

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1984-14

No. 115 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 1983-39, APPROVED AUGUST 26, 1983, ENTITLED: "AN ORDINANCE ESTABLISHING A COMPENSATION PLAN FOR THE WATER SUPPLY BOARD AND REPEALING CHAPTER 1982-61, APPROVED DECEMBER 10, 1982, AS AMENDED, RELATIVE TO THE WATER SUPPLY BOARD."

Approved February 21, 1984

Be it ordained by the City of Providence:

SECTION I. Chapter 1983-39 of the Ordinance of the City of Providence, as approved August 26, 1983, is hereby amended as follows:

Change:	From Pay Grade	to Pay Grade
Superintendent Water Construction	30	32
Superintendent Water Distribution Maintenance	30	32
Superintendent Water Quality Control	30	32
Superintendent Water Plant Operations	30	32
Water Laboratory Supervisor	24	26
Principal Bacteriologist	22	25

Change:	Pay Grade
Supervisor - Logistics, Water	From \$8.85/hr. to 30
Supervisor - Water Distribution Maintenance	From \$8.85/hr. to 30
Supervisor - Meter Operations	From \$8.85/hr. to 30

SECTION II. This Ordinance shall be retroactive to December 27, 1983.

IN CITY COUNCIL
FEB 2 1984
FIRST READING
READ AND PASSED

Rose M. Mendonca CLERK

IN CITY COUNCIL
FEB 16 1984
FINAL READING
READ AND PASSED

John H. Aiken PRESIDENT
Rose M. Mendonca CLERK

APPROVED

FEB 21 1984

Vincent A. Cianci
MAYOR

IN CITY COUNCIL -
JAN 5
FIRST READING
REFERRED TO COMMITTEE ON

FINANCE

Rose M. Mendonca CLERK

THE COMMITTEE ON
FINANCE

Recommends

Be Continued

Rose M. Mendonca
Clerk

Jan 9, 1984
Jan 23, 1984

READ AND PASSED
FIRST READING
IN CITY COUNCIL

CLERK

READ AND PASSED
FIRST READING
SEN 10 1984
CONFLICT
IN CITY
THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Ordinance

Rose M. Mendonca
Clerk Chairman
January 30, 1984

FEB 5 1984

Councilwoman Sargnoli and Councilman Arnaldo (By Request)

WATER SUPPLY BOARD



CITY OF PROVIDENCE

December 29, 1983

Councilman David Dillon
Vice Chairman
City Council Finance Committee
City Hall
Providence, Rhode Island

REF: Modifications to Compensation Plan for
Water Supply Board Employees

Dear Councilman Dillon:

As indicated at the Finance Committee meeting of December 27, 1983, the supervisory personnel required to perform additional duties requiring work in excess of the normal work week will no longer be compensated for overtime but shall have the salary rates adjusted to reflect the proper compensation when all duties are considered.

Attached is a modification to the Compensation Plan for introduction to and consideration by the Council.

As indicated in the meeting, no adjustments to overall salary budgets are required since sufficient allowance exists in the overtime accounts to cover all charges.

If there are any further questions, please advise.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Wiley J. Archer".

Wiley J. Archer, P.E.
Chief Engineer/General Manager

ms

enc.

cc: Richard A. Carroll
Chairman, WSB

Frank Merlino
Personnel Director

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: January 10, 1984

TO: City Solicitor Charles A. Pisaturo

SUBJECT: ATTACHED ORDINANCE PENDING BEFORE COMMITTEE ON FINANCE

CONSIDERED BY: Councilwoman Carolyn F. Brassil, Chairwoman - Committee on Finance

DISPOSITION:

Attached is a copy of the Ordinance relative to the pay scales for various employees of the Water Supply Board.

The members request an opinion from you as to whether or not hourly paid employees must be paid overtime when working forty-eight hours per week.

They would also like to know whether or not the Ordinance meets with your satisfaction.

Rose M. Menlowe
City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: January 10, 1984

TO: Wiley J. Archer, Chief Engineer - Water Supply Board

SUBJECT: ATTACHED ORDINANCE PENDING BEFORE COMMITTEE ON FINANCE

CONSIDERED BY: Carolyn F. Brassil, Chairwoman - Committee on Finance

DISPOSITION:

The members of the Committee request a response in writing prior to their next scheduled meeting to be held Monday, January 23, 1984 as to the reasons for the requested pay grade changes for the salaried employees as outlined on accompanying Ordinance.

