



# EMPLOYEE HANDBOOK

*HUMAN RESOURCES DEPARTMENT*

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# **Employee Handbook**

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*Please note: this Employee Handbook is prepared to provide information and guidance for City of Central Falls employees. The City reserves the right to revise, supplement, or rescind any policies or portion of this Handbook as it deems appropriate in its sole and absolute discretion without warning. This Employee Handbook and its content is not a contract or promise.*

## **Section 1**

### **Handbook Introduction**

#### **1:1 Welcome to Our City!**

It's our pleasure to welcome you to the City of Central Falls. We're a hard-working bunch, dedicated to high standards of excellence and quality. We value each one of our employees, and we hope that you find your work here rewarding and satisfying.

We think we are a special place—made all the more so by the hard work and dedication of our employees.

#### **1:2 Introduction and History of the City**

Central Falls is a city rich in history, diversity and entrepreneurial spirit. Our great city is home to nineteen thousand proud residents who are busy building a better future for Central Falls. With a proud history dating back to 1731, the City of Central Falls offers great opportunities for small residents and business owners alike. Centrally located in southern New England with easy access to Providence, Boston, Hartford and Worcester, the city features mill space that hearkens back to its roots as the birthplace of the American Industrial Revolution.

Nestled between the City of Pawtucket and the Towns of Cumberland and Lincoln, the City of Central Falls is also compact: its 19,000+ citizens inhabit less than 1.3 square miles, making it quite walkable as well as appealing for retailers. While at one time the city was the most densely populated city in the United States, it has since lost that distinction, as it has focused on creating community gardens and sports fields where unneeded buildings once stood.

The city's diverse population offers an abundance of cultural riches – culinary, artistic, linguistic and beyond. At the same time, this wealth of diversity also provides bridges to nearly 100 countries abroad, allowing the city's manufacturers access to new markets as well as a myriad of sources of raw materials.

Central Falls and its citizens are rediscovering the Blackstone River that cuts through the city, the original economic engine that powered the mills that line its shores. The Chocolate Mill Overlook Park was recently created to highlight the city's industrial origins while also providing another entrance to the river for kayakers, nature enthusiasts and those looking for some quiet meditation. Likewise, the re-lighting of Cogswell Tower atop Jenks Park heralds the reinvention of our proud little city as a nimble innovator.

#### **1:3 The Purpose of This Handbook**

The remainder of this Handbook will familiarize you with the privileges, benefits, and responsibilities of being an employee of the City of Central Falls. You should read, understand, and comply with all provisions of the Handbook. Please understand that this Handbook can only highlight and summarize our City's policies and practices. For detailed information, talk to your supervisor or schedule with your supervisor to see the human resources director.

The City reserves the right to revise, supplement, or rescind any policies or portion of this Handbook as it deems appropriate in its sole and absolute discretion without warning. Nothing in this Handbook is a contract or a promise.

We are always looking for ways to improve communications with our employees. If you have suggestions for ways to improve this Handbook in particular or employee relations in general, please schedule with your supervisor to see the human resources director.

## **Section 2**

### **The Employment Relationship**

#### **2:1 Employment Is at Will**

We sincerely hope that your employment here will be a positive and rewarding experience. However, we cannot make any guarantees about your continued employment with The City of Central Falls. Your employment here is "at will". This means that you are free to quit at any time, for any reason, just as we are free to terminate your employment at any time, for any reason, with or without notice, with or without cause. Nothing in this Handbook constitutes a contract or promise of continued employment. However, there are guidelines and conditions which are outlined in each of the collective bargaining agreements that cover certain employees' or groups of employees.

## **Section 3**

### **Hiring**

#### **3:1 Commitment to Equal Opportunity**

The City of Central Falls believes that all people are entitled to equal employment opportunity. We follow state and federal laws prohibiting discrimination in hiring and employment. We do not discriminate against employees or applicants in violation of those laws.

#### **3:2 Employment Applications**

The City relies upon the accuracy of information contained in the employment application as well as the accuracy of other data, including medical information, and state and federal background checks presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration of employment or, if the person has been hired, termination of employment.

#### **3:3 Pre-employment screening**

To help ensure that employees working for the City are physically fit to perform the necessary functions of their jobs, medical examinations including a physical examination, agility test, hearing test, or drug test may be required for certain classifications of employees. After a provisional offer has been made to an applicant entering a designated job category, a medical examination, and a drug screen are performed at the City's expense by a health professional of the City's choice. You will be required to have a state and federal background check performed at your expense once a provisional offer has been made. Your employment with the City of Central Falls is contingent on an acceptable report.

Information on an employee's medical condition or history is kept separate from other employee information and maintained confidentially.

#### **3:4 Proof of Work Eligibility**

Every candidate must complete Federal Form I-9 and show us documentation proving your identity and your eligibility to work in the United States. The federal government requires us to do this. If you have worked for this City previously, you need only provide this information if it has been more than three years since you last completed an I-9 Form for us or if your current I-9 Form is no longer valid.

### **3:5 Recruitment**

We know that we are only as good as our employees, so we search as widely as possible for talented and motivated individuals to fill vacant positions in our City. We conduct all recruiting in a fair and nondiscriminatory manner. In addition to looking outside the City for new hires, we also look within. After all, we already know the value and quality of our current employees. We post all internal job openings on bulletin boards throughout our City. If you see a posting for a job that interests you, we encourage you to apply for it by following the directions listed on the posting. We also encourage employees to recruit and refer external applicants for open positions.

### **3:6 Hiring of Relatives**

Usually, the City does not refuse to hire someone simply because he or she is related to one of our current employees. If you have a relative who might be perfect to fill an open position in our City, please don't hesitate to refer this person to us. There are times, however, when employing relatives has the potential to affect the morale of other employees and to create conflicts of interest for the relatives involved. Therefore, we do not hire relatives of current employees where one relative will have to directly supervise the other. It is permitted to have multiple layers between one employee and another if they work for the same department.

Under this policy, the term "relatives" encompasses husbands, wives, live-in partners, parents, children, siblings, in-laws, cousins, aunts, and uncles. This policy covers biological relationships, marriage relationships, and step relationships.

### **3:7 Rehires**

If an employee is terminated and rehired for the same or for a different position within 30 (thirty) days from date of termination, the employee will not be subject to waiting periods as they relate to benefits mentioned in this Handbook. All rehired employees will be required to adhere to all the same requirements as a new employee.

### **3:8 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, the City will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City. Contact the Law Department at 401-680-5333 with any questions or requests for accommodation.

## **Section 4 New Employee Information**

### **4:1 New Employee Orientation**

Prior to starting work, the Human Resources Department will ask you to complete paperwork and forms relating to your employment, such as tax withholding and emergency contact forms. Please feel free to ask representatives of the Human

Resources Department any questions you might have about the City. If additional questions arise after your initial meeting, you can ask your supervisor or schedule with your supervisor to see the human resources director.

#### **4:2 Child Support Reporting Requirements**

Federal and state laws require us to report basic information about new employees, including your name, address, and Social Security number, to a state agency called the State Directory of New Hires. The state collects this information to enforce child support orders. If the state determines that you owe child support, it will send us an order requiring us to withhold money from your paycheck to pay your child support obligations.

### **Section 5 Employee Classifications**

#### **5:1 Union affiliations**

Employees of the City of Central Falls are either non-classified employees, (department heads, assistant department heads, and human resources/legal clerk) or affiliated with one of the governing unions listed here:

Fraternal Order of Police, Lodge 2  
International Association of Fire Fighters, Local 1485  
Rhode Island Council 94, AFSCME, AFL-CIO, Local 1627

#### **5:2 Employment Classifications**

This section of the Handbook clarifies definitions of employment classifications so that you can understand your employment status and benefit eligibility. These classifications do not guarantee employment or position for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and The City of Central Falls.

#### **5:3 Exempt and Nonexempt Employees**

Your entitlement to earn overtime pay depends on whether you are classified as an exempt (generally salary) or a nonexempt (generally hourly) employee.

Exempt employees are those who do not earn overtime because they are exempt from the overtime provisions of the federal Fair Labor Standards Act and applicable state laws.

Nonexempt employees are those who meet the criteria for being covered by the overtime provisions of the federal Fair Labor Standards Act and applicable state laws.

If you are uncertain about which category you fall into, speak to the human resources director.

