



**City of Cranston**  
**Department of Personnel**

**CIVIL SERVICE RULES AND REGULATIONS**

Original Rules and Regulations approved by the Cranston City Council  
on December 12, 1955

Revised and Updated through November 30, 2018

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## **Rule I                    Purpose and Amendment of the Rules**

### **1. Purpose of Rules:**

It is the purpose of these rules to give effect to the provisions of the Civil Service Chapter of the Charter of the City of Cranston with particular reference to that portion of Section 14.05 which provides- “the Director of Personnel shall prepare and submit to the City Council from time to time rules and regulations relative to personnel administration which may be in addition to or amendment of the rules and regulations in force”

### **2. Amendment of the Rules**

Amendments to these rules may be proposed by the employees to the Director of Personnel who after consideration may submit them (revised if he/she so chooses) to the City Council for approval. Upon approval of these rules by the City Council, the Director of Personnel shall promptly transmit such amendment to appointing authorities and post them (or a fair condensation of them) on the City Hall Bulletin Board.

These rules and regulations insofar as they apply generally to members of the Police and Fire Departments shall be subject to the special provisions of the rules and regulations of the Police and Fire Departments relating to personnel of those departments respectively.

## **Rule II: Definitions**

The following words and terms wherever used in these rules shall have the meaning indicated below unless the context clearly requires otherwise:

1. **“Allocation”** means the classification of a position on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.
2. **“Class Specification”** means the written description of a class containing the official title, a statement of duties, authority, and responsibilities of the class and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.
3. **“Employment List”** means a list of names of persons arranged in the order of their ratings who have been qualified through suitable tests, and who are entitled to have their names certified by appointing authorities for original appointment under the provisions of the Ordinance and these rules.
4. **“Re-Employment”** means a list of names of persons who have occupied positions in the classified service, who have been separated from a position in the classified service, and who are entitled to have their names certified to appointing authorities under the provisions of the Ordinance and these rules. (Procedure on Pg. 16)
5. **“Eligible”** means any person whose name appears upon any re-employment, promotional or employment list.
6. **“Demotion”** means the change of an employee from a position in one class to a position in another class having a lower maximum salary rate.
7. **“Dismissal”** means separation of an employee from the City service other than by lay-off, resignation or retirement.
8. **“Full Time Position”** means a position requiring the observance of normal working hours on a year round basis.
9. **“Layoff”** means the temporary separation of an employee from the service for an indefinite period by reason of lack of work or funds.
10. **“Part Time Position”** means a position involving sub-normal working hours such as a few hours a day or days of the week.
11. **“Permanent Employee”** means an employee in the classified service who has satisfactorily completed his probationary period following appointment from an employment list or appointment to a non-competitive position.
12. **“Permanent Position”** means any position in the classified service which is established without limiting its duration.

## **Rule II: Definitions (cont.)**

13. **“Promotion List”** means a list of classified employees arranged in order of their ratings, who have been found qualified through suitable tests for promotion to positions in other classes.
14. **“Seasonal Positions”** means a position requiring the observance of normal working hours but which is filled annually only during certain months or seasons of the year.
15. **“Suspension”** means the temporary separation of an employee from the service for disciplinary reasons and for a definite period specified in writing.
16. **“Temporary Position”** means a regularly established position in the classified service created for a designated period of time.
17. **“Provisional Appointment”** means an appointment for which there is no eligible list for a period not longer than three months and no such appointment shall be renewed.
18. **“Veteran”<sup>i</sup>** means any person who served in the armed forces during the following periods:
  - December 7, 1941 – December 31, 1946
  - June 27, 1950 – January 31, 1955
  - July 1, 1958 – January 1, 1959
  - August 5, 1964 – May 7, 1975
  - August 20, 1982 – December 31, 1987
  - December 20, 1989 – January 31, 1990
  - August 2, 1990 – May 1, 1994
  - September 18, 2001 – A period prescribed by law, an Act of Congress or Presidential Proclamation
  - October 16, 2002 – A period prescribed by law, an Act of Congress or Presidential Proclamation

**This definition shall be further defined as “any person who honorably served in the armed forces in any conflict or undeclared war for which a campaign ribbon or expeditionary medal was earned and who was honorably discharged from service”**
19. **“Appointing Authority”** means the person or group of persons having the power by virtue of the Charter, an Ordinance, or lawfully delegated authority to make appointments.
20. **“Personnel System”** means all offices and positions of trust or employment in the City service.
21. **“Charter”** means the City Charter which became effective January 1963, and all amendments thereto.
22. **“Certification”** means the act of submitting the required number of available names on an appropriate list to an appointing authority for the purpose of making an appointment.
23. **“Appropriate List”** means any employment list, promotional list or re-employment list, or any combination thereof, which is declared appropriate by the Director of Personnel for purpose of certification and appointment to a given position.

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<sup>i</sup> As amended in Resolution of the City Council No 94-4, approved February 28, 1994 and thereafter amended in Resolution 2005-1, approved January 31, 2005.

## **Rule II: Definitions (cont.)**

24. **“Classified Service”** means all offices and positions of trust or employment in the City service whether paid or unpaid, full time or part time, temporary or permanent, existing or hereafter created except those placed in the unclassified service by the City Charter.
25. **“Classified Employee”** means any employee occupying a position in the classified service.
26. **“Unclassified Employee”** shall consist of the following:
- All officers elected by the people or appointed by the Council
  - All members of boards and commissions appointed for fixed terms.
  - The heads of departments of Finance, Law, Public Works, Inspections, Parks and Recreation and Welfare
  - Employees of the School Committee.
  - One confidential secretary or assistant in the offices of the Mayor and of the directors of Finance and Public Works.
  - Legal Assistants of the City Solicitor.
  - The City Physician, the City Sergeant, the Harbor Master, the Sealer of Weights and Measures, employees of the Mayor’s office, secretary of the Director of Administration, and two part time members of the City Council legislative research staff.
  - The employees of the Board of Canvassers.
  - Persons attached to the Police or Fire Departments other than permanent members thereof.
  - Person employed temporarily in a professional or scientific capacity to make a special study, inquiry or investigation.
27. **“Promotional Appointment”** means the appointment by an appointing authority, of a person to a position in the City service from a promotional list.
28. **“Probationary Period”** is a working test period and a part of the examination process, following an original, promotional or non-competitive appointment, during which an employee is required to demonstrate his fitness for the position to which he is appointed by the satisfactory performance of the duties of said position. Such probationary period shall be for a duration of six (6) months, except in the case of Police and Fire. The probationary period in the Police and Fire shall be for one (1) year.