Rose M. Mendon
City Clerk

WATER SUPPLY BOARD



CITY OF PROVIDENCE

January 13, 1984

Councilwoman Carolyn F. Brassil
Chairwoman, Committee on Finance
City Clerk's Office
City Hall
Providence, Rhode Island

REF: Pending Ordinance on Management Salary Changes

Dear Councilwoman Brassil:

The following information is presented in response to your request:

1. The personnel involved in the positions Superintendent Water Construction, Superintendent Water Distribution Maintenance, and Superintendent Water Plant Operations are required as part of the job to oversee the activities of the first line supervisors as well as to respond to important and/or emergency conditions during off-hours. This activity was previously compensated with overtime to the extent that it reflected activity over and beyond the expected. The modification is also necessary to assure a structural salary path for advancement.
2. The personnel included in the positions Superintendent Water Quality Control, Water Laboratory Supervisor, and Principal Bacteriologist are required to work one-half day on Saturday on a rotating basis to perform water testing that is required by State Law and Federal and State health regulations.

It should be noted that all of the requested adjustments will only normalize the compensation for each of the personnel involved so that total compensation will be the same as previously received without changing any work hours or responsibilities.

It is further noted that no changes are required in salary accounts since the additions to the regular pay components will be financed from the overtime pay components.

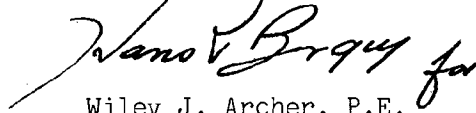
Councilwoman Carolyn F. Brassil
Chairwoman, Committee on Finance

- 2 -

January 14, 1984

If further information is required or desired, please advise.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Wiley J. Archer" with a stylized flourish at the end.

Wiley J. Archer, P.E.
Chief Engineer/General Manager

ms

cc: Mr. Richard A. Carroll
Chairman, WSB

CHARLES A. PISATURO, ESQ.
CITY SOLICITOR



VINCENT A. CIANCI, JR.
MAYOR

DEPARTMENT OF LAW

January 23, 1984

Committee on Finances
c/o City Clerk's Office
City Hall
Providence, Rhode Island 02903

Dear Members:

The Committee, by letter dated January 10, 1984, has requested this Department to inquire into required payment for overtime compensation for certain employees at the Water Supply Board.

The Federal Government no longer is empowered to enforce minimum wage nor overtime compensation laws on behalf of municipal employees. Enforcement of minimum wage and overtime payments is under State Law. The relevant provisions are R.I.G.L. 28-12-4.1 and R.I.G.L. 28-12-4.3 (copies of each are attached).

R.I.G.L. 28-12-4.1 mandates payment of one and one-half (1 1/2) regular rate of compensation for any work in excess of forty (40) hours. However, under R.I.G.L. 28-12-4.3 an exemption is provided for individuals who, among others, earn two hundred (\$200.00) per week in a bona fide salaried position.

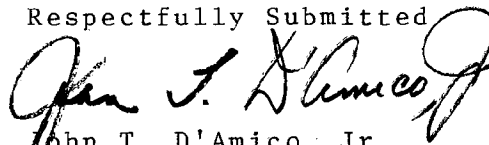
It appears that the Committees' concern is to prevent continued overtime payments to the subject employees after reclassification. Mr. Pisaturo has suggested that Wiley Archer notify each of the reclassified employees in writing;

- a.) That they are being reclassified.
- b.) That their new position will require work in excess of forty (40) hours.

- c.) That they are salaried individuals who will not receive overtime compensation for work in excess of forty (40) hours.

Should you have any further questions, please feel free to contact me.

Respectfully Submitted


John T. D'Amico, Jr.,
Special Counsel

JTD/smr

per hour and effective July 1, 1982 and thereafter at a rate not less than two dollars and fifty cents (\$2.50) per hour, provided, however, every such minor who works in excess of twenty-four (24) hours in any week shall be paid for all hours worked in that week at the hourly rate provided by § 28-12-3 or § 28-12-5 (4) of this chapter.

History of Section.

As enacted by P.L. 1974, ch. 152, § 3; P.L. 1979, ch. 68, § 1.

28-12-3.2. Minimum daily hours. — An employer, who requests or permits any employee to report for duty at the beginning of a work shift and at least three (3) hours' work are not furnished on that shift, the employer shall pay the employee not less than three (3) times their regular hourly rate. In the event that an employee reports for duty at the beginning of a work shift and the employer offers no work for him to perform, the employer shall pay the employee not less than three (3) times their regular hourly rate.

History of Section.

As enacted by P.L. 1974, ch. 152, § 3; P.L. 1981, ch. 411, § 1.

28-12-4.1. Overtime pay.