#### **5:4 Part-Time and Full-Time Employees**

Depending on the number of hours per week you are regularly scheduled to work, you are either a part-time or a full-time employee. It is necessary that you understand which of these classifications you fit into, because it will be important in determining whether you are entitled to benefits and leave. (See Sections 8 and 10 of this Handbook for information about who is entitled to benefits and leave.)

Part-time employees: Employees who are regularly scheduled to work up to 19 hours per week are part-time employees.

Full-time employees: Employees who are regularly scheduled to work at least 35 hours per week are full-time employees.



## **Section 6 Hours**

### **6:1 Hours of Work**

The City's regular scheduled work hours for department heads, and non-classified employees at City Hall are Monday through Thursday from 8:30 AM to 4:30 PM and Friday from 8:30 AM to 1:30 PM. On the third Thursday of the month Finance and the City Clerk Office will remain open until 7:00 p.m.

The regular scheduled work hours for the other City Hall employees, Department of Public Works employees, and Police and Fire Department employees are determined by the collective bargaining agreement.

The regular scheduled work hours for other employees are designated by their supervisor. Work hours may change with or without notice depending on City needs.

All employees are expected to be ready to start work at their designated start time, remain working, and depart at their designated finish time.

### **6:2 Meal and Rest Breaks**

Employees are allowed two (2) 15-minute rest breaks each day. The breaks are paid. In addition, all employees who work at least 8 (eight) hours a day are mandated to take a minimum 30-minute meal break. Meal breaks are unpaid. See your supervisor for the designated times of breaks and meals.

### **6:3 Overtime**

On occasion, we may ask employees to work beyond their regular scheduled hours. We try to give employees advance notice when overtime work is necessary; however, it is not always possible to notify workers in advance. Nonexempt employees are entitled to payment for overtime, according to the rules set forth below. (For information on which employees are exempt and which are nonexempt, see Section 5 of this Handbook.) Exempt employees are not paid for working beyond their regular scheduled hours.

All overtime work must be approved by the employee's supervisor. Working overtime without permission violates City policy and may result in disciplinary action.

For purposes of calculating how many hours an employee has worked in a day or week, our workweek begins at 12:01 a.m. on Friday and ends at midnight on Thursday. Our workday begins at 12:01 a.m. and ends at midnight each day. Employees covered by a collective bargaining agreement will be paid in accordance with their agreement. All others are paid 1 ½ times their regular hourly base rate of pay for every hour worked in excess of 40 (forty) hours during a work week.

Calculating hours worked include time actually spent working, vacation time, compensatory time, or personal time. Any other paid time during which an employee did not actually work does not count as hours worked.

## **Section 7 Pay Policies**

### **7:1 Payday**

Employees receive their paychecks bi-weekly on Thursday for wages and salaries earned the prior weeks. If a payday falls on a state holiday, you will receive your paycheck on the last workday immediately before that payday.

## **7:2 Salaries & Wages**

Depending in which department the employee works will depend on the salary or wages they receive. Refer to the collective bargaining agreement for the particular department where you are assigned. For department heads and non-classified employees their salary or wages will be set in accordance with the budgetary process.

## **7:3 Longevity Pay**

Longevity pay is paid in addition to your base wage and is determined by the number of years' service you have with the City. Refer to the collective bargaining agreement for the particular department where you are assigned.

## **7:4 Payroll Deductions**

Your paycheck reflects your total earnings for the pay period, as well as any mandatory or voluntary deductions. Mandatory deductions are deductions that we are legally required to make. Such deductions include federal income tax, Social Security tax (FICA), and any applicable state taxes. Voluntary deductions are deductions that you have authorized. Such deductions might include medical, dental, and optional life premiums, and deductions for pension plan.

If you have any questions about your deductions or wish to change your federal withholding form (Form W-4), contact the Human Resource Office.

## **7:5 Wage Garnishments**

A wage garnishment is an order from a court or a government agency directing us to withhold a certain amount of money from an employee's paycheck and send it to a person or agency. Wages can be garnished to pay child support, spousal support or alimony, tax debts, outstanding student loans, or money owed as a result of a judgment in a civil lawsuit. Please note that we are legally required to comply with these orders. If you dispute or have concerns about the amount of a garnishment, you must contact the court or agency that issued the order.

# **Section 8 Employee Benefits**

## **8:1 Employee Benefit Plans**

In addition to mandated federal and state benefit programs (Social Security, workers' compensation insurance, temporary disability insurance and unemployment insurance) and as part of our commitment to our employees and their well being, The City of Central Falls provides its eligible employees with a variety of benefit programs: health insurance plan, dental insurance plan, HRA, life insurance plan, which includes accidental death and dismemberment insurance, and employee pension plan. Some of these benefit programs require employee contributions.

Although we introduce you to these plans and benefits in this section, we cannot provide the details of each plan and benefit here. You should receive official plan documents for each of the benefit plans that we offer. Those documents (along with any updates that we give to you) should be your primary resource for information about your benefit plans. If you see any conflict between those documents and the information in this Handbook, the official plan documents are what you should rely upon.

The benefits we provide are meant to help employees maintain a high quality of life—both professionally and personally. We sincerely hope that each employee will take full advantage of these benefits. If you don't understand information in the plan documents or if you have any questions about the benefits we offer, please schedule with your supervisor to talk to the human resources director.

## **8:2 Health Care Benefits**

The City offers to all full time employees' health care benefits through a nationally recognized health care provider. The details of this plan can be obtained from the Human Resources Department.

*Eligibility:* The eligibility requirements for the health care benefits are the following: salary and hourly employees are eligible the first day of the month after having completed 30 (thirty) continuous days of active employment.

When you become eligible, you will have the option to accept or decline coverage through the City's health care benefit plans. If you decline coverage you must have a qualifying event or wait until the next open enrollment period to subsequently enroll in the City's health care benefit plans.

If you experience a loss of eligibility to participate in the City's health care benefit plans, you may qualify for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Contact the human resources director for more information.

## **8:3 Dental Benefits**

The City offers to all full time employees dental benefits through a nationally recognized health care provider. The details of this plan can be obtained from the Human Resources Department.

*Eligibility:* The eligibility requirements for the dental benefits are the following: salary and hourly employees are eligible the first day of the month after having completed 30 (thirty) continuous days of active employment.

When you become eligible, you will have the option to accept or decline coverage through the City's dental benefit plan. If you decline coverage you must have a qualifying event or wait until the next open enrollment period to subsequently enroll in the City's dental benefit plan.

If you experience a loss of eligibility to participate in the City's dental benefit plan, you may qualify for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Contact the human resources director for more information.

## **8:4 Life, with Accidental Death and Dismemberment Insurance**

The City's life insurance plan of \$50,000.00 includes coverage for life, and accidental death and dismemberment. The City provides this basic life insurance plan at no cost to you with the exception of applicable G.T.L. tax and gives you the opportunity to increase coverage for yourself and add coverage for your spouse and dependents at your own cost. You can receive detailed plan documents and general information about each of these benefits from our human resources director.

*Eligibility:* All full time employees become eligible on the first day of the month after having completed 30 (thirty) continuous days of active employment.

## **8:5 Employee Pension Plan**

The City of Central Falls has established an employee pension plan to provide employees the potential for future financial security for retirement. Depending in which department the employee works, will depend on the pension plan they will be assigned to. Refer to the collective bargaining agreement for the particular department where you are assigned.

Because your contribution to the plan is automatically deducted from you pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to pension distributions.

Eligibility: All full and part time employees who are 21 years of age or older and have completed 6 (six) continuous months of active employment, or depending on which collective bargaining agreement you may be a part of.

#### **8:6 Rhode Island Temporary Disability Insurance**

Sometimes an employee suffers an illness or injury outside of the workplace that prevents the employee from working and earning income. If this happens to you, state disability insurance may provide you with a percentage of your salary while you are unable to work. Some employees are eligible for this coverage and pay for it through mandatory state deductions from their paychecks. Other employees must refer to the collective bargaining agreement for the particular department where you are assigned to see if they are eligible.

Employees who are out on temporary disability leave will also be responsible for payment of their portions of insurance premiums. The City of Central Falls reserves the right to discontinue insurance benefit coverage for non-payment of premiums.

To find out more about Rhode Island Temporary Disability Insurance, contact the human resources director.

#### **8:7 Workers' Compensation Insurance**

If you suffer from a work-related injury or illness, you may be eligible for workers' compensation benefits. Workers' compensation insurance often pays for medical care and a portion of lost wages resulting from job-related injuries or illnesses.

