

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 1996-36

No. 533

### AN ORDINANCE WITH REFERENCE TO THE RESIDENCY OF EMPLOYEES, AS AMENDED

*Approved* October 15, 1996

#### *Be it ordained by the City of Providence:*

##### 1. FINDING.

WHEREAS, in order for the employees of the City of Providence to be most effective, it is necessary for them to identify with the needs and goals of the residents of the City of Providence;

WHEREAS, this sense of identification can only be accomplished when an employee is actually a resident of the City;

WHEREAS, as a resident, an employee is also a participant in community activities and issues;

WHEREAS, this participation and commitment is essential to the development of strong sense of public service;

WHEREAS, it is important that the employees of the City of Providence possess this strong sense of public service.

WHEREAS, the electorate has agreed with the need for this sense of public service by voting in the affirmative to require a residency requirement in the Home Rule Charter of the City of Providence;

NOW, THEREFORE, BE IT RESOLVED, that all officers and employees of the City shall be residents of the City of Providence.

##### 2. RESIDENCY REQUIREMENT.

All officers of the City, as defined in section 1207, and all employees of the City and any and all agencies and instrumentalities thereof, including all employees of the school department and the department of public safety, shall be residents of the City during such employment; provided, however, that any person exempted from such residency under the Home Rule Charter or other relevant and applicable provision shall be likewise exempted hereunder.

Persons not residents of the City may be appointed or engaged for employment on the condition that within six (6) months of such appointment or engagement they shall become residents of the City.

No.

## CHAPTER

AN ORDINANCE With Reference to  
the Residency of Employees, As  
Amended

### THE COMMITTEE ON ORDINANCES

Approves Passage of  
The Within Ordinance

*Barbara A. Carver*  
9/11/96 Clerk

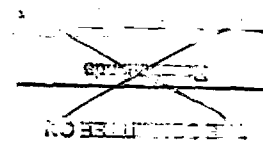
### IN CITY COUNCIL

*May 2, 1996*  
READ

WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED. AND

*Michael R. Plautz* CLERK

REFERRED TO THE COMM. ON  
ORDINANCES



### THE COMMITTEE ON

*Ordinances*

Recommends

*P.H. scheduled for 9/27/96*  
*Barbara A. Carver*  
5/30/96 *Continued* Clerk  
6/12/96 " 6/27/96 P.H. (held)  
7/9/96 "

Any officer or employee of the City who, during employment ceases to be a resident and who is not exempt shall forfeit his or her position in the employ of the City. It shall be the duty of the Director of Personnel to monitor this residency requirement regularly and to report timely any violations to the Mayor and City Council for appropriate action.

Police officers and firefighters shall become residents of the City of Providence within six (6) months after he/she has been sworn into his/her position.

The residency requirement shall apply to all full and part-time employees of the City of Providence but shall not apply to temporary and seasonal employees, as defined herein.

### 3. NOTIFICATION.

Every employee shall be furnished a copy of the residency ordinance and a copy of the City Charter provision when hired and annually thereafter. Failure to do so, however, shall not be held to excuse any non-compliance.

### 4. AFFIDAVIT.

Every employee shall sign a notarized affidavit averring that he/she is a residence of the City.

### 5. COMMISSION.

There shall be a Commission of five (5) members, which shall enforce the residency requirement, as set forth above. All violations reported to the Mayor and/or City Council shall then be reported to the Commission for investigation and the Commission shall report to the Mayor and the City Council all findings together with a recommended action.

The Commission shall consist of five (5) members, three (3) of whom shall be Council members, appointed by the Council president and two (2) of whom shall be appointed by the Mayor. Each member shall serve a term concurrent with the appointing authority.

### 6. REPORTING.

The Personnel Director, shall monthly report any and all violations of the residency requirement to the Mayor and the City Council. The Executive Director of the Civic Center and the Superintendent of Schools shall report any and all violations by persons under their supervision to the Personnel Director on a monthly basis.