NOTES TO DECISIONS

1. Sunday Work.

This section and § 5-23-2 are not statutes in pari materia. *Narragansett Food Servs., Inc. v. Rhode Island Dep't of Labor*, — R.I. —, 420 A.2d 805 (1980).

Although both this section and § 5-23-2 contain employee premium-compensation provisions, they do not relate to the same subject matter. *Narragansett Food Servs., Inc. v. Rhode Island Dep't of Labor*, — R.I. —, 420 A.2d 805 (1980).

The legislature, recognizing that certain employees would receive overtime compensa-

tion under this section in addition to premium compensation under § 5-23-2 for the same hours of Sunday and holiday employment, intended to ensure in this section that employees receive a certain minimum wage for overtime and in § 5-23-2 that an additional cost be imposed on employers conducting business on Sundays and holidays in the form of a reward for employees who sacrifice their Sundays and holidays to work. *Narragansett Food Servs., Inc. v. Rhode Island Dep't of Labor*, — R.I. —, 420 A.2d 805 (1980).

28-12-4.2. Bi-weekly overtime pay.

NOTES TO DECISIONS

1. Provisions Identical to § 28-12-4.1.

In this section the legislature enacted a premium-compensation provision for employees

employed on a biweekly basis identical to that provided in § 28-12-4.1. *State v. Vargas*, — R.I. —, 420 A.2d 809 (1980).

fourteen (14) and not less than the 1979 at a rate not 1, 1980 at a rate r hour; effective rty cents (\$2.30)

105. § 1; P.L. 1974, ch. 110, § 1.

ch. 220, § 1; P.L. 1974, ch. 68, § 1.

shall pay to each n the minimum not less than two e July 1, 1980 at (\$2.90) per hour; e dollars and ten d thereafter at a (\$3.35) per hour

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d by an employer

is chapter

receiving gratuities — tive-based wages — Cer- employees of nonprofit es.

28-12-3.1. Wages for minors. — Every minor, fourteen (14) and fifteen (15) years of age shall be paid a rate of not less than one dollar and sixty-five cents (\$1.65) per hour for a workweek of twenty-four (24) hours or less, effective July 1, 1974 and thereafter, provided, however, every minor who works in excess of twenty-four (24) hours shall be paid for all hours worked as provided by § 28-12-3 of this chapter.

History of Section.

As enacted by P.L. 1974, ch. 152, § 3.

28-12-3.2. Minimum daily hours. — An employer, who requests or permits any employee to report for duty at the beginning of a work shift and at least four (4) hours work are not furnished on that shift, the employer shall pay the employee not less than four (4) times their regular hourly rate. In the event that an employee reports for duty at the beginning of a work shift and the employer offers no work for him to perform, the employer shall pay the employee not less than three (3) times their regular hourly rate.

History of Section.

As enacted by P.L. 1974, ch. 152, § 3.

28-12-4. Small employers excluded. [Repealed.]

Compiler's Notes. This section (P.L. 1956, ch. 3745, § 16; G.L. 1956, § 28-12-4) was repealed by P.L. 1962, ch. 105, § 3.

28-12-4.1. Overtime pay. — Except as hereinafter otherwise provided, no employer shall employ any employee for a workweek longer than forty (40) hours unless such employee is compensated at a rate of one and one-half (1½) times the regular rate at which he or she is employed for all hours worked in excess of forty (40) hours per week.

History of Section

As enacted by P.L. 1974, ch. 152, § 4.

28-12-4.2. Bi-weekly overtime pay. — Except as hereinafter otherwise provided, no employer shall employ any employee on a bi-weekly basis with hours worked and hourly wages averaged over that period for longer than forty (40) hours per week unless such employee is compensated at a rate of one and one-half (1½) times the regular rate at which he or she is employed for all hours worked in excess of forty (40) hours per week.

28-12-4.3. Exemptions. — The provisions of §§ 28-12-4.1 and 28-12-4.2 above shall not apply to the following employees:

(a) Any employee of a summer camp when it is open no more than six (6) months of the year.

(b) State employees employed in occupations which are on a "non-standards" schedule of work.

(c) Policemen and firemen employed by cities or towns.

(d) Any employee employed in a bona fide executive, administrative, professional or salaried capacity in accordance with the following definition:

(1) Compensated for services on a salary basis of not less than two hundred dollars (\$200) per week.

(e) Any salaried employee of a non-profit national voluntary health agency who may elect to receive compensatory time off for hours worked in excess of forty (40) hours per week.

