this article;

- (c) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful credit or loan practice, or to obstruct or prevent any person from complying with the provisions of this article, or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful credit or loan practice.

Sec. 16-59. - Unlawful public accommodation practice.

It shall be an unlawful public accommodation practice:

- (a) For any person, owner, lessee, proprietor, manager, director, superintendent, agent, employee, committee, officer, or board of any place of public accommodation;
1. To discriminate or to directly or indirectly refuse, withhold from or deny to any person on account of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin any of the accommodations, advantages, facilities, or privileges thereof;
 2. To discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice, or advertisement relating to public accommodations indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 3. To discriminate or to directly or indirectly elicit or attempt to elicit any information regarding an individual's race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin; or, to use, any form of application which contains questions or entries directly or indirectly pertaining to such information;
 4. To establish, announce, or follow a pattern, practice, or policy of denying, excluding, or limiting services or membership to any group because the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of such group;
- (b) For any person to discriminate in any manner against any individual, or deny that individual because he or she has opposed any practice forbidden by this article or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this article;
- (c) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be unlawful accommodation practices, or to obstruct or prevent any person from complying with the provisions of this article or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful public accommodation practice.

Sec. 16-60. - Exercise of privilege; exemption.

- (a) Nothing in this article contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person to establish standards and preferences and set terms, conditions, limitations, or specifications in any manner herein discussed which are not based on the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age; or country of ancestral origin of the individual or the race or color, sex,

sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any person with whom the individual is or may wish to be associated; nor shall this article be construed to apply to any religious organization nor to render any otherwise unlawful conduct lawful, nor to create or to grant classification, status, or class protections to any person or persons not otherwise granted such classification, status or class protections.

- (b) Notwithstanding anything herein contained the following practices shall not be violations of this article:
1. For a religious organization or institution to restrict any of its facilities of housing or accommodation which are operated as a direct part of religious activities to persons of the denomination involved, or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination.
 2. For the owner of a housing facility devoted entirely to the housing of individuals of one sex, to restrict occupancy and use on the basis of sex.
 3. To refuse employment to any person under eighteen (18) years of age, or refuse admission to or provision of the services of a public accommodation or financial institution to persons under eighteen (18) years of age, or any other age established by law.
 4. To provide discounts on products or services to minors and the aged, elderly and/or disabled.
 5. To restrict use of lavatories and locker room facilities on the basis of sex.
 6. For a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination, or to give preference to such selection so as to promote the religious principle for which it was established.
 7. For a public or private preschool, elementary school or secondary school (except where such schools are vocational) to discriminate on the basis of sex in relation to admissions only.

Sec. 16-61. - Time limit for filing charges.

Any charge under this article must be filed within one hundred eighty (180) days after the alleged act of discrimination.

Sec. 16-62. - Commission established.

There is hereby established a Providence Human Relations Commission, which shall consist of thirteen (13) members appointed by the mayor, with the approval of the city council, to serve without compensation, except for reasonable expenses incurred on commission business. Those incumbent members of the human relations commission on the effective date of this article [January 22, 1979] shall continue to serve throughout the terms to which they have previously been appointed. Thereafter, all appointments to the commission shall be for a term of three (3) years. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member has been appointed.

Sec. 16-63. - Function and duties of commission.

- (a) The commission shall act in a policy and advisory capacity, and its functions and duties shall be to further amicable relations among various segments of the population which together comprise the City of Providence; to help make it possible for each citizen, regardless of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin, to develop talents and abilities without limitation, to aid in permitting the community to benefit from the fullest realization of its human resources, and to preserve and further the good name of Providence and its people for tolerance and fair play, and promote better relations among all people.
- (b) In order to accomplish the objectives herein set out, the commission shall advise the mayor, city council and other offices of the city on problems affecting human and inter-group relations; make studies, surveys and investigations to provide accurate information and data for orderly and constructive community development, and to recommend such measures as are deemed necessary to carry out the objectives for which the commission has been created; consult with, obtain cooperation and coordinated effort on the part of all agencies, both public and private, which function in the field of human relations, including schools, law enforcement agencies, welfare, youth, and other similar organizations; utilize the resources of individuals and groups toward the improvement of inter group relations, to combat those misconceptions and prejudices which set group against group, and to eliminate discriminatory practices and policies.

Sec. 16-64. - Powers of commission.