### 7. DEFINITIONS.

*Residence* shall mean domiciled in the City of Providence.

*Domiciled* shall mean that place where a person has his or her true, fixed, and permanent home and principal establishment, and to which, whenever he or she is absent has the intention of returning.

*Part-time* shall mean an employee who is hired for fewer than thirty-five hours per week.

*Temporary* shall mean an individual who is hired for a limited period of time or an individual employed to replace an employee on authorized leave for the period of such leave.

*Seasonal* shall mean an employee who is employed only during the months of June through September and who performs primarily recreation or recreation-related work.

#### 8. INDICIA OF RESIDENCY.

All employees shall sign a release of state tax information relative to residency when hired. The address indicated on such state tax records shall be the primary indicia of residency.

In addition, the following shall be considered evidence of permanent and principal legal residence. An employee shall provide three (3) of the same unless the employee is not entitled to or does not qualify for such three. In such case, the Director of Personnel may use the best available evidence to determine the employee's residence. Provided, however, that upon qualifying and obtaining such documents, the same shall be tendered forthwith to the Director of Personnel.

- (a) The address furnished to the registry of motor vehicles for the employee's operator's license;
- (b) The address from which the employee's motor vehicle is registered;
- (c) The address furnished by the employee to the tax collector and/or assessor in those communities where the employee owns taxable real or personal property for the purpose of notification to such employee;
- (d) The residence address furnished by the employee to the insurance companies with which the employee maintains policies;
- (e) The address furnished by the employee to any business, profession, union, or fraternal organization of which he or she is a member;
- (f) The address furnished by the employee to governmental agencies with which the employee has contact;
- (g) The address furnished by the employee to the United States Postal Service on a change of address form as verified by the United States postal service; and
- (h) The address at which the employee is certified by the Board of Canvassers as an elector and resident of the City.

In all cases, the Director of Personnel shall conduct an appropriate hearing.

#### 9. VIOLATION.

Any officer or employee of the City who, during the term of employment, ceases to be a resident shall forfeit his or her position in the employ of the City. An officer or employee who does not reside in the City on the day after the six-

month period subsequent to hiring, and is required to do so, shall forfeit his or her employ in the City.

#### 10. EXEMPTION.

Upon certification by the Mayor that after diligent search no person with proper qualifications can be found to fill a particular position among residents of the City, the City Council may exempt a non-resident employee from the provisions of this section.

If any individual wishes to apply to the City Council for an extension of the six (6) month period, he/she shall make such application prior to the expiration of the six month period and shall show just cause as to why the period should be extended. Whether or not a reason is "just cause" exists for an extension shall be solely in the discretion of the City Council.

#### 11. SEVERABILITY.

If any provision of this ordinance or any rule or determination made hereunder, or application hereof to any person, agency, or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this chapter and its application to any person, agency or circumstance shall not be affected thereby. The invalidity of any section or sections of this chapter shall not affect the validity of the remainder of the chapter.

IN CITY COUNCIL  
SEP 19 1996

FIRST READING -  
READ AND PASSED

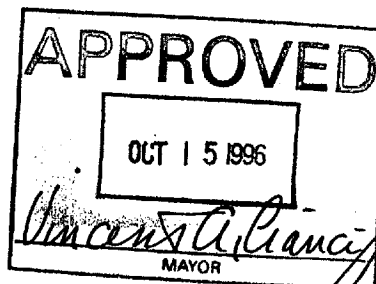
*Michael L. Clement* CLERK

IN CITY  
COUNCIL

OCT 3 1996

FINAL READING  
READ AND PASSED

*Richard V. Fargnoli*  
*Michael L. Clement* CLERK



**CITY OF PROVIDENCE LIMITED RELEASE OF  
STATE INCOME TAX RETURN INFORMATION**

I, \_\_\_\_\_, hereby direct the State of Rhode Island, Division of Taxation, to release my address on any return or document filed by me with the Division of Taxation to the City of Providence, its agents or representatives, for the sole purpose of verifying my residency. I hereby specifically waive any rights of confidentiality which may be necessary to release my address. This is a limited release and I specifically reserve all other rights of confidentiality.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