29. **“Original Appointment”** means the appointment, by an appointing authority of a person to a position in the City service from an employment list.
  
30. **“Open Competitive Examination”** is an examination, which permits persons to compete who meet the requirements of the official announcement and the appropriate class specification but is not restricted to persons currently employed by the City.
  
31. **“Promotional Examination”** is a competitive examination in which completion is open only to persons who hold a position in the City service and who hold or within three years have held permanent status in the classified service and who meet the requirements of the official announcement and the appropriate class of specification.

## **Rule III: The Classification Plan**

The classes of positions, as named and described in the class specifications constituting the schedule of specifications, shall constitute the Classification Plan for positions in the classified service in the City of Cranston and it shall be appended to and made part of these rules.

### **1. Class Specifications:**

The Personnel Director shall cause to be maintained in her/his office complete and up to date specifications for every class of positions in the classified service. These specifications shall include, as far as practicable:

- a) the title of the class
- b) a general statement of the duties
- c) a general statement of typical tasks or assignments
- d) a general statement of distinctive qualification requirements

### **2. Interpretation of Class Specifications:**

The specifications of classes of positions are hereby declared to have the following force and effect:

- a) They are descriptive only and not restrictive. The use of a particular expression or description as to duties, qualifications or other factors shall not be held to exclude other of a similar kind of quality.
- b) In determining the class to which any position shall be allocated, consideration shall be given to the class as a whole and not to any one example of a typical task or requirement.
- c) Statements of minimum requirements and qualifications are to be construed as standards which an employee should be able to meet in order to fulfill the duties adequately. Such qualifications are not to be construed as exclusive of other qualifications commonly expected of all candidates such as honesty, sobriety, industriousness and freedom from disabling defects.

### **3. Allocation of Positions:**

As soon as practicable after approval of this rule, the Personnel Director shall allocate each existing position hereafter created to the appropriate class. When final allocation of a position to a class is made, the title of that class shall forthwith become the official title to be used for payroll, fiscal and personnel purposes and in all official communications and reports to City officials.

The Personnel Director shall determine whether persons holding positions allocated in any class in the plan shall hold such positions in such class with or without the necessity of taking qualifying or performance tests. The Personnel Director shall notify all employees of his or her allocation under the Classification Plan.

## **Rule III: The Classification Plan (cont.)**

### **Re-Allocation of Position**

The Personnel Director may, from time to time, make changes in the allocation of positions whenever such action is warranted, provided that no change shall be made until the appointing authority has had an opportunity to be heard on the proposed re-allocation.

Such changes in allocation may be made only to correct an error in the original allocation or to reflect substantial changes in duties and responsibilities.

Appeals from such allocations or re-allocations may be made to the Personnel Appeal Board as provided in Rule XII – Section 2 of these rules.

## **Rule IV: The Pay Plan**

### **1. Preparation:**

The Personnel Director shall be responsible for the development of a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay for each class of position and such intermediate rates as she/he considers necessary or equitable. Salary ranges shall be linked directly to the position classification plan, and shall be determined with due regard to ranges of pay for comparable work in other public and private employment in the area, cost of living factors, suggestions of department heads and employees, benefits received by employees such as sick leave, vacation, holidays with pay, the financial policy of the City and other economic considerations.

### **2. Adoption:**

The proposed pay plan shall be submitted by the Personnel Director to the Mayor and City Council for adoption. After adoption or recodification by the Council, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for the class of position unless the salary schedule for the class is amended.

### **3. Amendments:**

Amendments to the pay plan may be recommended by the Personnel Director to the Mayor and City Council or by the Mayor or a member of the City Council when changes in responsibilities or work of classes, living costs, recruiting experience of the Personnel Department, prevailing rates of pay, the City's financial condition and policies or other pertinent conditions warrant such action.

### **4. Administration:**

#### **(A) Appointment Rate:**

New employees shall start at the minimum rate for the class unless the Personnel Director, after exhausting all possibilities shall find that no eligible persons are willing to accept appointment at such rate, in which case the Personnel Director may recommend a higher starting rate to the Mayor or City Council for approval. In such event, the salaries of incumbents of any such class shall be advanced by an equal number of steps. If a former employee is re-employed, the appointing authority may, with the approval of the Personnel Director, make an appointment at the same rate of pay which the employee had been receiving at the termination of his service.

#### **(B) Pay Increases:**

Salary increases shall be recommended by the appropriate appointing authority and shall require the approval of the Personnel Director as to eligibility under the law and the rules. In recommending such increase, the appointing authority shall take into consideration the work record of the employee including his record for punctuality and attendance at work.

## **Rule IV: The Pay Plan (cont.)**

An appointing authority may recommend a salary increase at the completion of the probationary period of an employee who has been appointed from an employment or promotional list if in the opinion of such appointing authority the service rendered by an employee merits such recognition. An employee who performs satisfactorily shall be eligible to be recommended for a salary increase of one step after each year of service in her/his classification until he has reached the maximum salary. Each step in the pay grade shall constitute a salary increase and no employee may be granted more than one salary increase in the same year of service.

Employees who become eligible for salary increases and whose increases are recommended and approved shall be granted such increases and the effective date shall be the start of the pay period next following the anniversary date.

Temporary, provisional and seasonal employees shall be paid the minimum rate for the class and shall not be entitled to increases in compensation during such employment.