The commission is hereby empowered:

- (a) To provide for execution within its jurisdiction of the policies embodied in this article;
- (b) To safeguard all individuals within its jurisdiction from discrimination because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
- (c) To receive, initiate, investigate, hear and determine charges of violations of the provisions of this article forbidding discrimination;
- (d) Compel the attendance of witnesses and the production of evidence relevant to the matter in question for investigatory and determinative purposes by subpoena issued by the city council upon request in writing by said commission, and obtain enforcement of said subpoena in superior court;
- (e) Issue remedial orders after notice and hearing, requiring cessation of violations;
- (f) Employ an executive director, hearing examiners, clerks, agents and employees;
- (g) Accept grants, gifts or bequests, public or private, to help finance its activities;
- (h) Enter into deferral [referral] or other cooperative working agreements with the United States Equal Employment Opportunity Commission created by Title VII of the Federal Civil Rights Act of 1964 and with the Rhode Island Commission on Human Rights, and with any federal or state agency in order to achieve the purposes of this article;
- (i) To enact by majority vote of its members such rules and regulations as it may deem necessary and in the public interest to carry out the terms and conditions set out in this article. Such rules and regulations shall be signed by the chairperson of the commission and attested to by the executive director, and a copy shall be filed with the city clerk;

- (j) To elect a chairperson and other officers, and establish committees and advisory councils as it shall deem appropriate for the purposes of this article;
- (k) To render each year to the mayor and city council a full written report of all its activities and of its recommendations.

Sec. 16-65. - Certification of bona fide qualification.

Upon the filing of a petition by any interested person, the commission may determine whether a bona fide qualification should be certified for any position, housing, or public accommodation, credit or loan eligibility or education practice based on race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin.

Sec. 16-66. - Power to prevent unlawful practices; preference for informal methods.

The commission is empowered and directed, as hereinafter provided, to prevent any person from engaging in unlawful practices; provided, that before instituting a formal hearing, it shall attempt by informal methods of conference, persuasion, and conciliation, to induce voluntary compliance with this article.

Sec. 16-67. - Extraordinary relief.

The commission may, after preliminary investigation and upon determination that it is probable that an unlawful practice has been or is being engaged in, file a complaint in the superior court in Providence County seeking injunctive relief, including a temporary restraining order, against such respondent. No preliminary injunction shall be effective for more than thirty (30) days; provided, that if the respondent has sought judicial review of an order of the commission issued pursuant to this article, or if the commission has sought a decree of the court for the enforcement of such order, the preliminary injunction shall remain in full force and effect until such time as judicial review, or the commission's petition, or the decree of enforcement is finally heard and determined. The application by the commission for injunctive relief shall not prevent the commission from continuing to prosecute the proceeding before it, out of which the application arises.

Sec. 16-68. - Conciliation of charges of unlawful practices.

Upon the commission's own initiative, or whenever an aggrieved individual or an organization or group whose purposes include the combating of discrimination or racism, or of safeguarding civil liberties, or of promoting full, free, or equal opportunities, such individual, group, or organization being hereafter referred to as the complainant, makes a charge to the commission that any person, hereinafter referred to as the respondent, has engaged or is engaging in unlawful practices, the commission may initiate a preliminary investigation, and if it shall determine after such investigation that it is probable that unlawful practices have been or are being engaged in, it shall endeavor to eliminate such unlawful practices by informal methods of conference, conciliation, and persuasion, including a conciliation agreement. The terms of such conciliation agreement shall include provisions requiring the respondent to refrain from unlawful discriminatory practices in the future, and may contain such further provisions as may be included in an award under section 16-76 or as may be agreed upon by the commission and the respondent, including a provision for the entry in superior court of a consent decree embodying the terms of the conciliation agreement.

Sec. 16-69. - Complaint and notice of hearing.

If the commission fails to effect the elimination of such unlawful practices and to obtain voluntary compliance with this article, or, if the circumstances warrant, in advance of any such preliminary investigation or endeavors, the commission shall have the power to issue and cause to be served upon any person or respondent a complaint stating the charge in that respect. The commission shall then serve upon the respondent a notice of hearing before the commission, a member thereof, or a hearing examiner at a place therein fixed, to be held not less than ten (10) days after the service of such notice.

Sec. 16-70. - Amendment of complaint and answer; participation by commissioner assigned to preliminary determination.