Employees who are out on workers' compensation leave will also be responsible for payment of their portions of insurance premiums. The City of Central Falls reserves the right to discontinue insurance benefit coverage for non-payment of premiums.

To find out more about workers' compensation insurance, contact the human resources director.

#### **8:8 Education Reimbursements**

The City offers to its employees an educational reimbursement plan where if you attend a college or university and are taking classes toward a degree in your field you can be reimbursed for the expenses related to the courses.

Please refer to the collective bargaining agreement for the department in which you work for additional details or contact the human resources director.

#### **8:9 Clothing/Equipment Allowance**

The City offers to some employees a clothing and equipment allowance. This allowance is for the employee to replace, repair, maintain, or clean the uniforms, shoes, equipment, etc. that have been assigned to you for the performance of your duties.

Please refer to the collective bargaining agreement for the department in which you work for additional details or contact the human resources director.

#### **8:10 Sick Time Incentive**

The City offers to all full time employees a sick time incentive. If an employee has perfect attendance for the entire year they will receive three (3) days pay at their regular pay rate. Refer to the collective bargaining agreement for this process.

## **Section 9**

### **Care and Use of City Property**

#### **9:1 City Property**

We ask all employees to take care of City property and to report any problems to their supervisor. If a piece of equipment or property is unsafe for use, please report it to your supervisor immediately who will forward the information to the proper channels for repair or replacement. Please use property only in the manner intended and as instructed. We do not allow personal use of City property unless specifically authorized in this Handbook.

Failure to use City property appropriately, and failure to report problems or unsafe conditions, may result in disciplinary action, up to and including termination.

For information on use of computers, the Internet, and software, see Section 15 of this Handbook.

#### **9:2 City Vehicles**

Authorized employees must sign out City cars with their Department head prior to use and are responsible for the cleanliness of the vehicle. Please remove any trash or personal items when you are finished using the vehicle. Please immediately report any accidents, mechanical problems, or other problems to the Department head.

City vehicles are to be used within the City limits only, and are not allowed to leave the City without prior approval by your supervisor. Vehicles used for public safety and public works are allowed to leave the City limits in accordance with established rules and regulations.

You may not use City vehicles while under the influence of drugs or alcohol or while otherwise impaired. You may not text while behind the wheel of a City vehicle.

You must have a valid driver's license and we expect that you will drive in a safe and courteous manner. If you receive any tickets for parking violations or moving violations, you are responsible for taking care of them.

Violating this policy in any way may result in disciplinary action, up to and including termination.

#### **9:3 Telephone System**

The City's telephone system is for business use only. Employees are expected to keep personal calls to a minimum. If you must make or receive a personal call, please keep your conversation brief. Extensive personal use of City phones is grounds for discipline.

#### **9:4 Return of City Property**

When your employment with the City ends, we expect you to return City property—and to return it clean and in good repair. This includes all manuals and guides, documents, phones, computers, equipment, keys, and tools. We reserve the right to take any lawful action to recover or protect our property.

## **Section 10**

### **Time Off and Leaves of Absence**

#### **10:1 Vacation**

The City recognizes that our employees need to take time off occasionally, to rest and relax, to enjoy a vacation, or to attend to personal matters. That's why we offer a paid vacation program. Regular full-time employees are eligible to participate in the paid vacation program. A vacation request form must be completed and submitted to your immediate supervisor at least twenty-four (24) hours in advance, unless in the case of an extreme emergency.

Employees covered under a collective bargaining agreement can refer to the particular collective bargaining agreement for their vacation amounts.

All non-classified employees receive vacation time according to the following schedule:

##### **Salary Employees**

Salary employees start earning vacation on their first day of employment. The vacation amount is deposited on January 1<sup>st</sup> of each year. You are able to carry over up to five (5) days from one year to another.

Full time Department Heads 20 days

Part time Department Heads 10 days

Full time Other Non-Classified 20 days

Vacation time for salary employees is deducted in ½ day increments.

Vacation time is paid at the employee's base pay rate at the time it is taken.

##### **Hourly Employees**

Vacation time for hourly employees is deducted in ½ day increments. Vacation time is paid at the employee's base pay rate at the time it is taken.

Employees must schedule their vacations in advance with their supervisor. We will try to grant every employee's vacation request for the days off of their choice. However, we must have enough workers to meet our day-to-day needs—so we might not be able to grant every vacation request, especially during holiday periods.

Upon retirement, resignation, or termination whether voluntary or involuntary all accrued unused vacation days will be paid out to the employee on the next regular pay day.

#### **10:2 Holidays**

Employees of the City are paid for twelve (13) holidays. Each of the collective bargaining agreements have slight differences in the holidays their covered employees are paid for, but in general the City observes the following state holidays each year: New Year's Day, Memorial Day, Independence Day, Victory Day, Labor Day, Columbus Day, Veterans Day, Martin Luther King Day, President's Day, Thanksgiving Day and Christmas Day. In addition the City at its own discretion may designate other days as City holidays.

Employees covered under a collective bargaining agreement can refer to the particular collective bargaining agreement for their observed holidays.

If a holiday falls on a weekend, the City will inform you when the holiday will be observed. Ordinarily, holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a Sunday will be observed the following Monday. See the Human Resource Department for a copy of the annual holiday observance calendar.

You must also work the day before, and the day after the holiday to receive holiday pay unless you have a pre-scheduled vacation day.

### **10:3 Personal Days**

The City at its discretion allows employees to take Personal Days. Employees receive Personal Time on January 1<sup>st</sup> each year unless stated differently in a collective bargaining agreement. Personal Days are used at the employee's pleasure, providing they do not cause the City to expend monies for overtime. Refer to the collective bargaining agreement of your specific department for the number and use of Personal Days.

### **10:4 Sick Days**

The City, at its discretion allows employees to take Sick Days. Department Heads and Non-classified employees receive (1) sick days on January 1<sup>st</sup> each year, and accrued monthly. Refer to the collective bargaining agreement of your specific department for the number and use of Sick Days. If 8 hours of sick time is taken, you will be paid for 8 hours, you do not have the option of being paid for less hours, to extend sick time.

An employee out on Sick Leave cannot work for any other employer during the same 24 hour period as they were out sick.

### **10:5 Leaves of Absence – General**

A leave of absence is an approved absence from work for a specified period of time for medical, parental, or military reasons. (See each separate category below for a more complete definition of each type of leave of absence). The City of Central Falls policies for each leave complies with applicable federal and state legislation, such as the Family and Medical Leave Act of 1993 (FMLA) and the Rhode Island Parental and Family Medical Leave Act (RIPFMLA).

In general the following conditions apply to leaves of absence (see the Director of Human Resources for rules particular to a specific type of leave of absence or with general questions about The City of Central Falls leave policy):

- The maximum amount of time on leaves of absences an employee is allowed to take in any combination of leaves of absences is 13 (thirteen) weeks in a 12 (twelve) month time period measured backward from the date an employee begins a leave of absence (rolling period);
- Available accrued sick and vacation time must be exhausted prior to the start of the leave, sick and vacation time are counted as part of the thirteen (13) week maximum;
- Arrangements for payments of the employee's portion of insurance premiums during the time of leave must be agreed upon with the Payroll Clerk prior to the start of leave;
- Medical certifications may be required prior to return to work;
- Failure to return to work upon the expiration of a leave of absence or refusing offer of reinstatement, for which the employee is qualified, will result in voluntary termination.

If you find that you must be out of work for more than one week, you should contact the Human Resources Department to determine if you qualify for a leave of absence and if a leave of absence is necessary.

### **10:6 Workers' Compensation Leave**

- If you suffer from an injury or illness that occurred in the work environment, you may be eligible for workers' compensation leave. Workers' compensation leave (to the extent it qualifies) is designated as family and medical leave and will run concurrently with family and medical leave. To find out more about workers' compensation leave, contact the human resources director.

## **10:7 Family and Medical Leave**

Employees who have worked for our City for at least a full year and have worked at least 1250 hours during the twelve-month period immediately before the date when the leave is requested to commence are eligible to take unpaid family and medical leave for one or more of these purposes:

- because the employee's own serious health condition makes the employee unable to work
- to care for a spouse, child, or parent who has a serious health condition, or
- to care for a newborn, newly adopted child, or recently placed foster child.

### Leave Available

Eligible employees may take up to the maximum amount of 13 weeks in a 12 month time period measured backward from the date an employee begins a leave of absence (rolling period). A parent who takes leave to care for a newborn, newly adopted child, or recently placed foster child must begin this leave within a year after the birth, adoption, or placement.