All salary increases shall be recommended by the appropriate appointing authority and approved as to eligibility by the Department of Personnel. In the event that an appointing authority shall fail to recommend a salary increase for an employee who claims to be eligible, such employee may appeal to the Director of Personnel within ninety (90) days of such claimed eligible date for a review of the facts. The Director of Personnel shall then obtain from the appointing authority his reason for failure to make such recommendation and such other information as may be appropriate, including the employee service ratings and shall make recommendation to the Director who may deny the appeal or order the increase to be granted.

### **(C) Total Remuneration:**

In the case of an employee serving more than one agency or serving another jurisdiction or receiving fees in connection with the duties of his/her position, the amount received from such other sources shall be considered as part of the compensation of the position and in no case shall be considered as part of the total compensation of the position and in no case shall the gross total exceed the maximum range of the class. This rule does not include allowances for transportation, car expense or other legitimate expenses. This rule does not apply to remuneration received by an employee for work performed during hours in addition to the standard work week and outside of the scope of his/her duties as a City employee.

### **(D) Pay for Part Time Work:**

Whenever an employee's normal work period is less than the regularly established number of hours a day or days a week, the amount paid shall be proportionate to the time actually worked. Weekly rates shall be computed by dividing the annual rate by number of working days in the fiscal period and multiplying by five (5). Hourly rates shall be computed by dividing the annual rate by the number of working days in the fiscal period and then by the regularly established number of hours per work week for that class. Rates shown are for full time regular employment in accordance with established hours of work for the department.

## **Rule IV: The Pay Plan (cont.)**

### **(E) Pay Rates in Transfer, Promotion or Demotion:**

If an employee is temporarily or permanently transferred promoted, or demoted, his rate of pay for the new position shall be effective immediately and to be determined as follows:

- a) If the rate of pay in the former class is *less* than the minimum rate for the class of the new position, the rate of pay shall be advanced to the minimum for the class.
- b) If the rate of pay of the former class is *more* than the maximum rate for the new class, the rate of pay shall not exceed the maximum for the new class.
- c) If the rate of pay of the former class falls within the new range of pay and at an established step in the range of the new class, the salary rate shall remain the same in case of transfer, shall be increased one step in the case of promotion and at the discretion of the appointing authority, shall remain the same or shall be adjusted to a lower step in case of demotion.
- d) If the previous rate does not correspond to a step in the new salary range, it shall be adjusted to the next higher step if the action is a promotion or transfer or adjusted to at least the next lower step if the action is a demotion.

### **5. Certification of Payroll:**

The City Auditor shall furnish the Director of Personnel a copy of each payroll. The Director of Personnel shall examine all payrolls on which the names of persons in the classified service appear and no payment of salary or wages shall be made to such persons by virtue of any payroll unless it bears the certificate of the Director of Personnel that such persons have been appointed and are being employed in accordance with the provisions of the rules and regulations of the Department of Personnel, that such persons are credited with pay at the rates determined by the pay plan and that the ordinances of the City, the Civil Service Rules and Regulations, and contract provisions relating to overtime, vacations and sick leave have been observed.

## **Rule V: Examinations**

### **1) Competitive Examinations:**

All appointments and promotions in the classified service of the City shall be made according to merit and fitness to be ascertained so far as practicable by competitive examination. Examinations shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held.

Examinations may be assembled or unassembled and may include written, oral, physical or performance tests or any combination of these. They make take into consideration reasonable factors such as education, aptitude, experience, knowledge, character, physical fitness, or any other qualifications, which in the judgement of the Personnel Director enter into the determination of the relative fitness of applicants. In order to avoid the possibility of discrimination, the identity of applicants will be concealed in all examinations. The Personnel Director may require applicants to submit proof of their age, citizenship, educational qualifications and military service at the time of the examination and will keep a record of this information. Such examinations shall be advertised at least ten (10) days in advance in at least one (1) newspaper of general circulation and at least by posting a notice in the City Hall. In the case of professional and technical examinations, the examination announcements may be also be published in professional and technical journals and papers. The Director shall prepare, in form suitable for general distribution, information which shall specify the general scope of each examination; the relative weights established by the Director for each phase of the examination; the class title; the entrance rate and salary range of the position; a description of the work to be performed; the desirable entrance qualifications required; the minimum score required on the written examination; and the time limit and the final date when applications will be received and accepted; and any other pertinent information consistent with the provisions of these rules. A copy of the statement containing such detailed information shall be supplied to any person requesting it.

Tests for the original appointment in the classified service shall be open competitive tests which shall be open to all applicants who are citizens of the United States and who meet the reasonable standards or requirements fixed by the Personnel Director with regard to residence, experience, physical condition, character, age, education and such other factors as may be held to be related to the ability of the candidate to perform with reasonable efficiency the duties of the position. Advancement within the service shall be through promotional tests which shall be open to all permanent employees who meet the necessary requirements and who are serving in an appropriate class as determined by the Personnel Director.

Promotional examinations may be limited to a single department or sub-division thereof.

Vacancies in higher positions in the classified service of the City shall, as far as possible, be filled by promotion from lower classes upon the basis of competitive tests, including a consideration of service ratings, provided such service ratings are not more than one (1) year old. In such event, a new service rating will be required. These service ratings shall be established in accordance with Rule XIII, paragraph 2.

## **Rule V: Examinations (cont.)**

The Director of Personnel with the approval of the Mayor, may direct any such position to be filled on the basis of competitive examination open not only to members of the classified service but to persons not in the classified service of the City.

***Promotions within the Fire Department*** shall be subject to the following special rules in addition to all other rules and regulations specified herein:

1. No member will be eligible to become a Lieutenant unless he/she has at least five (5) years of service in the department, including his/her year of probation.
2. No member will be eligible to become a Captain unless he/she has at least two (2) years of service as a Lieutenant.
3. No member will be eligible to become a Deputy Chief unless he/she has at least two (2) years of service as a Captain.
4. No member will be eligible to become a Chief unless he/she has at least three (3) years of service as a Deputy Chief.
5. No member will be eligible to become a Lead Lineman unless he/she has at least five (5) years of service in the Fire Alarm Division.
6. No member will be eligible to become a Superintendent of Fire Alarm unless he/she has at least eight (8) years of service in Fire Alarm Division.
7. No member will be eligible to take an examination for any of the above positions unless he/she will be eligible for appointment to said position within two (2) years from the final date for filing applications to take such examinations.
8. Written and oral examinations will be given to permit an adequate evaluation of the degree of achievement and preparation for the rank involved and each candidate will be graded so that a possible total score of 100 points may be attained.