The commission, a member thereof, or hearing examiner conducting the hearing shall have the power reasonably and fairly to amend any written complaint at any time prior to the issuance of an order based thereon. The respondent shall have like power to amend its answer to the original or amended complaint at any time prior to the issuance of such order. The commissioner assigned to the preliminary determination of any charge before the commission shall take no part in the final hearing, except as a witness upon competent matters, and will have no part in the determination or decision of the case after hearing.

Sec. 16-71. - Answer to complaint; respondent's right at hearing.

The respondent shall have the right to file an answer to such complaint, and shall appear at such hearing in person, or otherwise, with or without counsel, to present evidence to examine and cross-examine witnesses.

Sec. 16-72. - Rules of evidence.

In any such proceeding the commission, its members, or its agent, shall not be bound by the rules of evidence prevailing in the courts of law or equity.

Sec. 16-73. - Evidence of patterns of discrimination.

The commission may, in ascertaining the practices followed by the respondent, take into account all evidence, statistical or otherwise, which may tend to prove the existence of a pattern of discrimination; provided, that nothing in this section contained shall be construed to authorize or require any person to act in accordance with any criterion other than the individual qualifications of the applicant.

Sec. 16-74. - Testimony at hearing.

The testimony taken at the hearing shall be under oath and shall be reduced to writing and filed with the commission. Thereafter, in its discretion, the commission upon notice may take further testimony or hear argument.

Sec. 16-75. - Order dismissing charge or complaint.

- (a) If a preliminary investigating commissioner shall find that no probable cause exists for crediting the charge, a notice shall be served upon the complainant dismissing the charge as to such respondent. The complainant may present additional evidence to that commissioner for reconsideration of the ruling, or may request a review by the commission of the preliminary finding. A quorum of the commission may overrule the preliminary investigating commissioner or may affirm the earlier decision and issue an order dismissing the charge. Judicial review of the commission's final order may be obtained in accordance with this article.
- (b) If upon all the evidence at hearing, the commission shall find that the respondent has not engaged in unlawful practices, the commission shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. The complainant may present additional evidence to the commission for reconsideration of its order. Judicial review of the commission's final order may be obtained.

Sec. 16-76. - Order and compliance.

- (a) If upon all the testimony taken, the commission shall determine that the respondent has engaged in or is engaging in unlawful practices, the commission shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such unlawful practices, and to take such further affirmative and other action as will effectuate the purposes of this article, including compliance reports; provided only, that any such order establishing remedial ratios shall be limited in time and scope to that which is required to eliminate or correct the effects of practices forbidden by this article, and that in no case shall the commission require the employment of a person or persons not otherwise qualified. The commission in its discretion may award the complainant for:
 - 1. All damages sustained as a result of the unlawful act, including damages sustained through pain, humiliation and mental suffering;
 - 2. Payment of cost, including all reasonable attorney fees incurred at any time as a result of the unlawful act; and
 - 3. Punitive damages.
- (b) Upon submission of reports of compliance, the commission, if satisfied therewith, may issue a finding that the respondent has ceased to engage in unlawful practices.

Sec. 16-77. - Modification of findings of orders.

Until a transcript of the record in a case shall be filed in a court, as hereinafter provided, the commission may at any time, upon reasonable notice, and in such manner as it shall deem proper, modify or set aside, in whole or in part, any of its findings or order.

Sec. 16-78. - Right to judicial review or enforcement.

- (a) Any complainant, intervenor, or respondent claiming to be aggrieved by a final order of the commission, may obtain judicial review thereof and the commission may obtain an order of the court for its enforcement. Such proceeding shall be brought in the superior court of Providence County, or wherein any respondent required in the order to cease and desist from unfair practices or to remedy or take other affirmative action, resides or transacts business.
- (b) Such proceeding shall be initiated by the filing of a petition in such court, together with a transcript of the record upon the hearing before the commission, and the service of a copy of the said petition upon the commission and upon all parties who appeared before the commission. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the commission.
- (c) An objection that has not been under or before the commission, its members or agent, shall not be considered by the court, unless failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
- (d) If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the commission, its members or agent, the court may order such additional evidence to be taken before the commission, its members or agent, and to be made a part of the transcript.

Sec. 16-79. - Modification of commission's findings and orders on additional evidence.

