

# RESOLUTION OF THE CITY COUNCIL

No. 511

Approved August 7, 2012

WHEREAS, on June 11, 2012, the 2012 Charter Review Commission submitted its report and recommended amendments to the Providence Home Rule Charter to the City Council; and

WHEREAS, the City Council accepted the 2012 Charter Review Commission Report on June 21, 2012, and referred it to the Committee on Ordinances for consideration;

WHEREAS, the City Council Committee on Ordinances conducted a public hearing on July 26, 2012; and

WHEREAS, the City Council Committee on Ordinances considered various aspects of the 2012 Charter Review Commission Report and the recommendations therein, as well as additional proposed Charter amendments, and adopted certain of the recommendations and proposed amendments on July 26, 2012; and

WHEREAS, the various proposed amendments to the Providence Home Rule Charter adopted by the City Council Committee on Ordinances must be transmitted to the Rhode Island Secretary of State no later than August 8, 2012 in order to appear on the ballot for the General Election to be held in November 2012;

NOW, THEREFORE, IT IS RESOLVED, DECREED AND ORDERED:

That the following ballot questions, as adopted on \_\_\_\_\_, 2012, be submitted to the Rhode Island Secretary of State to appear on the November 2012 ballot:

*Shall the term "personnel department" be replaced with "human resources department" wherever it appears in the charter? [Amends Sections 901 through 903]*

*Shall it be the responsibility of the human resources department to enforce the procedures for suspension, discharge, reduction in class position, and layoff of employees? [Amends Section 903(j).]*

*Shall the responsibilities of the human resources department be changed to eliminate examining and approving all payrolls, and monitoring residency requirements? [Amends Sections 903 (l) and (p).]*

*Shall the term "personnel department" be replaced with "human resources department" wherever it appears in the charter? [Amends Sections 901 through 903]*

*Shall it be the responsibility of the human resources department to enforce the procedures for suspension, discharge, reduction in class position, and layoff of employees? [Amends Section 903(j).]*

*Shall the responsibilities of the human resources department be changed to eliminate examining and approving all payrolls, and monitoring residency requirements? [Amends Sections 903 (l) and (p).]*

The proposed amendments to Sections 901-903 are primarily "technical," changing the use of the term "Personnel Department" to "Human Resources Department." The changes reflect current language and practices. The deletion of 903(p) brings the charter into compliance with current state law by eliminating the director's duty to monitor employees' compliance with residency requirements that are no longer enforceable.

Finally, the amendment to the personnel department reflects the more appropriate division of responsibilities for employee hiring and discipline by changing the authority of department heads who hire and promote employees. The hiring authorities will properly recommend to the director of human resources the demotion, suspension and dismissal of employees under their jurisdiction, but will not themselves carry out such actions. This recommendation is consistent with prevailing practices and provides a more equitable disciplinary process.

#### **901. Personnel Human resources department.**

There shall be a ~~personnel~~ human resources department, the head of which shall be the director of ~~personnel~~ human resources, who shall be a person holding at least a bachelor's degree from an accredited college or university, and who shall have had a minimum of five (5) years' experience in personnel management of an employment system, or an equivalent combination of training and supervisory experience. The ~~personnel~~ human resources department shall be responsible for instituting and operating a personnel management system for the city in accordance with the provisions of the following sections of this article.

#### **903. Director of personnel human resources; duties and powers.**

The director of ~~personnel~~ human resources shall, after consultation with department heads and in accordance with state law or applicable collective bargaining agreements:

- (a) Make annual and special reports to the mayor on the quality and status of personnel administration in the city government and make recommendations for improvements;
- (b) Prepare and revise at least once every four (4) years the classification plan for all city positions based on:
  - (1) The duties, authority and responsibility of each position,
  - (2) The degree of experience and/or education required,
  - (3) Standards for determining qualifications, and
  - (4) Job title and salary range. There shall be adequate provision for reclassification of positions if necessary;
- (c) Establish, with the approval of city council, a pay plan listing all the position classes in the city with the pay rates or ranges assigned to each class;
- (d) Establish, with the approval of city council, minimum qualifications for each class of position and standards for determining eligibility and fitness of the candidate(s) after consultation with the appropriate appointing officers;