Points will be appointed so that out of total possible score no more than 60% may be attained on a written examination and no more than 40% may be attained on the oral examination. Service ratings will be considered in the oral examination.

***Promotions within the Police Department*** shall be subject to the following special rules in addition to all other rules and regulations specified herein.

1. No member will be eligible to become a Sergeant unless he/she has at least five (5) years of service in the department as a patrolman, including his/her year of probation.
2. No member will be eligible to become a Lieutenant unless he/she has at least two (2) years of service as a Sergeant, including his/her year of probation.

## **Rule V: Examinations (cont.) (Police)**

3. No member will be eligible to become a Captain unless he/she has at least two (2) years of service as a Lieutenant in the department.
4. No member will be eligible to become Chief unless the candidate has at least three (3) years as a municipal police Captain or possesses similar or comparable relevant law enforcement agency management credentials.<sup>ii</sup>
5. No member will be eligible to take an examination for any of the above positions unless he/she will be eligible for appointment to said position within two (2) years from the final date for filing applications to take such examinations.
6. Written and oral examinations will be given to permit an adequate evaluation of degree of achievement and preparation for the rank involved and each candidate will be graded so that a possible total score of 100 points may be attained.

Points will be appointed so that out of the total possible score no more than 60% may be attained on a written examination and no more than 40% may be attained on the oral examination. Service ratings will be considered in the oral examination.

### **2) Seniority: <sup>iii</sup>**

Credit for seniority shall be given for actual service only, excluding probationary period in ranks or grade specified at time of examination by the Personnel Director. Seniority shall be computed as of the date of examination. Credit for seniority shall be obtained by adding to a standard grade of 70, the following points.

- 1 point for each full year of service for the first (5) years.
- ½ point for each full year of service for the next ten (10) years.
- No additional credit for the service in excess of fifteen years.

The provisions of this subsection are subject to the provisions of any Collective Bargaining Agreement in full force and effect between the City and any Collective Bargaining Agent.

### **3) Special Examination Procedure:**

Positions in the classified service may be designed as non-competitive upon the approval of the Personnel Director provided such positions require skilled, unskilled, semi-skilled manual labor or professional, technical, or consulting service on a part-time basis. An appointment to such noncompetitive positions may be made by an appointing authority subject to the approval of the Personnel Director, if the appointee

- 1) is an American citizen or has taken out first papers
- 2) is certified by a reputable physician to be physically fit to perform the duties of the position and has the ability therefor
- 3) is a resident of the State of Rhode Island
- 4) has a good moral character

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<sup>ii</sup> As passed by City Council per Resolution 2014-24 on June 23, 2014.

<sup>iii</sup> As proposed, amended and approved by City Council, March 26, 2001.

## **Rule V: Examinations (cont.)**

Nothing in this rule shall prevent the Personnel Director from transferring positions from non-competitive to the competitive service at her/his discretion.

### **4) Method of Rating:**

In all examinations the minimum rating by which eligibility may be achieved shall be determined by the Personnel Director. A minimum passing score may be required in any weighted test of an examination and failure to obtain the minimum required score shall be grounds for the Director of Personnel to declare applicants as failing in the entire examination or as disqualified for subsequent parts of the examination.

### **5) Rating, Training and Experience:**

Where a rating of experience and training forms a part of the examination, the Personnel Director shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. No credit shall be allowed on any examination for the experience gained in a provisional appointment. These procedures shall give due regard to the quality, recency, and the amount of experience and to the pertinency and amount of training. The Personnel Director may verify statements contained in the application and secure further information concerning his/her character and fitness. If, after a list is established information which materially affects the rating of experience and training, character or fitness of the applicant is discovered, the Personnel Director shall make a new rating of the applicant's examination and make the necessary adjustment to the list.

### **6) Veteran's Preference:**

Any person who has served in time of war or national emergency in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States and who has received an honorable discharge and who shall have made a passing grade shall have five (5) points added to his final grade, and the rank of that person on the eligible list shall be determined on the basis of this augmented grade. Any such person to whom the United States Veteran's Administration has accorded at least a ten percent (10%) compensable disability rating shall be given ten (10) credit points, on the same basis, in addition to his rating in any examination held for the competitive service in which he attains a passing grade, providing the disability is compensable at the time of application for preference.

Proof of eligibility for veteran's preference shall be provided by veterans in the form of their discharge papers, a certified copy, photo static copy, or other satisfactory evidence of honorable service. Disabled veterans additionally shall submit on such form as may be required by the Personnel Director, proof of disability certified by the appropriate federal agency responsible for the administration of veteran's affairs. The foregoing allowances of five (5) or ten (10) points, whichever the case may be, will only apply in open competitive examinations.

## **Rule V: Examinations (cont.)**

### **7) Notification of Examination Results:**

Each person who takes an examination shall be given written notice as to whether he/she passed or failed in such examination and of his relative standing on the list or of his/her failure to attain a place on the list. Each person in an examination shall be entitled to inspect his rating and examination papers, but examination papers shall not be open to the general public. Such inspection shall be permitted only during regular business hours at the office of the Department of Personnel and under such conditions as the Personnel Director may prescribe.

### **8) Preservation of Application and Examination Records:**

The applications, examination papers, and other work of applicants for positions, including any correspondence in relation thereto, may be destroyed upon the expiration of the eligible list or lists resulting from such examination.

## **Rule VI: Re-Employment and Employment Lists**

### **1) Re-Employment Lists:**

When a permanent employee is laid off because of lack of work, lack of funds or any other reason not attributable to himself, his name shall be placed on a re-employment list for the appropriate class. In filling any vacancy, re-employment lists shall have priority over any other list. No name shall remain on any re-employment list for a period of more than two (2) years.