The commission may modify its findings as to the facts, or make new findings by reason of additional evidence so taken and filed. The commission shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

Sec. 16-80. - Exclusive jurisdiction of court; appeal to supreme court.

The jurisdiction of the court shall be exclusive and its judgment and order shall be, when necessary, subject to review by the supreme court as provided by law, to which court appeal from such judgment and order may be made as provided by law.

Sec. 16-81. - Commission's copy of testimony; hearing on transcript.

The commission's copy of the testimony shall be available at all reasonable times to all parties without cost for examination, and for the purposes of judicial review of the order of the commission. The petition shall be heard on the transcript of the record without requirement of printing.

Sec. 16-82. - Commission's attorneys.

The commission may appear in court and be represented by the law department of the city or its own attorneys.

Sec. 16-83. - Decree for enforcement of commission's order.

If no proceeding to obtain judicial review is instituted by the complainant, intervenor or respondent within thirty (30) days from the service of an order of the commission, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

Sec. 16-84. - Posting of statutory provisions.

Every employer, employment agency and labor union subject to this article shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this article and such other relevant information which the commission deems necessary to explain this article. Any person refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

SECTION 2. This ordinance shall take effect upon passage.

COUNCIL PRESIDENT SOLOMON

An Ordinance in Amendment of Chapter 21, Article II, "Contracts, Purchases and Sales", is hereby amended to add Sections 21-28.1 (d) 6-8 - Qualifications of Parties Doing Business with the City.

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 21, "Revenue and Finance," Article II, "Contracts, Purchases and Sales," is hereby amended as follows:

Sec. 21-28.1. Qualifications of parties doing business with the city.

- (a) In awarding bids for purchase of materials or services by the City of Providence, the Board of Contract and Supply and the Purchasing Department of the City of Providence shall take into consideration, among other factors, the background and reputation for honesty and integrity of the parties who have bid on the particular materials or services.
- (b) No contract shall be awarded to any party who is not current with all taxes which have been levied against that party by the city, including, but not be limited to, property, excise and tangible taxes; provided, however, that this section shall not apply to any party who has disputed the taxes assessed pursuant to provisions of the State of Rhode Island, nor to any party who, while delinquent, has entered into an agreement with the city collector for the payment of its taxes and is current in that agreement. All bidders shall submit with each bid a certificate from the City Tax Collector certifying that there are no outstanding taxes due and owing to the City, or that any tax delinquency is subject to a properly filed tax dispute.

- (c) In order to assist the board of contract and supply and other departments of the City of Providence in considering the foregoing, the Mayor, the Finance Director of the City of Providence or the chairperson of the Finance Committee of the City Council of the City of Providence may request the Chief of the Providence Police Department to conduct a background check on any party bidding or submitting bids for sale of services or materials to the City of Providence and/or any owner, officer or director of any such party. Upon receipt of any such request, the chief of police shall conduct such an investigation including, without limitation, to determine whether any such bidding party or any officer, director or owner thereof has been convicted of any criminal offense and shall report his findings to the party requesting such information and to the board of contract and supply. The results of any such investigations shall be public records of the City of Providence.
- (d) Any construction project subject to subsection (a) that is or is budgeted to be one hundred thousand dollars (\$100,000.00) or more shall:
- (1) Contain a provision requiring all contractors and subcontractors have or be affiliated with a state registered apprenticeship program as defined in 29 C.F.R. § 29 et seq.
 - (2) Require that not less than fifteen (15) percent of the total hours worked by the contractors' and subcontractors' employees on any one (1) project are completed by apprentices registered in state registered apprenticeship programs as defined.
 - (3) Subsequent to the City's award of the contract and prior to commencement of work, the prime contractor may petition the awarding agency to adjust the apprenticeship work hours requirements in subsection (2). The awarding agency may lower the fifteen (15) percent requirement only if it determines in writing that compliance is not feasible or that it would be unduly cost prohibitive to the project.
 - (4) Contain the following enforcement provisions:
 - a. All contractors and subcontractors shall submit written reports documenting compliance with their apprenticeship obligations prior to approval and issuance of any periodic and/or final payments being made by the contracting party.
 - b. Any contracting governmental subdivision or agency or its designee shall have the power to impose sanctions on any contractor or subcontractor found not to be in compliance with its obligations under this Ordinance. Such sanctions shall include, but not be limited to:
 1. Termination of contract.
 2. Debarment from future city projects.
 3. Recovery of any benefits which accrued to the business during the period of violation.
 4. Referral for civil sanctions and/or prosecution under the False Claims Act.

