

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1999-45

No. 687

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "RETIREMENT SYSTEM"

Approved November 15, 1999

Be it ordained by the City of Providence:

SECTION 1. Chapter 17 of Article VI of the Code of Ordinances of the City of

Providence shall be amended by adding the following:

Sec. 17-189.1- Honorable Service, revocation or reduction of retirement benefits of employees committing crime related to public employment.

(a) *General provisions.*

- (1) Payment of an employee's retirement allowance or annuity or other benefit or payments as provided in Chapter 17 shall be for honorable service only.
- (2) For purposes of this section, "crime related to his or her public employment" shall mean any of the following:
 - a. the committing, abiding or abetting of an embezzlement of public funds;
 - b. The committing, aiding or abetting of any felonious theft by a public employee from his or her employer;
 - c. Bribery in connection with employment of a public employee; and
 - d. The committing of any felony by a public employee who willfully, and with the intent to defraud, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment.

No.

CHAPTER

AN ORDINANCE In Amendment
of Chapter 17 of Article VI
of the Code of Ordinances of
the City of Providence
Entitled "Retirement System"

IN CITY COUNCIL
July 14 1999
FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Jan M. Angelos CLERK

THE COMMITTEE ON
ORDINANCES
Approves Passage of
The Within Ordinance

Barbara A. Quinn
Clerk
10/14/99

*Councilwoman Hillier, Council President Lombardi, Council President Ho-Young
Young, Councilman Allen, Councilman De Luca*

- (3) For purposes of this section, "public employee" or "employee" shall mean any current or former city elected official, or any appointed official or employee of the city, or of a city board, commission or agency, who is otherwise entitled to receive a retirement allowance or annuity or other benefit or payment of any kind pursuant to Chapter 17.
- (4) *Revocation or reduction authorized.* Notwithstanding any other provision of law, any retirement allowance or annuity or other benefit or payment of any kind to which an employee is otherwise entitled to under Chapter 17 shall be revoked or reduced in accordance with the provisions of this section if such employee is convicted of or pleads guilty or nolo contendere to any crime related to his or her public employment. Any such conviction or plea shall be deemed to be a breach of the employee's contract with his or her employer.
- (5) *Hearing; civil action.* Whenever any employee is convicted of or pleads guilty or nolo contendere to any crime related to his or her public employment, the Retirement Board shall conduct a meeting, with the employee having the opportunity to be heard, to determine if a recommendation of revocation or reduction of any retirement allowance or annuity or other benefit or payment to which the employee is otherwise entitled to under this chapter is warranted. If the Retirement Board determines that revocation or reduction of any retirement allowance or annuity or other benefit or payment to which the employee is otherwise entitled to under this chapter is warranted, the Retirement Board shall initiate a civil action in the Superior Court for the revocation or reduction of any retirement allowance or annuity or other benefit or payment to which the employee is otherwise entitled to under Chapter 17.
- (6) For purposes of this section, "pleads guilty or nolo contendere" shall not include any plea of guilty or nolo contendere which does not result in a conviction by virtue of G.L. 1956 §12-10-12 or 12-18-3, as amended.

SECTION 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
OCT 21 1999
FIRST READING
READ AND PASSED

Michael X. Clement CLERK

IN CITY COUNCIL

NOV 4 1999
FINAL READING
READ AND PASSED

Michael X. Clement PRESIDENT
Michael X. Clement CLERK

APPROVED
NOV 15 1999
Vananda Linares
MAYOR