### Notice Requirements

Employees are required to give notice to the Director of Human Resources at least 30 days in advance of their need for a family and medical leave, if their need for leave is foreseeable. In emergencies and unexpected situations, employees must give as much notice as is practicable under the circumstances.

### Reinstatement Rights

When you return from an approved family and medical leave, you have the right to return to your former position or an equivalent position, except you have no greater right to reinstatement than you would have had if you had not been on leave. If your position is eliminated for reasons unrelated to your leave, for example, you have no right to reinstatement.

### Medical Certification

The City may ask employees who take leave for their own serious health condition or to care for a spouse, parent, or child with a serious health condition to provide a doctor's form certifying the need for leave (Form WH-380). The City is also entitled to seek a second opinion and periodic re-certifications. In some cases, the City may ask employees who take leave because of their own serious health condition to provide a fitness-for-duty report from their doctors before they return to work.

### Intermittent Leave

If you will need to take family and medical leave on an intermittent basis—that is, a day or two at a time rather than all at once—for your own serious health condition or to take care of a family member with a serious health condition, you will be allowed to do so. However, the City may temporarily reassign you to a different position with equivalent base rate pay and benefits to accommodate the intermittent schedule.

The City will consider requests for intermittent leave to care for a new child on a case-by-case basis, and in accordance with Federal and State law.

### Health Insurance During Leave

Your health insurance benefits will continue during leave. You will be responsible for paying any portion of the premium that you ordinarily pay while you are working and you must make arrangements regarding these payments with the assistant controller prior to going on leave. Employees who do not return from family and medical leave will be required to reimburse the City for any premiums paid on the employee's behalf during the leave.



## **10:8 Bereavement Leave**

Employees are allowed up to five (5) consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse or domestic partner, grandparent, parent, stepparent, sibling, child, stepchild, or grandchild.

Employees are allowed up to three (3) consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Employees are allowed one (1) day off from regularly scheduled duty with regular pay in the event of death of the employee's aunt, uncle, cousin or spouse's or domestic partner's grandparent.

All employees will be paid for the normally scheduled hours on the day(s) of the bereavement leave at the employee's regular rate of pay. An employee may make arrangements with his or her supervisor for additional days off in the instance of the death of an immediate family member. Any additional days used as Bereavement Leave will be deducted from the employees available Sick Days, or will be unpaid.

## **10:9 Military Leave**

Our City supports those who serve in the armed forces to protect our country. In keeping with this commitment, and in accordance with state and federal law, employees who must be absent from work for military service are entitled to take a military leave of absence. This leave will be unpaid.

When an employee's military leave ends, that employee will be reinstated to the position he or she formerly held, or to a comparable position, as long as the employee meets the requirements of federal and state law.

Employees who are called to military service must tell their supervisors as soon as possible that they will need to take military leave. An employee whose military service has ended must return to work or inform the City that he or she wants to be reinstated in accordance with these guidelines:

For a leave of 30 or fewer days, the employee must report back to work on the first regularly scheduled workday after completing military service, allowing for travel time.

For a leave of 31 to 180 days, the employee must request reinstatement within 14 days after military service ends.

For a leave of 181 days or more, the employee must request reinstatement within 90 days after military service ends.

## **10:10 Jury Duty**

If you are called for jury duty, you are entitled to take time off, as necessary, to fulfill your jury obligations. You must show your jury duty summons to your supervisor and the Director of Human Resources immediately when you receive it. If you are chosen to sit on a jury, you must inform your supervisor and the Director of Human Resources how long the trial is expected to last. You must also check in with your supervisor and the Director of Human Resources periodically during your jury service, so the City knows when to expect you back at work.

Any employee who is called for Jury Duty will be paid up to five (5) days providing they actually sit on the Jury. Any funds received for jury duty must be submitted to the Human Resource Office. Any additional days will be deducted from an employee's available Sick Days.

## **10:11 Inclement Weather Leave**

The City at its discretion from time to time may have to close the offices or departments within the City because of inclement weather. If the City closes departments the employees in those departments will be compensated for the hours

lost at their regular rate of pay. If the employee elects not to report to work, or leaves work on a day of inclement weather and the City does not close the office or department the employee will not be compensated for that time.

## **Section 11 Performance**

### **11:1 Your Job Performance**

Each and every employee at The City of Central Falls contributes to the success of our City. If one employee allows his or her performance to slip, then all of us suffer. We expect everyone to perform to the highest level possible.

Poor job performance can lead to disciplinary action, up to and including termination.

We encourage you to discuss your job performance and goals with your supervisor.

### **11:2 Performance Reviews**

Because our employees' performance is vital to our success, we conduct periodic reviews of individual employee performance. Through these reviews, our employees will learn what we expect of them, and we will learn what they expect of us.

To learn more about our performance review system, talk with your supervisor, or schedule with your supervisor to speak with the human resources director.

## **Section 12 Workplace Behavior**

### **12:1 Please Act Professionally**

People who work together have an impact on each other's performance, productivity, and personal satisfaction in their jobs. In addition, how our employees act toward the public will influence whether those relationships are successful for our City.

Because your conduct affects many more people than just yourself, we expect you to act in a professional manner whenever you are on City property, conducting City business, or representing the City at business or social functions.

Although it is impossible to give an exhaustive list of everything that professional conduct means, it does, at a minimum, include the following:

- following all of the rules in this Handbook that apply to you
- refraining from rude, offensive, or outrageous behavior
- refraining from ridicule and hostile jokes
- treating coworkers, citizens, and vendors with patience, respect, and consideration
- providing truthful and accurate information when asked
- being courteous and helpful to others, and
- communicating openly with supervisors, managers, and coworkers.

Individuals who act unprofessionally will face disciplinary action, up to and including termination.

### **12:2 Punctuality and Attendance**

You are important to the effective operation of this City. When you are not here at expected times or on expected days, someone else must do your job or delay doing his or her own job while waiting for you to arrive. If you work with customers or vendors, they may grow frustrated if they can't reach you during your scheduled work times.

As a result, we expect you to keep regular attendance, to be on time and ready to work at the beginning of each scheduled workday, and to work the scheduled hours for the workday. Please speak with your direct supervisor or schedule to speak with the human resource director to understand what is expected of you. Employees who are in violation of this policy will face disciplinary action, up to and including termination.

### **12:3 Employee Appearance and Dress**

We ask all employees to use common sense when they dress for work. Please dress appropriately for your position and job duties. Employees working in City Hall will dress in a business casual fashion. If you have any questions about the proper attire for your position, please ask your supervisor or the human resources director.

We require specific standards of dress and grooming for many employees to meet safety requirements. To learn about those restrictions, please contact your supervisor or the human resources director. Employees who are in violation with the City's standards of appearance and dress will face disciplinary action, up to and including termination.

### **12:4 Cellular Telephone Use**

We understand that from time to time employees or their families may have an emergency situation that needs immediate attention. If an employee must make or receive a personal call we ask that they do not talk on their cellular telephone in the public view, and they limit their call to a couple of minutes. If you are on a rest or meal break, and as long as you are not in the view of the public you can use your cellular telephone.

### **12:5 Pranks and Practical Jokes**

Although we want our employees to enjoy their jobs, we cannot allow employees to play practical jokes or pranks on each other. At best, these actions disrupt the workplace and dampen the morale of some; at worst, they lead to complaints of discrimination, harassment, or assault.

Employees who play pranks or practical jokes will face disciplinary action, up to and including termination.

### **12:6 Threatening, Abusive, or Vulgar Language**

We expect our employees to treat everyone they meet through their jobs with courtesy and respect. Threatening, abusive, and vulgar language has no place in our workplace. It destroys morale and relationships, and it impedes the effective and efficient operation of our City.

As a result, we will not tolerate threatening, abusive, or vulgar language from employees while they are on the worksite, conducting City business, or attending City-related business or social functions.

If you have any questions about this policy, ask your supervisor to schedule an appointment with the human resources director.

Employees who violate this policy will face disciplinary action, up to and including termination.

### **12:7 Horseplay**

We don't allow employees to engage in horseplay—which is loud, boisterous, and out of control behavior. Horseplay disrupts the work environment and can get out of hand, leading to fighting, hurt feelings, safety hazards, or worse. Employees who engage in horseplay will face disciplinary action, up to and including termination.

## **12:8 Fighting**

Fighting among employees is absolutely prohibited. Employees shall not engage in, provoke, or encourage a fight. Those who violate this policy will face disciplinary action, up to and including termination.

