

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1985 - 1

No. 1 **AN ORDINANCE** REPEALING CHAPTER 1984-39
APPROVED JUNE 18, 1984, ENTITLED, "AN ORDINANCE
IN AMENDMENT OF AND IN ADDITION TO ARTICLE 1 OF
CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY
OF PROVIDENCE ENTITLED "OFFICERS AND EMPLOYEES",
AS AMENDED."

Approved January 4, 1985

Be it ordained by the City of Providence:

SECTION 1. Chapter 1984-39 of the Code of Ordinances
of the City of Providence, as approved June 18, 1984, amending
Chapter 17 of the Code of Ordinances of the City of Providence
entitled "Officers and Employees" by adding to Article 1 thereof
a section called "Statements Regarding Crimes and Arrests,"
is hereby repealed in its entirety.

SECTION 2. This ordinance shall take effect upon its
passage.

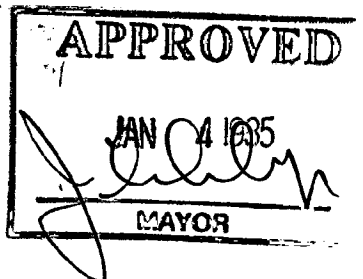
IN CITY COUNCIL
DEC 20 1984
FIRST READING
READ AND PASSED

Rosem. Mendon CLERK

IN CITY
COUNCIL
JAN 3 1985

FINAL READING
READ AND PASSED

Louis C. Strout
PRESIDENT
Rosem. Mendon
CLERK



No.

CHAPTER

AN ORDINANCE

**THE COMMITTEE ON
FINANCE**

**Approves Passage of
The Within Ordinance**

Rose M. Manahan
Chairman

December 17, 1984



Executive Chamber, City of Providence

JOSEPH R. PAOLINO, JR.
MAYOR

Dec. 5, 1984

The Honorable Members
The Finance Committee of the
Providence City Council
City Hall
Providence, Rhode Island 02903

Dear Honorable Members,

I wish to bring to your attention the City's legal position with respect to two of the "anti-corruption" ordinances enacted in May and June of 1984. One of those ordinances requires all City employees to disclose outside employment, and the other requires all City employees to disclose criminal convictions.

As you know, Public Service Employees Local 1033 has challenged the legality of these ordinances. Civil complaints in Superior Court and unfair labor practice charges before the state Labor Relations Board are pending on both ordinances.

Patrick A. Liguori, the City's special counsel for labor matters, has researched the City's legal position with respect to these ordinances.

He has advised me that because the union was not consulted before the ordinances were enacted, and because, in his opinion, the ordinances constitute a unilateral change in the terms and conditions of employment, the state Labor Relations Board is almost certain to find that they violate state law and order the City not to implement them.

Mr. Liguori's recommendation is that the City Council repeal these ordinances, and give Local 1033 sufficient notice and an opportunity to discuss with City officials the possible impact of these changes upon its membership before any substitute ordinances are contemplated. His opinion is that repeal, and an opportunity for the union to express its concerns, will satisfy the City's legal obligations with respect to the unfair labor practice charges.

The Honorable Members
of the Finance Committee
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Mr. Liguori believes that proceeding in this manner will save the City an estimated \$3,000 in legal fees. (Because this type of matter is not covered under the \$50,000 cap in his contract, he would have to bill the City extra for his defense before the state Labor Relations Board.) In addition, he believes it would be the most expeditious way to accomplish our goals, and it would foster good will on the part of the union.

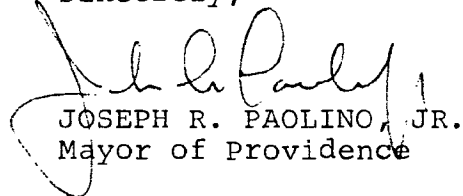
I would like to add that repeal would moot the pending Superior Court cases and give us an opportunity to re-examine the ordinances to ensure that they do not contain the constitutional deficiencies the union alleges.

As you know, I co-sponsored these measures as City Council President and signed them into law as Mayor. My concern for the integrity of our City's work force is paramount.

I know you will be concerned, as I am, that repeal of these ordinances might foster the inaccurate public perception that our shared determination to root out corruption has diminished. But the problem with these ordinances is procedural, not substantive. I want to stress that in the opinion of counsel, the City is not precluded from enacting any ordinance that helps us protect the integrity of our employees as long as we discuss such a measure with the union in advance.

I would be happy to discuss this situation with you if you so desire, and I am certain that Mr. Liguori would make himself available should you wish to discuss the matter with him.

Sincerely,



JOSEPH R. PAOLINO, JR.
Mayor of Providence