- (5) Any and all bidders shall certify in writing, as a condition precedent for bidding on any City of Providence-sponsored project worth in excess of fifty-thousand dollars (\$50,000.00), that the bidder shall comply with the following: ("Bidder" shall include all construction managers, contractors, and subcontractors bidding on a construction, repair, or demolition contract).
- a. All bidders shall adhere to air quality protocols outlined in the Green During Construction initiative. These refer specifically to: (1) the implementation of dust controls - especially silica control measures - during construction; (2) the substitution of all gasoline, propane, and diesel-powered construction equipment - either stationary and mobile - with equipment designed to reduce toxic emissions, either through engine modification, the use of alternative fuels, or the implementation of electric or hybrid power systems; and (3) the prohibition of idling motors on gasoline and diesel vehicles as published by the Rhode Island Committee on Occupational Safety and Health.
 - b. All bidders who are awarded or otherwise obtain contracts with the City of Providence shall comply with all obligations set forth in paragraph a. for the entire duration of the contract. Any bidder performing work pursuant to this initiative shall be obligated to immediately notify the City of Providence regarding any material changes relating to concurrence with this initiative. Failure to notify the city of any material change shall be considered a submission of false information and the city shall have the discretion to impose any and all sanctions authorized by this section.
 - c. Any bidder who negligently or willfully fails or refuses to comply with any of the obligations set forth in paragraph a., above, for any period of time, shall be subject to sanctions at the discretion of the City of Providence, which may or may not include one (1) or more of the following: 1) cessation of work on the project until compliance is obtained; 2) withholding of payment due under any contract or subcontract until compliance is obtained; 3) permanent removal from any further work on the project; 4) debarment from eligibility to contract with the City of Providence; 5) declaration of any contract held by the bidder null and void.
 - d. Each bidder shall be responsible for, and shall ensure that any and all subcontractors to the bidder shall comply with all the requirements of the section, and each bidder shall certify the compliance of any and all subcontractors with the provisions of this section in the manner provided in paragraph b. above.

- (6) In the performance of any contract with the City of Providence or an agency or department thereof, all contractors or subcontractors shall agree as follows. The contractor or subcontractor shall not:
- a. Refuse to hire any applicant for employment or otherwise discriminate because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin; or
 - b. Because of such reasons, to discharge an employee or discriminate against him or her with respect to hire, tenure, compensation, promotion, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to employment; or
 - c. In the recruiting of individuals for employment or in hiring them, to utilize any employment agency, placement service, training school or center, labor organization, or any other employee referring source which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;
 - d. To treat disabilities caused or contributed to by pregnancy, miscarriage, childbirth or recovery therefrom, differently than other temporary disabilities under any health or temporary disability insurance, or sick leave plan available in connection with employment. Pay, tenure, benefits, seniority, and re-instatement shall be afforded in the same manner for medically necessary pregnancy-related absences as they are for other medically necessary absences.
- (7) A contractor or subcontractor shall be deemed to have breached the nondiscrimination provisions of this Chapter upon a finding by the Director of Public Property that the contractor or subcontractor has willfully violated such nondiscrimination provisions. Upon such finding by the Director of Public Property, the awarding authority shall notify the contractor or subcontractor that unless the contractor or subcontractor demonstrates to the satisfaction of the Director within a reasonable period of time that the violation has been corrected, the breach of contract shall be the basis for sanctions including but not limited to:
- a. Termination of contract.
 - b. Debarment of future city projects.
 - c. Recovery of any benefits which accrued to the business during the period of violation.
- (8) Nothing contained in this chapter shall be construed in any manner so as to prevent the City from pursuing any other remedies that may be available at law, equity or under any contract.
- (e) As part of any bid to provide services or goods of \$100,000 or greater for any City of Providence-sponsored project, the bidder (referred to below as "the Business") shall submit a "Bidder's Affidavit" which shall contain "Reportable Contributions" (as defined below) for "Business Contributors" (as defined below) covering the twelve (12) month period immediately preceding the date on which the bid is submitted ("Reporting Period"):