## **12:9 Sleeping on the Job**

When our employees arrive at work, we expect them to be physically prepared to work through their day. Employees who sleep on the job dampen morale and productivity and may create a safety hazard by failing to be attentive and alert while working. As a result, we do not allow any employees to sleep while at work.

Employees who violate this policy face disciplinary action, up to and including termination.

## **12:10 Insubordination**

Our workplace operates on a system of mutual respect between supervisors and employees. Supervisors must treat their employees with dignity and understanding, and employees must show due regard for their supervisor's authority. Insubordination occurs when employees unreasonably refuse to obey the orders or follow the instructions of their supervisors. It also occurs when employees, through their actions or words, show disrespect toward their supervisors. Insubordinate employees will face disciplinary action, up to and including termination.

We understand, however, that there may be a time when an employee has a valid reason for refusing to do as his or her supervisor has instructed: fear for one's own safety or the safety of others or belief that following instructions violates the law. When these issues arise, we do not ask that employees blindly follow orders. Instead, we ask that employees explain the situation to their supervisor. If, after hearing the employee's side, the supervisor continues to give the same order or rule, the employee must either obey or schedule with their supervisor to meet with the human resources director.

## **12:11 Other Infractions**

While it is not possible to list all the forms of behavior that are considered unacceptable to The City of Central Falls, the following are examples of other infractions of rules of conduct that may result in disciplinary action, up to and including termination:

- Falsification of information during an internal investigation
- Theft or unauthorized removal, possession, or use of City property
- Vandalism to City property
- Theft or vandalism of property from any worker working on the City's premises, the City's vendors or their representatives, the citizens or business owners
- Unauthorized entrance onto City property or use of City vehicles and equipment
- Unauthorized absence from the work station during the workday, including but not limited to walking off the job
- Unsatisfactory performance or willful restriction of one's own production or the production of others or willful poor workmanship, or continuous poor quality or workmanship
- Negligence or improper conduct leading to damage of City property or defacement or intentional damage of City property
- Possession, distribution, sale, transfer, or use of illegal substances or of dangerous or unauthorized materials, such as explosives or firearms, while in the work place
- Violation of personnel policies as established by the City.

## **12:12 Progressive Discipline**

The City of Central Falls considers all employees to be a great asset to the City. From time to time situations arise and employees need to be counseled and/or receive disciplinary action. The City has established the following disciplinary procedure that allows employees reasonable time to improve unsatisfactory performance or conduct, except for instances involving serious offenses, which may warrant immediate termination:

- First violation = verbal (written) warning
- Second violation = written warning
- Third violation = suspension
- Fourth violation = termination

When an employee receives a suspension, the suspension day(s) will be complete consecutive regularly scheduled workdays. Depending on the specific violation of City policy, discipline may start at any appropriate step and steps may be omitted depending on the seriousness or nature of the offense. Serious violations may result in immediate termination.

## Section 13

### Environmental, Safety and Health

#### 13:1 Safety Policy

Our City is very concerned about the safety and health of all employees. In order to provide a safe workplace for everyone, every employee must follow all environmental, safety and health rules:

- Horseplay, rough-housing, and other physical acts that may endanger employees or cause accidents are prohibited
- Employees must follow all regulations to ensure compliance with federal, state and local standards
- All equipment and machinery must be used properly. All guards and other safety devices must be used at all times. Do not use equipment for other than its intended purpose. Never remove or defeat a safety guard
- All employees must immediately report any workplace condition that they believe to be unsafe to their supervisor the City will look into the matter promptly
- All employees must immediately report any workplace injury or illness to their supervisor and the human resources director.

#### 13:2 What to Do in an Emergency

In case of an emergency, such as a fire, tornado, or accident, your first priority is your own safety. In the event of emergency causing serious injuries, **IMMEDIATELY DIAL 9-1-1** to alert police and rescue workers of the situation. Then notify, if one is nearby, a trained responder, and the human resources director.

If you hear a fire alarm or in case of an emergency that requires evacuation, please proceed quickly and calmly to the fire exits. Exit the buildings using the primary evacuation routes that you have been trained to use during the periodic fire drills to familiarize everyone with the routes they should take. Remember that every second may count. Don't return to the workplace to retrieve personal belongings or work-related items. Upon exiting the building, head towards the location previously identified as the evacuation marshalling area so all employees can be accounted for. The marshalling area for City Hall is the parking lot across the street from City Hall on Summit Street.

The City of Central Falls keeps emergency response supplies available for use by trained CPR/First Aid Responders. Fire extinguishers are found throughout the facilities according to our specification.

#### 13:3 Violence Is Prohibited

We do not tolerate violence in the workplace. Violence includes physical altercations, coercion, pushing or shoving, horseplay, intimidation, stalking, and threats of violence. Any comments about violence will be taken seriously—and may result in your termination.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on City property may be removed from the premises pending the outcome of an internal investigation. Threats, threatening behavior or other acts of violence executed off City property but directed at City employees or individuals with professional relationships with the City (e.g., employees of companies providing goods or services to the City or leasing the City property) is a violation of this policy. Threats, threatening behavior or other acts of violence executed off City property but directed at members of

the public when conducting official City business are also a violation of this policy. Off-site threats include but are not limited to threats made via the telephone, fax, electronic or conventional mail, or any other communication medium. Finally, egregious threats, threatening behavior or other acts of violence executed off City property but directed at members of the public are a violation of this policy.

Violations of this policy will lead to disciplinary action that may include termination, arrest and prosecution.

#### No Weapons

No weapons are allowed in our workplace. Weapons include but are not limited to firearms, fixed blade knives, brass knuckles, martial arts equipment, clubs or bats, and explosives. If your work requires you to use an item that might qualify as a weapon, you must receive authorization from your supervisor to bring that item to work or use it in the workplace. Any employee found with an unauthorized weapon in the workplace will be subject to discipline, up to and including termination. Employees that are members of the Police Department will follow the Rules and Regulations established specifically for that department.

#### What to Do in Case of Violence

If you observe an incident or threat of violence that is immediate and serious, inform security personnel stationed at the guard station or your supervisor. If you are unable to reach someone immediately, **DIAL 9-1-1** and report the incident to the police.

If the incident or threat does not appear to require immediate police intervention, please report it as soon as possible to your supervisor or schedule with your supervisor for a meeting with the human resources director. All complaints will be investigated and appropriate action will be taken. You will not face retaliation for making a complaint.

### **Section 14 Employee Privacy**

#### **14:1 Search Policy**

Employees do not have a right to privacy in their workspaces, any other City property, or any personal property they bring to the workplace. The City reserves the right to search City premises at any time, without warning, to ensure compliance with our policies on employee safety, workplace violence, harassment, theft, drug and alcohol use, and possession of prohibited items. The City may search City property, including but not limited to lockers, desks, file cabinets, storage areas, and workspaces.

#### **14:2 Telephone Monitoring**

The City reserves the right to monitor calls made from or received on City telephones. Therefore, no employee should expect that conversations made on City telephones will be private.

#### **14:3 E-mail and Confidentiality**

E-mail messages addressed through The City of Central Falls servers are not confidential. The City reserves the right to intercept, access, review, audit, and disclose all messages created, received or sent over its computer system for any purpose without the permission of the employee.

All messages composed, sent or received on The City of Central Falls computer system and all files downloaded from the Internet are and remain the property of The City of Central Falls and may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or conduct any other non-job-related activities.

## Section 15

### Computers, Email, and the Internet

#### 15:1 Email

The City of Central Falls provides some employees with computer equipment, which may include an Internet connection and access to an electronic communications system, to enable them to perform their jobs successfully. This policy governs your use of the City's email system.

##### Use of the Email System

The email system is intended for official City business. Although you may use the email system for personal messages, you may do so during nonworking hours only. If you send personal messages through the City's email system, you must exercise discretion as to the number and type of messages you send. Any employee who abuses this privilege may be subject to discipline.

##### Email Is Not Private

Email messages sent using City communications equipment are the property of the City. You should not expect that any email message you send using City equipment, including messages you consider to be, or label as personal will be private.

##### Email Rules

All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to solicit others to purchase items for non-City purposes.

We expect you to exercise discretion in using electronic communications equipment. When you send email using the City's communications equipment, you are representing the City. Make sure that your messages are professional and appropriate, in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved, and forwarded to unintended recipients. You should not send any email that you wouldn't want your boss, your mother, or our citizen's to read.