### **2) Promotional and Open Competitive Employment Lists:**

The Personnel Director shall establish and maintain such promotional and open competitive employment lists for the various classes of positions as he/she deems necessary or desirable to meet the needs of the service. On each such lists the eligibles shall be ranked in order of their ratings earned in tests given for the purpose of establishing such lists. Each employment list shall remain in force until two (2) years from the date of establishment, unless prior thereto it is exhausted or replaced with a new list as provided in Section 14.06 (b) of the City of Cranston Charter. However, the Personnel Director shall have the authority with the approval of the Mayor, to extend employment lists for a period up to one (1) year if she/he determines that it would be in the best interest of the City to do so. Each promotional list shall remain in force until two (2) years from the date of establishment unless it is exhausted sooner.

### **3) Order of Names on Lists:**

Names of eligibles shall be placed on the lists in the order on their final earned rating plus veteran's preference credit. In the case of ties in the final rating, names shall be placed on the list in the order of ratings earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names in the order in which the applications were received, except that in promotional lists seniority shall be used for this purpose.

### **4) Availability of Eligibles:**

It shall be the responsibility of eligibles to notify the Personnel Director in writing of any change of address or other change affecting availability for employment. However, the Personnel Director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name may be withheld from all certification which does not meet the conditions which he has specified. An eligible may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which he will be available for employment.

**5) Removal of Names from Employment Lists:**

The name of any person appearing on an employment list may be removed by the Personnel Director if the eligible employee requests in writing that his name may be removed, or if he cannot be located by postal authorities or other means of ordinary communications within five (5) days of notification.

**Rule VI: Re-Employment and Employment Lists (cont.)**

The name of any eligible employee may be removed if the name has been certified for appointment three separate times and has not been appointed, or if the eligible has waived appointment twice in the same class or position. Any cause specified in these rules for the rejection of applications may likewise be cause for the removal of the name of an eligible from the eligible list on which it appears.

**6) Employees on Military Leave:**

In the event that the provisions of the Selective Training and Service Act of 1940 or acts supplemental thereto, or amendatory thereof, are made effective, employees who enlist or are inducted into the armed services, including any branch of such forces, shall be returned to the same class of position occupied prior to enlistment or induction and at the prevailing rate of pay provided for such class upon reinstatement, unless promoted as provided in this rule, and provided further that within ninety (90) days after honorable separation they advise the Personnel Director in writing that they are ready and able to accept employment.

Employees failing to advise the Personnel Director that they are ready and able to resume employment within the ninety (90) day period shall be considered as having resigned.

Employees who have not completed their probationary period before enlistment or induction will be required to complete it.

Employees whose names are on promotional lists may be appointed when duly certified subject to completion of the working test period upon return from the service. Meanwhile, an interim appointment from such eligible register may be made.

**7) New Examinations:**

If there is a vacancy for a position and there are fewer than three (3) names on the open competitive list, the Director of Personnel shall announce and conduct a new examination in accordance with Section 14.06 (b) of the Cranston City Charter.

## **Rule VII: Applications and Applicants**

### **1) Application Forms:**

Applications shall be made on forms provided by the Personnel Director. Such forms shall require information covering training, experience, references and other pertinent information, and may include certificates of one or more examining physicians. Each application must be signed by the person applying.

### **2) Disqualifications:**

The Personnel Director shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or who fails to file by the announced closing date for receiving applications unless prior to such date an extension has been publicly announced. Applications also shall be rejected if the applicant is physically unfit for the performance of duties of the position to which he seeks appointment; is addicted to the habitual excessive use of drug or intoxicating liquor, has been convicted of a crime, or is guilty of any disgraceful conduct; has made any false statement of any material fact, or practiced, or attempted to practice any deception or fraud in his application. Whenever an application is rejected, noticed of such rejection with statement of reason shall be mailed to the applicant by the Personnel Director.

### **3) Grace Period:**

No application for examination may be accepted after the close of announced filing period except that the Director of Personnel may order the acceptance of any application or information supplementary thereto received after the close of such period and at least seven calendar days prior to the administration of the first phase of the examination. This period shall be called the "grace" period.

### **4) Police and Fire Applicants:**

Applicants for appointment to the Fire and Police Departments may apply at the office of the Director of Personnel. The applicant must fill out the application in his/her own handwriting and without the aid or assistance of any other person.

Any false statement, deception or reservation in the answering of the questions will be considered cause for the rejection, and if discovered after appointment, cause for dismissal. Any person who has ever been convicted of a crime shall be ineligible for appointment. No person shall be considered for an appointment to either department unless he/she is

- 1) A resident of and a voter in, the State of Rhode Island. This qualification must continue during the entire period of employment. No person shall be permitted to claim any fire station or the police station as his place of residence.
- 2) Of good moral character and habits.
- 3) A high school graduate (will accept high school equivalency diploma)
- 4) Weight – proportionate to height.
- 5) Of good health, sound in mind and body, and a certificate to that effect shall be furnished by a physician.

## **Rule VII: Applications and Applicants (cont.)**

- 6) Must possess a driver's license. Fire applicants must possess a Class #2 Chauffer's license.
- 7) Mechanical aptitude desirable. (applies only to Fire Department)
- 8) Able to read, write and speak the English language.

## **Rule VIII: Probationary Period**

### **1) Objective:**

The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized by supervisors and department heads for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any employee whose performance does not meet the required work standards.

### **2) Duration:**

Every person certified and appointed to a regular position shall be required to complete successfully a working test during a probationary period which shall be of sufficient length to enable the appointing authority to observe the employee's ability to perform the various principle duties pertaining to the position. The working test shall begin immediately upon appointment and shall continue for a period of six (6) months, during which time the appointing authority shall report to the Director of Personnel every sixty (60) days concerning the work of the employee. If at the expiration of six (6) months, the appointing authority has a doubt as to the qualifications of the employee for permanent appointment, an extension of thirty (30) days may be granted upon written request of the appointing authority and upon approval by the Personnel Director. If the conduct and capacity of the employee has been satisfactory and no objection has been received by the Personnel Director at the expiration of the probationary period, the appointment shall be deemed complete. The probationary period in the Police and Fire Department shall be for one (1) year.