- (1) For the purpose of this subsection, the term “City Contribution” shall mean all campaign contributions to:
 - a. Members of the Providence City Council
 - b. Candidates for election or re-election to the Providence City Council
 - c. The Mayor of Providence
 - d. Candidates for election or re-election to the office of Mayor of Providence
- (2) For the purposes of this subsection, the term “Executive Officer” means any person who is appointed or elected as an officer of a business entity by either the incorporators, stockholders, or directors of the business entity who is in charge of a principal business unit, division, or function of the business entity, or participates or has authority to participate other than in the capacity of a director in major policymaking functions of the business entity or who is actively engaged in soliciting business from the state or conducting, other than in a ministerial capacity, business with the City; provided, that officers of the business entity who are located outside the state of Rhode Island, are not residents of the State, and do not participate in the business of the business entity within this State shall be exempted from the requirements of this chapter;
- (3) For the purpose of this subsection, the term “Business” shall mean any Business as defined by R.I.G.L. §36-14-2.
- (4) For the purpose of this subsection, the term “Business Contributors” shall be defined to include contributions made by the following:
 - a. The Business;
 - b. Any political action committee whose name includes the name of the Business;
 - c. All persons holding a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest in the Business at any time during the Reporting Period;
 - d. All Executive Officers of the Business;
 - e. Any spouse or dependent child of any individual identified in subsections (a) through (d) above.
- (5) For the purpose of this subsection, the term “Reportable Contributions” shall mean all City Contributions (as defined above) named by Business Contributors.
- (6) The Affidavit described shall identify each and all Reportable Contributions, including in the description of each contribution
 - a. the date and amount of the contribution;
 - b. the recipient of the contribution; and
 - c. the name and address of the Business Contributor and the basis on which the contributor qualifies as a Business Contributor.
- (7) The Affidavit shall include a certification by the chief executive officer of the Business’s or other individual authorized to act on the Business’s behalf that all of the information in the Affidavit is substantially true and accurate, and a material failure to comply with this requirement provides grounds for termination of the contract.
- (8) The Affidavit shall be a public record.

- (9) Prior to executing any contract with the City of Providence to provide goods or services of a value of \$100,000 or greater, and as a condition for entering into such a contract, all prospective vendors will submit a "Vendor's Affidavit" supplementing the information set forth in subsection (d) for the period between the time of the submission of the initial Certificate and the execution of the contract.

SECTION 2. This ordinance shall take effect upon passage.

COUNCILMAN YURDIN Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILMAN NARDUCCI, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	Nicholas J. Narducci, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Igliazzi, Jackson, Matos, Narducci, Principe, Salvatore, Yurdin, Zurier – 12.
ABSENT:	Hassett, Jennings, Sanchez – 3.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCE

COUNCILMAN SALVATORE

An Ordinance in Amendment of Chapter 14, "Licenses," Article XII (Massage and Body Works Services).

COUNCIL PRESIDENT SOLOMON Refers the Ordinance to the Committee on Ordinances.

RESULT:	REFERRED
TO:	Committee on Ordinances

PRESENTATION OF RESOLUTION

**COUNCILMAN YURDIN, COUNCIL PRESIDENT SOLOMON,
COUNCILWOMAN MATOS, COUNCILMAN NARDUCCI, COUNCILMAN
PRINCIPE, COUNCILMAN SALVATORE, COUNCILMAN ZURIER**

Resolution In Support of the Underground Alignment of the E-183 Line (High Power Transmission Line) at India Point Park.

WHEREAS, The Providence City Council has supported the underground alignment of the power lines at India Point Park through numerous resolutions over the last over the past ten years; and

WHEREAS, The power lines burial project has broad community support from civic organizations, businesses, and universities, as well as elected officials, all of which recognize the beneficial economic and environmental impacts the project will achieve; and

WHEREAS, According to Friends of India Point Park, more than 1,700 people have signed a petition urging officials to ensure the project moves forward; and

WHEREAS, The majority of the funding-over \$17.2 million-has been secured through federal and state agencies and ratepayers; and

WHEREAS, Further delays in initiating the project will threaten the viability of the burial of the transmission lines, as costs will continue to increase, and; and

WHEREAS, The Energy Facility Siting Board has required regular updates from National Grid on progress relating to the project.

NOW THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby reiterates its support for the burial of the E-193, known as the high-power transmission line from the Providence River at India Point Park to East Providence.