##### Violations

Any employee who violates this policy can be subject to disciplinary action, up to and including termination.

#### 15:2 Internet Use

We may provide you with computer equipment and capabilities, including Internet access, to help you perform your job. This policy governs your use of that equipment to access the Internet.

##### Personal Use of the Internet

Our network and Internet access are for official City business only. Employees may access the Internet for personal use only outside of work hours and only in accordance with the other terms of this policy. An employee who engages in excessive Internet use, even during nonworking hours, or who violates any other provision of this policy, may be subject to discipline.

##### Prohibited Uses of the Internet

Employees may not, at any time, access the Internet using City equipment or links for any of the following purposes:

- To visit websites that feature pornography, gambling, or violent images, or are otherwise inappropriate in the workplace
- To operate an outside business, solicit money for personal purposes, or to otherwise act for personal financial gain, this includes running online auctions
- To download software, articles, or other printed materials in violation of copyright laws
- To download any software program without the express consent of the IT/IS Department

- To read, open, or download any file from the Internet without first screening that file for viruses using the City's virus detection software

### Internet Use is Not Private

We reserve the right to monitor employee use of the Internet at any time, to ensure compliance with this policy. You should not expect that your use of the Internet including but not limited to the sites you visit, the amount of time you spend online, and the communications you have will be private.

### **15:3 Software Use**

It is our City's policy to use licensed software only in accordance with the terms of its license agreement. Violating a license agreement is not only unethical, it is also illegal and can subject the City to criminal prosecution and substantial monetary penalties.

To help us adhere to this policy, employees may not do any of the following without permission from the IT/IS Department:

- Make a copy of any City software program, for any reason
- Install a City software program on a home computer.
- Install a personal software program (that is, software owned by the employee) on any City computer
- Download any software program from the Internet to a City computer.

The City may audit City-owned computers at any time to ensure compliance with this policy.

Please see the IT/IS Department and refer to The City of Central Falls “Electronic Communications Policy” for a full description of computer and telephone use. Employees who are in violation with the City’s “Electronic Communications Policy” will face disciplinary action, up to and including termination.

## **Section 16 Employee Records**

### **16:1 Your Personnel File**

This City maintains a personnel file on each employee. The purpose of this file is to allow us to make decisions and take actions that are personally important to you, including notifying your family in case of an emergency, calculating income tax deductions and withholdings, and paying for appropriate insurance coverage.

Although we cannot list here all of the types of documents that we keep in your personnel file, examples include, job application, resume, performance appraisals, wage or salary increases, warnings, and other employment records. We do not keep medical records or work eligibility forms in your personnel file. Those are kept separately. The Human Resource Department physically keeps your personnel file. If you have any questions about your personnel file, contact the human resources director.

### **16:2 Ownership and Confidentiality of Personnel Files**

Personnel files are the property of The City of Central Falls, and because the information in your personnel file is by its nature personal, we keep the file as confidential as possible. We allow access to your file only on a need-to-know basis.

### **16:3 Please Notify Us If Your Information Changes**

Because we use the information in your personnel file to take actions on your behalf, it is important that the information in that file be accurate. It is your responsibility to promptly notify the City of any changes in personnel data. Please notify the Human Resource Department whenever any of the following changes:



- your name
- your mailing address and phone number
- the name(s) and number of your dependents
- changes you would like to your beneficiaries ( life insurance)
- the number of dependents you are designating for income tax withholding
- your marital status
- the name and phone number of the individual(s) whom we should notify in case of an emergency, or restrictions on your driver's license.

#### **16:4 Inspecting Your Records**

In compliance with state law if you are an active employee wishing to inspect your own personnel file, you must give at least seven (7) days advance notice (excluding weekends and holidays) to the Human Resources Department in the form of a written request to the human resources director. The human resources director will arrange for you to view your records at a reasonable time other than your scheduled work hours. All inspections will take place in the presence of the human resources director or his/her designee. You may not make copies or remove files from place of inspection. The City does not supply copies of personnel records to employees.

#### **16:5 Work Eligibility Records**

In compliance with federal law, all newly hired employees must present proof that they are legally eligible to work in the United States. We must keep records related to that proof, including a copy of the Form I-9 that each employee completes for us. Those forms are kept as confidential as possible. We do not keep them in your personnel file. If you have any questions about the storage of your work eligibility records or about inspecting your work eligibility records, contact the human resources director.

#### **16:6 Medical Records**

We understand the particularly sensitive nature of an employee's medical records, so we do not place any such records in the employee's personnel file. We keep all medical records in a separate and secure place. If you have any questions about the storage of your medical records or about inspecting your medical records, contact the human resources director.

### **Section 17 Drug Abuse Prevention Policy**

#### **17:1 Policy Against Alcohol and Illegal Drug Use**

This City is committed to providing a safe, comfortable, and productive work environment for its employees. We recognize that employees who abuse drugs or alcohol at work—or who appear at work under the influence of illegal or mind-altering prescription drugs or alcohol—harm both themselves and the work environment.

As a result, we prohibit employees from doing the following:

- appearing at work under the influence of alcohol or illegal or mind-altering prescription drugs
- conducting City business while under the influence of alcohol or illegal drugs (whether or not the employee is actually on work premises at the time)
- using alcohol or illegal drugs on the worksite
- possessing, buying, selling, or distributing alcohol, illegal drugs, or any drug related paraphernalia on the worksite
- possessing, buying, selling, or distributing illegal drugs while conducting City business (whether or not the employee is actually on work premises at the time).

Illegal drug use includes more than just outlawed drugs such as marijuana, cocaine, or heroin. It also includes the misuse of otherwise legal prescription and over-the-counter drugs.

This policy covers times when employees are on call but not working and times when employees are driving City vehicles or using City equipment.

Employees who violate this policy may face disciplinary action, up to and including termination.

## **17:2 Inspections to Enforce Drug and Alcohol Policy**

This City reserves the right to inspect employee's possessions and workspaces to enforce our drug abuse prevention policy.

## **17:3 Pre-Employment Drug Testing Procedure**

To help ensure that employees working for the City are physically fit to perform the necessary functions of their jobs a pre-employment drug test may be required. Applicants who receive an offer of employment contingent on their ability to receive a negative result on a pre-employment drugs test will be required to submit to a drug test prior to gaining employment.

If testing is required, employees shall provide a sample outside the presence of others, in a private location. A federally certified laboratory will confirm positive test results by means of gas chromatography/mass spectrometry or other technology as least as scientifically accurate.

If a pre-employment drug or alcohol test is performed which has a positive result, the initial offer of employment will be rescinded. If you refuse to submit to the drug and alcohol test, or fail to comply with the test in a timely manner it will be assumed that the test would have shown a positive result and the initial offer of employment will be rescinded.

Individuals whose test results are positive will be unable to re-apply for employment for a period of six (6) months.

Municipal-employees, with the exception of applicants for law enforcement, or firefighter positions may or may not be subject to drug screening.

## **17:4 Reasonable Suspicion Drug and Alcohol Testing Procedure**

Anytime an employee is injured as a result of a work-related accident which requires advanced medical treatment (beyond first aid treatments provided by The City of Central Falls) or has damaged City property or equipment or when reasonable suspicion is suspected, the employee will be required to submit to a drug and alcohol test at the expense of the City.

If testing is required, employees shall provide a sample outside the presence of others, in a private location. Employees may also choose to have their sample tested or evaluated by an independent testing facility, at the expense of the City. A federally certified laboratory will confirm positive test results by means of gas chromatography/ mass spectrometry or other technology as least as scientifically accurate.

Results of any test will be kept confidential, except positive test results, which will only be shared with other employees on a need to know basis. Test results will also be made available to the employee to defend against any legal action brought against the City.

A "Reasonable Suspicion" drug or alcohol test may be required of an employee that is suspected of being impaired while in the work area. An employer has grounds to require a Reasonable Suspicion test when two (2) or more Administrative or Supervisory employees believe based on aspects of the employee's job performance or on observations about the employee's behavior, appearance, or speech that they may be impaired.

Employees who tests positive as a result of a “Reasonable Suspicion” test for illegal or mind-altering prescription drugs or alcohol will be suspended immediately for a minimum of thirty (30) days. Additionally, employees who receive positive test results will be referred to a substance abuse professional. Employees will be eligible to return to work only after receiving documented treatment from a substance abuse professional.

