



## Executive Office, City of Providence, Rhode Island

VINCENT A. CIANCI, JR.

MAYOR

October 29, 2001

The Honorable Michael R. Clement  
City Clerk  
City Hall  
Providence, Rhode Island 02903

Dear Mr. Clerk:

Pursuant to Sections 302(f) and 412 of the Providence Home Rule Charter of 1980, I have disapproved and vetoed the following separate items:

1. SECTION 7, SECTION 8, and SECTION 9 of an Ordinance in Amendment of Chapter 2000-25, Approved August 9, 2000, of the Ordinances of the City of Providence Making an Appropriation of Four Hundred Eighty-Five Million, Seven Hundred Seventy-Two Thousand, Eight Hundred Sixty (\$485,772,860) for the Fiscal Year Ending June 30, 2002, as Amended.

2. SECTION 5 and SECTION 7 of an Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2000-26 Approved August 9, 2000, as Amended.

Generally, I support the budget ordinances passed by the City Council, since they contain all of the major provisions that I recommended in the budget I submitted last May. I commend the City Council for their earnest deliberations regarding the city budget. However, I have vetoed the above-indicated separate items because they impose unnecessary and overly restrictive limitations on the executive authority.

### Appropriation Ordinance Vetoes

SECTION 7 of the Appropriation Ordinance states, "The line item for overtime is to be used for planned public events that occur outside the employees work schedules, public safety, and emergency related purposes. Non-union employees shall not be entitled to overtime." This provision is too restrictive in that it unnecessarily ties the hands of the executive when it is confronted with circumstances which in its judgment require the use of overtime to effectively perform services in the public interest. Additionally, non-

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union employees may not be barred from receiving overtime; state labor laws set forth rules regarding overtime even when an employee is not covered by a collective bargaining agreement. Consequently, I am constrained to veto SECTION 7 of the Appropriation Ordinance.

SECTION 8 of the Appropriations Ordinance states that "The funding for any position that becomes vacant during the fiscal year for any reason shall only be used to offset "breakage" until such time that breakage is zero (0). The City Council may reapportion this amount by amendment." This provision is unacceptable. The executive must be free to fill funded positions at any time so that necessary city services may be performed effectively. Consequently, I have also vetoed SECTION 8 of the Appropriation Ordinance.

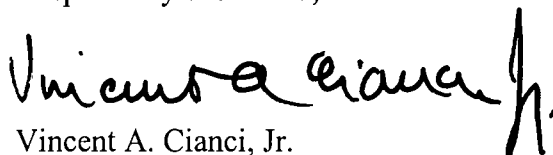
SECTION 9 of the Appropriations Ordinance states, in part, that "any salary increase shall take effect on June 30, 2001. . . ." This provision is problematic in that the administration is currently engaged in collective bargaining with the various public employee bargaining units and, consequently, a provision of this kind at this time would needlessly address a subject which is properly part of the collective bargaining process. The City Council will have an opportunity to ratify collective bargaining agreements upon completion of negotiations. Therefore, I have vetoed SECTION 9 of the Appropriations Ordinance.

#### **Compensation Ordinance Vetoes**

SECTION 5 of the Compensation Ordinance states that the "Cultural Affairs Coordinator . . . is not entitled to overtime." As previously stated, state labor laws regulate the payment of overtime. Consequently, likewise, I am constrained to veto SECTION 5 of the Compensation Ordinance.

SECTION 7 of the Compensation Ordinance is identical to the language of SECTION 9 of the Appropriations Ordinance. For the reasons I have proffered for my veto of SECTION 9 of the Appropriations Ordinance, I have likewise vetoed SECTION 7 of the Compensation Ordinance.

Respectfully submitted,



Vincent A. Cianci, Jr.  
MAYOR OF PROVIDENCE