### **3) Dismissal:**

At any time during the probationary period the appointing authority may recommend in writing to the Personnel Director the removal of an employee, if in his/her opinion the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactory or that his/her habits and dependability do not merit his continuance in the service. Such recommendation of the appointing authority and the reasons therefore, shall be in writing to the Personnel Director with a copy to employee. No employee shall be removed from a position during his probationary period without the approval of the Personnel Director. An employee who is found to have been appointed through fraud or error shall be removed within five (5) days of notification to this effect by the Personnel Director to the appointing authority.

### **4) Restoration of Dismissed Employee to Appropriate List:**

If an employee is removed from his position during, or at the end of his probationary period and the Personnel Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. An employee appointed from a promotional list who does not successfully complete his probationary period shall be reinstated in a position in the class occupied by the employee immediately prior to his promotion, even though it may be necessary to lay off a person presently holding this position.

## **Rule IX: Method of Filling Vacancies**

### **1) Permanent and Temporary, Full Time, Part Time, Seasonal and Provisional Positions**

Each position in the classified service shall be designated as either permanent or temporary and as either full time, part time, provisional or seasonal as defined in these rules. Such designation shall be used in all official requisitions or other communications concerning employment, promotion, demotion, transfer, suspension, layoff or dismissal addressed to the Personnel Director. No employee shall be permanently appointed to a temporary position. In all cases other than assignment the provisions of these rules governing examination and certifications shall apply. The name of any employee appointed to a temporary position from a list of eligibles shall be returned to the appropriate employment list when the position is disconnected. No temporary employee appointed to a temporary position shall be exempted from any of the provisions of Section 5 of this rule.

### **2) Requisitions:**

When a vacancy occurs, the department head will submit on a personnel requisition form prescribed by the Personnel Director, the pertinent facts relative to the duties, responsibilities, and qualification requirements of the position which is to be filled. If a list of eligibles is available, certification will be made in the manner herein prescribed.

### **3) Transfers:**

Employees wishing to be transferred to a position in the same class in another department shall so notify the Personnel Director in writing who shall maintain suitable lists of such employees. The regular procedure for transfer of such employee will be as follows:

When a vacancy occurs the Personnel Director will survey the transfer list and contact the heads of departments in which employees requesting transfers are employed and ascertain whether or not any of these employees are available for temporary or permanent transfers according to the needs. If employees are available and the department heads involved are willing to accept the transfer, the Personnel Director will notify the head of the department where the vacancy exists by forwarding a list of names of employees who appear on the appropriate transfer list. The department head will interview the employees referred to him/her and if he/she finds one or more satisfactory to he/she, will make the appointment and notify in writing the employee and the Personnel Director. If the employees so referred are rejected by the department head, or if no employees are available for transfer, the Personnel Director will proceed to fill the vacancy according to the regular certification procedure outlined in Section 4 of this rule. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

### **4) Certification of Eligibles:**

In the filling of all vacancies, with the exception of transfers, the names certified to the department head shall be those of the three persons standing highest on the appropriate list.

## **Rule IX: Method of Filling Vacancies (cont.)**

### **Certification of Eligibles: (cont.)**

The following employment lists shall be used by the Personnel Director in the order indicated:

- a) Re-employment lists
- b) Promotional lists
- c) Open competitive

If special requirements of domicile, or the possession of special skills are specified by the appointing authority in a requisition and the Personnel Director, after investigation, determines that the facts and reasons specified are in fact conclusive as to the need for the special requirements for effective performance of the duties of the position, certification may be limited to persons on the appropriate list who meet such requirements. If there are not sufficient names on any list or combination of lists as provided in this rule to certify the number of names specified herein, the Personnel Director shall require appointment from the available eligibles unless the appointing authority shall give in writing valid reasons why such eligibles should not be appointed.

#### **5) Appointment:**

After interview and investigation, the appointing authority shall make appointments from among those certified, and shall immediately notify the Personnel Director of the person or persons appointed as well as the appointees involved.

#### **6) Temporary Appointments to Temporary or Permanent Positions:**

When a temporary or permanent position as defined in these rules is established and cannot be filled by the assignment of a regular employee or from an existing employment list, the Personnel Director may authorize the appointment of a temporary employee. Such temporary employee shall not be considered eligible for any of the benefits provided for in these rules for other employees in the classified service. Appointments to temporary positions will expire automatically at the end of thirty (30) days or such longer period not exceeding three (3) months.

#### **7) Provisional and Seasonal Appointments:**

When an appointing authority finds it essential to fill a vacancy and the Personnel Director is unable to certify eligibles for such vacancy because there is no existing appropriate list, who are willing to accept appointment, the Personnel Director may authorize the appointing authority to fill the vacancy by means of a provisional appointment. No provisional appointment shall be made without the prior approval of the Personnel Director and no payment shall be made for services rendered by the appointee prior to such

## **Rule IX: Method of Filling Vacancies (cont.)**

### **Provisional and Seasonal Appointments: (cont.):**

approval. A provisional appointment shall expire when a list has been prepared or shall expire automatically three (3) months from the date of such appointment and shall not be subject to renewal. Whenever, because of seasonal nature of the work involved, an appointing authority desires to establish extra or new positions in the classified service, he shall furnish the following information to the Personnel Director:

- 1) the probable length of time required
- 2) the duties to be performed
- 3) the proposed compensation rate or range
- 4) availability of funds thereof

If the Personnel Director determines that such seasonal positions are necessary, he shall authorize the appointment of qualified persons with or without competitive tests, provided however, that as far as practicable, appointments to seasonal positions will be made from existing re-employment or employment lists in the order of priority of application.

A seasonal appointment shall not exceed over three (3) months, and no such appointment shall be renewed.

## **Rule X: General Provisions and Prohibitions**

### **1. Records of the Personnel Department:**

Personnel records, except examinations, service rating records, personal histories and such other records as may be specified in these rules or by the Personnel Director as confidential, shall be public records and shall be open to public inspection during office hours at reasonable times and in accordance with such procedures as the Personnel Director may prescribe.