If a substance abuse professional recommends additional testing, employees whose tests indicate the continued use of mind-altering prescription drugs or alcohol, will be subject to disciplinary action, up to and including termination.

If you refuse to submit to the drug and alcohol test, or fail to comply with the test in a timely manner it will be assumed that the test would have shown a positive result and you will be suspended for a minimum of thirty (30) days.

We will provide employees reasonable opportunity to rebut or explain positive test results. Employees, who wish to explain or rebut a positive test result, must provide the human resource director written notice within seven (7) days. The City reserves the right to determine what explanations and rebuttals are satisfactory.

Employees who are required to submit for drug testing as a result of reasonable suspicion, property damage, or workplace injury are prohibited from operating City vehicles to and from the testing location. Transportation shall be provided for the employee, to and from the testing facility.

Anytime a supervisor or department head reasonably suspects an employee to be under the influence of drugs or alcohols, and plans to require a drug or alcohol screen, the City Solicitor shall be immediately informed.

#### **17:5 Leave to Participate in Rehabilitation Program**

We believe that employees who have a substance abuse problem can help themselves by enrolling in a rehabilitation program. Not only will overcoming their problem help these employees in their personal lives, it will help them to be more effective and productive workers.

Although we cannot guarantee that we will grant this leave to all employees who request it, employees who would like to participate in a rehabilitation program may, subject to eligibility and approval, be able to use available Sick Days from work to attend the program or be granted leave in accordance with the Family Medical Leave Act.

Employees will be responsible for paying any portion of the insurance premiums ordinarily paid while working *prior* to taking leave to attend the program.

At the end of the rehabilitation leave, we will require proof that the employee successfully completed the program. To learn more about this type of leave, including whether you qualify for it, the circumstances under which we will grant it, and the requirements that you must meet, contact the human resource director. We will keep all conversations regarding employee substance abuse problems as confidential as possible.

Please note that even as you might be seeking assistance for your substance abuse problem, we still expect you to meet the same standards of performance, productivity, and conduct that we expect of all employees. We reserve the right to discipline you—up to and including termination—for failing to meet those standards.

Gen.Laws 1956, § 28-6.5-1

§ 28-6.5-1. Testing permitted only in accordance with this section

(a) No employer or agent of any employer shall, either orally or in writing, request, require, or subject any employee to submit a sample of his or her urine, blood, or other bodily fluid or tissue for testing as a condition of continued employment unless that test is administered in accordance with the provisions of this section. Employers may require that an employee submit to a drug test if:

(1) The employer has reasonable grounds to believe based on specific aspects of the employee's job performance and specific contemporaneous documented observations, concerning the employee's appearance, behavior or speech that the employee may be under the influence of a controlled substance, which may be impairing his or her ability to perform his or her job;

(2) The employee provides the test sample in private, outside the presence of any person;

(3) Employees testing positive are not terminated on that basis, but are instead referred to a substance abuse professional (a licensed physician with knowledge and clinical experience in the diagnosis and treatment of drug related disorders, a licensed or certified psychologist, social worker, or EAP professional with like knowledge, or a substance abuse counselor certified by the National Association of Alcohol and Drug Abuse Counselors (all of whom shall be licensed in Rhode Island)) for assistance; provided, that additional testing may be required by the employer in accordance with this referral, and an employee whose testing indicates any continued use of controlled substances despite treatment may be terminated;

(4) Positive tests of urine, blood or any other bodily fluid or tissue are confirmed by a federally certified laboratory by means of gas chromatography/mass spectrometry or technology recognized as being at least as scientifically accurate;

(5) The employer provides the test to the employee, at the employer's expense, the opportunity to have the sample tested or evaluated by an independent testing facility and so advises the employee;

(6) The employer provides the test to the employee with a reasonable opportunity to rebut or explain the results;

(7) The employer has promulgated a drug abuse prevention policy which complies with requirements of this chapter; and

(8) The employer keeps the results of any test confidential, except for disclosing the results of a "positive" test only to other employees with a job-related need to know, and to defend against any legal action brought by the employee against the employer.

(b) Any employer who subjects any person employed by him or her to this test, or causes, directly or indirectly, any employee to take the test, except as provided for by this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or not more than one year in jail, or both.

(c) In any civil action alleging a violation of this section, the court may:

- (1) Award punitive damages to a prevailing employee in addition to any award of actual damages;
  - (2) Award reasonable attorneys' fees and costs to a prevailing employee; and
  - (3) Afford injunctive relief against any employer who commits or proposes to commit a violation of this section.
- (d) Nothing in this chapter shall be construed to impair or affect the rights of individuals under chapter 5 of this title.
- (e) Nothing in this chapter shall be construed to:
- (1) Prohibit or apply to the testing of drivers regulated under 49 C.F.R. § 40.1 et seq. and 49 C.F.R. part 382 if that testing is performed pursuant to a policy mandated by the federal government; or
  - (2) Prohibit an employer in the public utility or mass transportation industry from requiring testing otherwise barred by this chapter if that testing is explicitly mandated by federal regulation or statute as a condition for the continued receipt of federal funds.
  - (3) Prohibit an employer in the highway maintenance industry, which shall include the construction, upkeep, maintenance and repair of the state's highways, roads and bridges including the repaving or resurfacing of the same, from requiring testing otherwise barred by this chapter, provided the testing is performed as regulated under 49 C.F.R. part 40.
- (f) Notwithstanding the foregoing, this chapter shall not apply to members of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers and its signatory contractors jointly participating in the IMPACT National Substance Abuse Program for purposes of pre-qualifying workers for employment on and ensuring the maintenance of designated drug free work sites; provided, however, that:
- (1) Participation by each worker is voluntary; and
  - (2) Workers who refuse to participate shall not be subjected to any adverse employment action other than an inability to work on a designated drug free work site; and

(3) The penalty for a first “positive” test shall not exceed a thirty (30) day suspension from work on designated drug free work sites.

## Credits

P.L. 1987, ch. 540, § 1; P.L. 1989, ch. 123, § 1; P.L. 1990, ch. 385, § 1; P.L. 1996, ch. 136, § 2; P.L. 1996, ch. 242, § 2; P.L. 1997, ch. 152, § 1; P.L. 2011, ch. 221, § 1, eff. July 1, 2011; P.L. 2011, ch. 324, § 1, eff. July 12, 2011; P.L. 2013, ch. 145, § 1, eff. July 6, 2013; P.L. 2013, ch. 494, § 1, eff. July 17, 2013.

Notes of Decisions (5)


Gen. Laws, 1956, § 28-6.5-1, RI ST § 28-6.5-1

The statutes and Constitution are current through Chapter 542 of the January 2016 session.

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 KeyCite Yellow Flag - Negative Treatment

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Proposed Legislation

West’s General Laws of Rhode Island Annotated

Title 28. Labor and Labor Relations

Chapter 6.5. Urine and Blood Tests as a Condition of Employment

Gen.Laws 1956, § 28-6.5-2

§ 28-6.5-2. Testing of prospective employees

(a) Except as provided in subsections (b) and (c) of this section, an employer may require a job applicant to submit to testing of his or her blood, urine or any other bodily fluid or tissue if:

(1) The job applicant has been given an offer of employment conditioned on the applicant’s receiving a negative test result;

(2) The applicant provides the test sample in private, outside the presence of any person; and

(3) Positive tests of urine, blood, or any other bodily fluid or tissue are confirmed by a federal certified laboratory by means of gas chromatography/mass spectrometry or technology recognized as being at least as scientifically accurate.

(b) The pre-employment drug testing authorized by this section shall not extend to job applicants for positions with any agency or political subdivision of the state or municipalities, except for applicants seeking employment as a law enforcement or correctional officer, firefighter, or any other position where that testing is required by federal law or required for the continued receipt of federal funds.

(c) An employer shall not be required to comply with the conditions of testing under subsection (a) of this section to the extent they are inconsistent with federal law.

### **Credits**

P.L. 1994, ch. 203, § 1; P.L. 1997, ch. 152, § 1.

Gen. Laws, 1956, § 28-6.5-2, RI ST § 28-6.5-2

The statutes and Constitution are current through Chapter 542 of the January 2016 session.

## **Section 18**

### **Ethics and Conflicts of Interest**

#### **18:1 Ethics and Conflicts of Interest**

Every city employee and officer is covered by the city code of ethics. Mayor James Diossa proposed a city code of ethics for several reasons: (1) to address issues and conduct not covered by the state ethics code and in so doing to hold the city's employees and officials to the highest possible standards of ethics; (2) city officers and employees are public servants of the people and hold their positions with the trust of the public and for the benefit of the public; (3) city officers and employees should act with the honesty and esteem which their position requires; (4) city officers and employees must strive to meet the highest standards of ethics consistent with city and state law, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern.