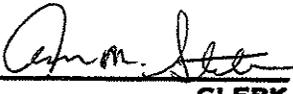
- (e) Provide for a probationary period of six (6) months before the appointment or promotion becomes permanent, during which time the probationary employee may be discharged or reduced in class position;
- (f) Establish the standards for evaluating job performance and supervise the maintenance of personnel files by the appointing officers. Probationary employees shall be evaluated at least twice within the first six (6) months of employment on their job performance. Regular employees shall be evaluated annually according to the performance standards established by the appointing officer and the director of personnel human resources. Personnel files shall also be current with regards to records and attendance at work, in-service training, and any other education and/or training taken on the initiative of the employee. These shall be considered as factors in determining promotions, demotions, discharges, and transfers;
- (g) Establish procedures for temporary appointments. These shall be made only with the approval of the director of personnel human resources for a period of no longer than one hundred eighty (180) days, and are renewable once for an additional one hundred eighty (180) days;
- (h) Provide for emergency appointments only with the approval of the director of personnel human resources and only when necessary to prevent serious impairment of the public business. These appointments are to continue only during the period of the emergency;
- (i) Provide for temporary transfer of employees between departments or other agencies of the city because of seasonal, abnormal or emergency conditions before any temporary employees are appointed;
- (j) Establish and enforce procedures for suspensions, discharge or reduction in class position, and layoffs;
- (k) Provide for transfers within the same class position;
- (l) ~~Examine and approve all payrolls on which the names of city employees appear.~~ The director of personnel human resources shall certify that each salary or wage earner has been appointed and is being employed under the rules and regulations of the director of personnel human resources and that the pay rates conform with the pay plan, and that regulations with regard to sick leaves, overtime and vacations have been observed;
- (m) Identify promotional paths within municipal service, organize this information and freely provide career planning assistance to all city employees;
- (n) Aid the mayor, city council, and all appointing officers in handling personnel matters under their jurisdictions;
- (o) Aid the mayor in all negotiations with collective bargaining units.
- (p) ~~It shall be the duty of the director of personnel to monitor on a timely basis the residency requirements set forth in section 1210 of this charter and report any violations to the mayor and city council for appropriate action.~~

**IN CITY COUNCIL**

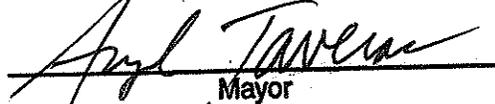
**AUG 01 2012**

**READ AND PASSED**

  
\_\_\_\_\_  
**PRES.**

  
\_\_\_\_\_  
**CLERK**

I HEREBY APPROVE.

  
\_\_\_\_\_  
Mayor

Date: 8/7/12

## OUTLINE OF COMMISSION'S RECOMMENDATIONS

The following is a summary outline of the amendments recommended by the Commission:

1. Adds a statement of intent of the city's government, including protecting the health, welfare, safety and financial well-being of the resident, and enables the elected officers to take such actions as they deem necessary for same. (Article I).
2. Allows the city to publicize electronically instead of in a newspaper, minimizing the expenditure of funds on costly publication. (Article I)
3. Recommends the inclusion of city councilors elected at-large and offers two options to accomplish this. (Article II).
4. Clarifies the procedures for acquisition and sale of city property, and enunciates the city's policy to promote minority and women's enterprise programs. (Article IV).
5. Codifies duties of the City Solicitor not currently provided for in the Charter, and permits the Solicitor to hire legal staff according to the needs of the Office. (Article VI).
6. Amends the budget and finance procedures to, among other things, establish a budget reserve fund and a method for financing that fund. Defines and qualifies the manner in which the funds may be used and must be reported. (Article VIII).
7. Renames the "Personnel Department" as the "Human Resources Department," amends some of the responsibilities of that office in accordance with current practice, and clarifies the procedure for suspending, disciplining, or discharging employees. (Article IX).
8. Adds the mayor and internal auditor as members of the Retirement Board. (Article IX).
9. Places the newly established Public Emergency Management Agency and Homeland Security Department ("PEMA") under the jurisdiction of the Commission of Public Safety. (Article X).
10. Changes the qualifications for the director of public property. (Article XI).
11. Establishes the Department of Arts, Culture and Tourism and Culture as a department defined by charter, while maintaining the same duties and responsibilities contained in its governing ordinance. (Article X).
12. Limits individuals from serving more than two consecutive terms as chair of a board, authority or commission, and prohibits the mayor, city council and department heads from influencing the hiring of a family member or business associate. (Article XII).
13. Affords future charter review commissions additional time to review and propose amendments to the charter. (Article XIII).