The Personnel Director shall maintain records necessary to the proper administration of the personnel system.

### **2. Report of Personnel Changes:**

The Personnel Director shall prescribe the necessary forms for reports of all personnel changes in the service. Such forms shall provide spaces for entering such supporting or other pertinent information as the Personnel Director shall deem to be needed.

### **3. Prohibited Practices:**

The following practices are prohibited:

- a) Discriminating against any person in the classified service or seeking employment therein because of his political opinions or affiliations or because of his race, national origin or religious belief. Any applicant or employee who has reason to believe that he/she has been discriminated against because of religious or political opinions or affiliations, race or national origin in any personnel action may appeal to the Personnel Appeal Board. The appellant and the person responsible for the alleged discriminatory action shall have the right to be heard and to present evidence. If the Board finds that there was discrimination on any of the above non-merit factors it shall order appropriate corrective action and its decision shall be final.
- b) Willfully or corruptly making any false statement, certificate, mark, grade, rating or report in regard to any examination or test held or certification or appointment made under the provisions of the rules and regulations or in any manner committing or attempting to commit any fraud preventing the impartial execution of such rules and regulations established thereunder.
- c) Continuing in the active classified service of the City after becoming a candidate for nomination or election to any partisan public office. Any classified employee becoming a candidate for nomination or election to any partisan public office shall be granted a leave of absence, without pay, to continue during the period of his candidacy but not to exceed one (1) year.

## **Rule X: General Provisions and Prohibitions (cont.)**

### **Prohibited Practices (cont.):**

- d) Giving, rendering or paying any money, service or other valuable things for, on account of or in connection with an appointment, promotion or proposed appointment or promotion.
- e) Soliciting or being in any manner concerned in soliciting any assessment, subscription or contribution to any political organization or purpose whatever from any person in the classified service of the City.
- f) While a member of the active classified service:
  - 1) Making directly or indirectly a contribution to the campaign funds, except when allowed by federal law, if any partisan political organization or partisan candidate for public office; or
  - 2) taking a major part in the management of any partisan political organization or a major role in the conduct of any partisan political campaign further than in the exercise of the rights of a citizen to express his opinion and to cast his vote.
- g) Electioneering in any city office, building or premises during office hours.

Any officer or employee of the City willfully violating any of the provisions of this section, shall be removed from such office or employment.

## **Rule XI: Penalties and Separation**

*Penalties* comprise two groups:

- 1) Demotions
- 2) Suspensions

*Separations* embrace three types:

- 1) Layoffs
- 2) Dismissals
- 3) Resignations

### 1) **Demotion:**

A department head may reduce the salary of an employee within the range provided in the pay plan or demote the employee for cause with the approval of the Personnel Director. A written statement of the reasons for any such action shall be furnished to the employee and a copy filed with the Personnel Director at least five (5) days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for permanent employment in a lower class and shall not be made if any permanent employee in the lower class would be laid off by reason of such action. Any permanent employee who is demoted may appeal for a hearing, in writing, to the Personnel Appeal Board within five (5) calendar days after date of service of such notice of demotion.

## **Rule XI: Penalties and Separation (cont.)**

### **2) Suspension:**

Upon conclusion of the probationary period, no member of the classified service shall be suspended except after notice in writing of the grounds of the proposed action and have an opportunity to be heard by the Personnel Appeal Board. If within five (5) days after receipt of such notice the employee shall, in writing, addressed to the Personnel Appeal Board request a hearing, the Board shall fix time and a place for such hearing to be held not earlier than five (5), nor later than ten (10) days after receipt of such request and notify the employee thereof. The hearing may be public at the option of the employee and he/she may be represented by counsel or by some other person of his/her own choosing. The Personnel Appeal Board may sustain, reverse or modify the disciplinary action appealed from and may order the restoration of pay lost during the pendency of the appeal. In all suspensions the Director of Personnel shall be furnished with a copy of the notice sent to the employee.

### **3) Reduction in Workforce: <sup>IV</sup>**

The City of Cranston ("City") in its capacity as a municipal employer as defined in R.I.G.L. §28-9.4-2(a) may, in the exercise of its inherent managerial authority, reduce its workforce in the classified or unclassified services by layoff or the abolition of a position or classification, without regard to the seniority of affected personnel, or whether such affected personnel, position or classification is designed or considered to be permanent, temporary, regular, full time, part time, provisional, seasonal or any combination or variation thereof.

The City in its sole discretion, shall determine: the number of personnel to be laid off; which position or classification is to be abolished; and the timing and order of a layoff or the abolition of any position or classification.

### **4) Dismissals:**

An employee may be dismissed by his department head for insubordination, inefficiency, abuse of sick leave, misconduct or other similar just cause, but no dismissal of a permanent employee shall take effect unless five (5) days prior to the effective date thereof, the appointing authority shall give to such employee a written statement setting forth in detail the reasons therefore and file a copy of such statement with the Personnel Director. Any permanent employee so dismissed shall have the right to appeal in writing within five (5) days to the Personnel Appeal Board and shall be granted a hearing as provided for in these rules. Nothing in this or any other rule shall be considered as prohibiting an appointing authority from suspending an employee prior to dismissal pending preparation and service of charges, provided that the employee is notified at the time of his/her suspension that dismissal will follow.

### **5) Resignations:**

To resign in good standing, an employee must give the appointing authority at least seven (7) calendar days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. A written resignation shall be supplied by the employee to the appointing authority giving reasons for leaving.

<sup>IV</sup> As proposed, amended and approved by City Council April, 1, 1996

## **Rule XI: Penalties and Separation (cont.)**

The resignation shall be forwarded to the Personnel Director with a statement by the appointing authority as to the resigned employee's service performance and pertinent information concerning the cause for resignation.

Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported to the Personnel Director by the department head immediately. The Personnel Director may take steps to verify reasons for any resignations; he/she shall notify the employee in writing as to the acceptance of his resignation and shall notify the Auditing Department of the effective date of the resignation.