BE IT FURTHER RESOLVED, That the City Council urges the Energy Facility Siting Board and the Public Utilities Commission, along with other state agencies, to take necessary steps to ensure the project progresses, and that a timeline for beginning construction is developed as soon as possible.

BE IT FURTHER RESOLVED, That upon passage, a copy of this resolution be delivered to Energy Facility Siting Board and the Public Utilities Commission.

COUNCILMAN YURDIN Moves to Amend the Resolution by substituting the foregoing Resolution, Seconded by COUNCILMAN NARDUCCI.

COUNCILMAN YURDIN Moves Passage of the Resolution, As Amended, Seconded by COUNCILMAN NARDUCCI.

RESULT:	READ AND PASSED, AS AMENDED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	Nicholas J. Narducci, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Igliazzi, Jackson, Matos, Narducci, Principe, Salvatore, Yurdin, Zurier – 12.
ABSENT:	Hassett, Jennings, Sanchez – 3.

The Motion for Passage is Sustained.

REPORT FROM COMMITTEE

**COMMITTEE ON ORDINANCES
COUNCILMAN SETH YURDIN, Chairman**

**Transmits the Following with Recommendation the Same be Severally
Approved:**

COUNCIL PRESIDENT SOLOMON, (By Request):

An Ordinance in Amendment of Chapter 14, "Licenses," of the Code of Ordinances of the City of Providence, Article I, "In General," Section 14-17, "Prohibited Conduct.

**Read and Passed the First Time, on Motion of COUNCILMAN YURDIN, Seconded by
COUNCILMAN NARDUCCI, by the following Roll Call Vote:**

RESULT:	READ/PASSED FOR THE FIRST TIME [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	Nicholas J. Narducci, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Iglizzi, Jackson, Matos, Narducci, Principe, Salvatore, Yurdin, Zurier – 12.
ABSENT:	Hassett, Jennings, Sanchez – 3.

The Motion for Passage the First Time is Sustained.

COMMUNICATION

Communication from Jeffrey M. Padwa, City Solicitor, informing the Second Deputy City Clerk, that the Ballot Question pertaining to Municipal Wage for Non-Unionized Hotel Workers shall not appear on the ballot.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Communication.

RESULT:	RECEIVED
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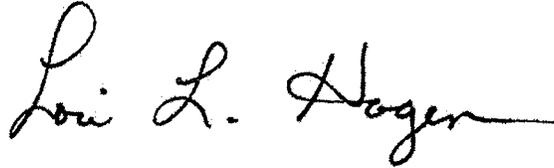
PERSONAL EXPRESSION

COUNCILMAN APONTE Requests the privilege of the floor to speak on a Point of Personal Expression and states:

"I would like to welcome to our Chambers the New England Champions Elmwood Little League Senior Girls Softball Team. Mr. President and my colleagues, these young ladies represented the City of Providence, the State of Rhode Island and became the New England Champions last week falling one game short of representing the East in the Little League World Series. They are three times State Champions. A group of young women mostly from the City of Providence, who have banded together as a team and demonstrated excellence on the softball field and I can tell you personally there is some tremendous young women off the field. So, we would like to call them up. We have some citations for them and if I could get the coach to come up and give me a hand. Coach the first citation is for you. On behalf of the members of the City Council, we want to recognize all your hard work and dedication that you've put into coaching these young ladies. I would like to call up Coach Jeff Fretias, Coach Shannon Horan, Manager Steve Arlan, Shanelle Germosen, Noelya Delacruz, Winny Duran, Funmibi Yusuff, Kelsi Gunarathne, Camellie Keith, Geicy Pena, Bianca Rosario, Latarra Harris, Khadijah Antoine and Kia Antoine. I would like to thank all the ladies for all their hard work on an off the field, for the parents and volunteers and coaches who spent so much time making sure these young ladies were triumphant both on the field on off. We wanted to take this moment to recognize you and thank you once again. Congratulations.

CONVENTION

There being no further business, on Motion of **COUNCILMAN YURDIN**, Seconded by **COUNCILMAN NARDUCCI**, it is voted to adjourn at 5:55 o'clock P.M., to meet again **TUESDAY, AUGUST 12 , 2014 at 4:30 o'clock P.M.**



LORI L. HAGEN
SECOND DEPUTY CITY CLERK

This meeting was recorded and the video may be viewed on demand via the internet. Please visit the City Clerk web site or contact us directly for details.