CITY OF PROVIDENCE  
EMPLOYEE RESIDENCY AFFIDAVIT

DEPARTMENT \_\_\_\_\_

NAME \_\_\_\_\_

DATE OF HIRE \_\_\_\_\_

SOCIAL SECURITY  
NUMBER \_\_\_\_\_

My residence is \_\_\_\_\_ in the City of  
Providence.

*Residence* shall mean domiciled in the City of Providence.

*Domiciled* shall mean that place where a person has his or her true, fixed,  
and permanent home and principal establishment, and to which, whenever he or  
she is absent has the intention of returning.

**I Understand and acknowledge the following:**

**1. I have read and received a copy of Section 1210 of the City Charter  
of the City of Providence and I fully understand the residency provision.**

**2. That as a condition of employment with the City of Providence, I  
must be an actual resident of the City of Providence, State of Rhode Island no  
later than six (6) months after being hired and I must continue to be a  
resident for the period of my employment.**

**3. That the falsification of this Affidavit of Residency shall constitute  
grounds for discharge from the City of Providence; and**

**4. That I must report within five (5) workings days to the Department of Personnel any change of my address and failure to provide such notification shall constitute grounds for discharge; and**

**5. I understand that as a condition of my employment I must reside in the City of Providence, pursuant to Section 1210 of the Home Rule Charter. I further understand that if required by the City of Providence it shall be necessary for me to sign a release of income tax return information relative to residency, as evidence of my legal residence.**

**6. I further understand that any non-exempt officer or employee of the City who ceases to be a resident of the City shall forfeit his/her position in the employ of the city.**

**7. That falsification of this statement will be turned over to the Rhode Island Attorney General's Office for investigation of a violation of the Rhode Island General Law Title 11, Chapter 33, Section, 1, entitled Perjury.**

By signing this Residency Affidavit, I acknowledge and represent that I have fully read and understand all of the above (Section designated 1, 2,3, and 4) of this Residency Affidavit, and further certify that the information which I have provided herein is true and correct.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and Sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(NOTARY PUBLIC)



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Persons not residents of the City may be appointed or engaged for employment on the condition that within six (6) months of such appointment or engagement they shall become residents of the City.

A true copy,

Attest

  
Anna M. Stetson  
Second Deputy City Clerk

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SEP 19 1996

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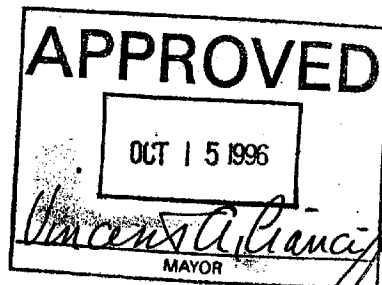
*Michael L. Clement*  
CLERK

IN CITY  
COUNCIL

OCT 3 1996

FINAL READING  
READ AND PASSED

*Michael L. Clement*  
CLERK



**CITY OF PROVIDENCE LIMITED RELEASE OF  
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I, \_\_\_\_\_, hereby direct the State of Rhode Island, Division of Taxation, to release my address on any return or document filed by me with the Division of Taxation to the City of Providence, its agents or representatives, for the sole purpose of verifying my residency. I hereby specifically waive any rights of confidentiality which may be necessary to release my address. This is a limited release and I specifically reserve all other rights of confidentiality.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

CITY OF PROVIDENCE  
EMPLOYEE RESIDENCY AFFIDAVIT

DEPARTMENT \_\_\_\_\_

NAME \_\_\_\_\_

DATE OF HIRE \_\_\_\_\_

SOCIAL SECURITY  
NUMBER \_\_\_\_\_

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Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and Sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(NOTARY PUBLIC)