(f) Any employee, including drivers, driver's helpers, mechanics, and loaders of any motor carrier, including private carriers, with respect to whom the U.S. secretary of transportation has power to establish qualifications and maximum hours of service pursuant to the provision of section 204 of the Motor Carriers Act, 1935.

History of Section.

As enacted by P.L. 1974, ch. 152, § 4; P.L. 1978, ch. 403, § 1; P.L. 1981, ch. 22, § 1.

Compiler's Notes. The Motor Carriers

Act, 1935, referred to in (f) above, is compiled in 49 U.S.C. §§ 1-327 and in 15 U.S.C. § 77c.

28-12-5. Employees receiving gratuities — Incentive-based wages — Certain employees of nonprofit entities. — Every employer shall pay to each of his employees who are engaged in any work or employment in which gratuities have customarily and usually constituted a part of his weekly income the rate as provided by §§ 28-12-3 and 28-12-3.1 of this chapter.

(1) Allowance for gratuities as part of said hourly wage rate for restaurants, hotels and other industries except taxicabs and limited public motor vehicles shall not be an amount in excess of thirty-five per centum (35%) of the applicable minimum rates as provided by §§ 28-12-3 and 28-12-3.1 of this chapter. Gratuities shall mean voluntary monetary compensation received by the employee for services rendered, provided however, that this section shall not apply to busboys unless they receive gratuities directly from the customers. In the case of taxicabs and limited public vehicles, the allowance for gratuities as part of the minimum rates as provided in § 28-12-3 of this chapter shall not exceed twenty-five cents (25¢) per hour until December 31, 1982.

(2) Each employer desiring to deduct for gratuities as part of the minimum rates as provided in §§ 28-12-3 and 28-12-3.1 of this chap-

ter, wages that the a of the ap §§ 28-12- employee. what type purpose o hearing o

(3) In c tive basis ability ea and 28-12 complied labor how unreason

(4) Wh who has: the activi and objec service, in employer than the rate not l tive July cents (\$2 two dolla 1982 and (\$3.10) p section a govern.

History of §

P.L. 1956
§ 28-12-5; P
ch. 105, § 4;
ch. 50, § 1, I

SECTION.

28-14-10. V
28-14-10.2.

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No.

AN ORDINANCE IN AMENDMENT OF CHAPTER 1983-39, APPROVED AUGUST 26, 1983, ENTITLED: "AN ORDINANCE ESTABLISHING A COMPENSATION PLAN FOR THE WATER SUPPLY BOARD AND REPEALING CHAPTER 1982-61, APPROVED DECEMBER 10, 1982, AS AMENDED, RELATIVE TO THE WATER SUPPLY BOARD."

Approved

Be it ordained by the City of Providence:

SECTION I. Chapter 1983-39 of the Ordinance of the City of Providence, as approved August 26, 1983, is hereby amended as follows:

Change:	From Pay Grade	to	Pay Grade
Superintendent Water Construction - <i>John E. Dwyer</i>	30		32
Superintendent Water Distribution Maintenance - <i>John McGrath</i>	30	+1242	32
Superintendent Water Quality Control - <i>Michael Conchione</i>	30	+1242	32
Superintendent Water Plant Operations - <i>Winston Pouncey</i>	30	+1242	32
Water Laboratory Supervisor - <i>Frederick Crosley</i>	24	+1239	26
Principal Bacteriologist - <i>Karen Sullivan</i>	22	+1602 (+31 wk)	25

Change:	Pay Grade
Supervisor - Logistics, Water <i>Raymond McGowan</i>	From \$8.85/hr. to 30
Supervisor - Water Distribution Maintenance <i>John McGrath</i>	From \$8.85/hr. to 30
Supervisor - Meter Operations <i>N. M. Regine, Jr.</i>	From \$8.85/hr. to 30

SECTION II. This Ordinance shall be retroactive to December 27, 1983.

grade 30 = MAX. 24,924 - Min 21,713
32 = 26,166
26 22,079
25 21,713

$8.85 \times 40 \times 52 = 18408$
 $8.85 \times 8 \times 1.5 \times 52 = 5522$
23930

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: January 24, 1984

TO: Wiley Archer, Chief Engineer - Water Supply Board.

SUBJECT: PENDING ORDINANCE AMENDING COMPENSATION PLAN

CONSIDERED BY: Councilwoman Carolyn F. Brassil, Chairwoman/Committee on Finance

DISPOSITION: The above named Committee requests your attendance at the next scheduled meeting of the Committee on Finance to be held Monday, February 6, 1984 at 3:30 o'clock P.M. (EST) in Committee Room "A", City Clerk's Department, relative to the attached Ordinance.

City Clerk