Every employee must read the ethics ordinance and attest to the Municipal Integrity Officer that he or she has done so. The city ethics code is available here: <http://www.centrafallsri.us/ethics>

Further, our City's success depends on the hard work, dedication, and integrity of everyone who works here. In turn, our employees' livelihood depends on the success of our City.

Because we depend so much on our employees, and because they depend so much on us, we expect all employees to devote their energies and loyalties to our City. We do not allow employees to engage in any activities or relationships that create either an actual conflict of interest or the potential for a conflict of interest.

Although we cannot list every activity or relationship that would create either an actual or potential conflict of interest, examples of activities that violate this policy include the following:

- working for a vendor as a part-time employee, full-time employee, consultant, or independent contractor, or in any other capacity
- owning an interest in a vendor, or anyone else who seeks to do business with this City
- using the resources of this City for personal gain, and
- using your position in this City for personal gain.

Employees who violate this policy face disciplinary action, up to and including termination.

If you are unsure about whether an activity might violate this policy, or if you have any questions at all about this policy, please talk to the municipal integrity officer or the human resources director.

## **Section 19**

### **Discrimination and Harassment**

#### **19:1 Our Commitment to Equal Employment Opportunity**

The City of Central Falls is strongly committed to providing equal employment opportunity for all employees and all applicants for employment. For us, this is the only acceptable way to do business.

- The City will recruit, hire and promote without regard to sex, race, color, age, national origin, religion, disability, genetic information, marital status, sexual orientation, gender identity, citizenship, pregnancy or veteran status, or any other status protected by applicable law.
- The City will make all decisions of employment with consideration to appropriate principles of Equal Employment and Affirmative Action.
- Promotional opportunities will be filled based on merit, experience and other job-related criteria.
- Personnel actions, such as compensation, benefits, transfers, layoffs, company-sponsored training programs, and social and recreational programs, will be administered on a non-discriminatory basis.

All employment decisions are made on a non-discriminatory basis, and without regard to sex, race, color, age, national origin, religion, disability, genetic information, marital status, sexual orientation, gender identity/reassignment, citizenship, pregnancy or maternity, veteran status, or any other status protected by applicable national, federal, state or local law. In some cases, local laws and regulations may provide greater protections than those outlined here and, as such, are applicable.

An affirmative action program has been developed to identify areas where the city seeks to increase the representation of minorities and women. In those areas, the City is developing action plans and good faith efforts that will be undertaken in an effort to increase minority and female participation. The City is committed to these good faith efforts, and we will review them periodically to measure our progress.

Any employee or applicant who believes that he or she has been discriminated against in violation of this policy should immediately file a complaint with the Human Resources Department, as explained in our Complaint Policy. We encourage you to come forward if you have suffered or witnessed what you believe to be discrimination - we cannot solve the problem until you let us know about it. The City will not retaliate, or allow retaliation, against any employee or applicant who complains of discrimination, assists in an investigation of possible discrimination, or files an administrative charge or lawsuit alleging discrimination.

Managers are required to report any discriminatory conduct or incidents.

Our City will not tolerate discrimination against any employee or applicant. We will take immediate and appropriate disciplinary action against any employee who violates this policy.

#### **19:2 Harassment Will Not Be Tolerated**

It is our policy and our responsibility to provide our employees with a workplace free from harassment. Harassment on the basis of race, color, religion, sex, national origin, or sexual preference; undermines our workplace morale and our commitment to treat each other with dignity and respect. Accordingly, harassment will not be tolerated in our City. Harassment can take many forms, including but not limited to touching or other unwanted physical contact, posting, circulating or displaying offensive cartoons, pictures, or symbols, using slurs or other derogatory terms, telling offensive or lewd jokes and stories, and sending email messages with offensive content. Unwanted sexual advances, requests for sexual favors and sexually suggestive gestures, jokes, propositions, email messages, or other communications all constitute harassment.



If you experience or witness any form of harassment in the workplace, please immediately notify your supervisor or the human resources director. We encourage you to come forward with complaints: the sooner we learn about the problem, the sooner we can take steps to resolve it. The City will not retaliate, or allow retaliation, against anyone who complains of harassment, assists in a harassment investigation, or files an administrative charge or lawsuit alleging harassment. All managers are required to immediately report any incidents of harassment.

Complaints will be investigated quickly. Those who are found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.

## **Section 20**

### **Grievance and Complaint Policies**

#### **20:1 Grievance and Complaint Procedures**

The City of Central Falls is committed to providing a safe and productive work environment, free of threats to the health, safety, and well-being of our workers. These threats include, but are not limited to, harassment, discrimination, violations of health and safety rules, and violence.

Any employee who witnesses or is subject to inappropriate conduct in the workplace should bring their concerns to the attention of their supervisor. Any supervisor, manager, or City officer, who receives a complaint about, hears of, or witnesses any inappropriate conduct is required to immediately notify the human resources Director. Inappropriate conduct includes any conduct prohibited by our policies about harassment, discrimination, discipline, workplace violence, health and safety, and drug and alcohol use.

We encourage you to come forward with complaints immediately, so we can take whatever action is needed to handle the problem. For serious complaints alleging harassment, discrimination, and other illegal conduct, we will immediately conduct a complete and impartial investigation. All complaints will be handled as confidentially as possible. All employees involved in giving statements about the alleged activity are expected to tell the truth and not give false information or allegations. When the investigation is complete, the City will take corrective action, if appropriate. We will not engage in or allow retaliation against any employee who makes a good faith complaint or participates in an investigation. If you believe that you are being subjected to any kind of negative treatment because you made or were questioned about a complaint, report the conduct immediately to the human resources director.

#### **20:2 Our Doors Are Open to You**

We want to maintain a positive and pleasant environment for all of our employees. To help us meet this goal, The City of Central Falls has an open-door policy, by which employees are encouraged to report work-related concerns.

If something about your job is bothering you, or if you have a question, concern, idea, or problem related to your work, please discuss it with your supervisor as soon as possible. If for any reason you don't feel comfortable bringing the matter to your supervisor, you should feel free to raise the issue with the human resources director.

We encourage you to come forward and make your concerns known to the City. We can't solve the problem if we don't know about it.

## **Section 21**

### **Ending Employment**

#### **21:1 Final Paychecks**

Employees who quit or who are terminated involuntarily will receive their final paycheck on the next regular scheduled pay period. Final paychecks will include all compensation earned but not paid through the date of termination. Final paychecks will also include any accrued vacation time.

## **21:2 Continuing Your Health Insurance Coverage**

The City of Central Falls offers employees group health insurance coverage as a benefit of employment. If you are no longer eligible for insurance coverage because of a reduction in hours, because you quit, or because you are terminated for reasons other than serious misconduct, you have the right to continue your health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to 18 (eighteen) months. You will have to pay the cost of this coverage.

Others covered by your insurance (your spouse and children, for example) also have the right to continue coverage if they are no longer eligible for certain reasons. If you and your spouse divorce or legally separate, or if you die while in our employ, your spouse may continue coverage under our group health plan. And once your children lose their dependent status, they may continue their health care as well. In any of these situations, your family members are entitled to up to 18 (eighteen) months of continued health care. They must pay the cost of this coverage.

You will receive an initial notice of your right to continued health insurance coverage when you first become eligible for health insurance under the City's group plan. You will receive an additional notice when your hours are reduced, you quit, or you are terminated. This second notice will tell you how to choose continuation coverage, what your obligations will be, and how much the insurance will cost. You must notify us if any of your family members becomes eligible for continued coverage due to divorce, separation, or reaching the age of majority.

## **21:3 Exit Interviews**

We will hold an exit interview with every departing employee who requests one. We strongly encourage employees to schedule exit interviews. During the interview, you will have the opportunity to tell us about your employment experience in the City, what you liked, what you didn't like, and where you think we can improve. We greatly value these comments.

The exit interview also gives us a chance to handle some practical matters relating to the end of your employment. You will be expected to return all City property at the interview. You will also have an opportunity to ask any questions you might have about insurance, benefits, final paychecks, references, or any other matter relating to your employment.

## **21:4 References**

When we are contacted by prospective employers seeking information about former employees, we will release the following data only: the position(s) the employee held and the dates the employee worked for our City.