## **Rule XII: Handling of Complaints and Appeals**

### **1) Complaints and Grievances other than those Relating to Suspensions, Demotions or Dismissals:**

Complaints which involve suspensions, demotions or dismissals shall be handled by the Personnel Appeal Board as provided in Section 2 of this rule. Most employees have a grievance procedure set forth in the various labor contracts. Employees who are not covered by such a contractual procedure may have their complaints and grievances, which affect their status or conditions of employment, handled as follows:

- a) The grieved employee and/or representative shall take up his/her grievance with his immediate supervisor who will take necessary steps to adjust the complaint if it is in his power to do so.
- b) If the immediate supervisor is unable or unwilling to adjust the grievance, the grievance should be put into writing and sent to his/her department head with a copy to the Personnel Director. The department head will discuss the grievance with the employee and his representative, if any, and attempt to adjust the problem if it is within his/her power to do so. The department head will reduce his findings in the case to writing and advise the employee and the Personnel Director of his/her decision in the case.
- c) Should the employee still be grieved, he/she should apply in writing to the Personnel Director stating the reasons for his/her grievance, including all pertinent facts of the case.
- d) Within ten (10) days after receiving the complaint, the Personnel Director shall call a meeting which shall include the department head, the complainant and representatives of his/her own choosing and other person or persons involved in the complaint. The Personnel Director shall preside at the meeting and hear the entire case to obtain all of the facts.
- e) The Personnel Director shall make a complete report of his/her findings and render a decision to the employee and the department head in writing.

- f) Employees in the Police and Fire Departments shall be subject to such disciplinary action as may be set forth in the rules and regulations of those departments respectively.

## **Rule XII: Handling of Complaints and Appeals**

### **Complaints**

#### **2) Appeals from Removal or Dismissal, Reduction in Rank , Pay or Suspension:**

Any permanent employee who is removed, dismissed, reduced in rank or pay or suspended may appeal in writing to the Personnel Appeal Board within five (5) days after receipt of such notice requesting an appeal.

The Personnel Appeal Board shall fix a time and place for such hearing to be held no earlier than five (5) nor later than ten (10) days after receiving such request and notify by registered mail or personal delivery both the department head and employee involved of the time and place. Such hearings may be public at the option of the employee.

Both the employee and the department head concerned may be represented by counsel or other person of their choice. At the hearings of such appeals, testimony shall be limited to the charges stated and a transcript made of the proceeding, but technical rules of evidence shall not apply. After hearing and considering the evidence, the Personnel Appeal Board may decide to sustain, reverse or modify the disciplinary action of appeal and may order restoration of pay lost during the pendency of the appeal.

The Personnel Appeal Board shall within fifteen (15) days after its decision file a written report of its findings and decision with the appointing authority and either the Mayor or the City Council, depending upon whether the particular department is responsible to the Mayor or the City Council.

The complaint, all written documents which may have been considered by the Board, the transcript of the proceedings, and the findings and conclusions of the Board shall be promptly filed in the office of the Director or Personnel and shall be a public record. The Personnel Appeal Board, by its chairman, shall have the power to issue subpoenas to witnesses to testify in any matter pending before the Board, and to issue subpoenas compelling the production of books, records, and other evidence.

The Personnel Appeal Board shall consist of three (3) qualified electors of the City not more than two (2) of whom shall be adherents of the same political party. They shall be known to be in sympathy with the application of the merit system to public personnel administration. The members of the Personnel Appeal Board in office at the effective date of this charter shall continue to hold office for the unexpired portions of their terms. As their terms expire their successors shall be appointed by the Council for terms of three (3) years. They may be removed as provided in Section 3.18 of the Cranston City Charter. Any vacancy in the membership of the Personnel Appeal Board shall be filled by the Council for the unexpired portion of the term. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

## **Rule XIII: In-Service Activities**

### 1) **Employee Training:**

The Personnel Director shall promote a system of employee training to assist employees to qualify for positions of increasing difficulty and responsibility. He/she may encourage employees to take courses in night schools; suggest programs of supervisory and foremanship training to department heads; promote employee training program; and counsel and advise employees, at their request, and encourage them as to possibilities of advancement in the City service and suggest required additional training.

### 2) **Service Ratings:**

In cooperation with the department heads, the Personnel Director may establish a system of service ratings based on standards of performance and establish regulations and procedures for administering the plan and utilizing the results. When such a system has been established it shall become part of these rules. The rating shall be available for review by the employee concerned but such rating shall be confidential to such employee. Department heads or their principle supervisory officers shall review the service rating with the employee.

## **Rule XIV: Attendance and Leaves**

### **1) Hours of Work<sup>v</sup>**

Effective upon the adoption of these rules, the standard work week for all classified employees shall be forty (40) hours except those in the following employment group:

**General Clerical, Fiscal and Administration** – thirty five (35) hours per week

**Permanent Police and Fire Personnel** – will be governed by their respective collective bargaining agreements

The provisions of this subsection are subject to provisions of any Collective Bargaining Agreement in full force and effect between the City and any Collective Bargaining Agent.

### **City Hall Business Hours:**

8:30 a.m. to 4:30 p.m., on all weekdays except Saturdays, Sundays and holidays.

The Personnel Director may recommend changes in hourly work schedules to the Mayor and City Council for approval where such changes are in the best interests and for the good of the service.

### **2) Vacation Leave:**

Vacation allowances are covered in the various collective bargaining agreements. If an employee takes his/her vacation during a period which includes one of the holidays granted under these rules, he/she shall be entitled to an additional day of vacation leave.

An employee who is separated from service in good standing and who has a vacation leave due him/her at time of separation, shall be granted the vacation leave prior to separation date or shall be paid the salary equivalent to the vacation leave.

The vacation period will be set by mutual agreement between the department head and the employee and/or by seniority.

### **3) Sick Leave and Worker's Compensation Leave<sup>vi</sup>**

Sick leave allowance are covered in the various collective bargaining agreement. Employees suffering occupational injury are covered by Worker's Compensation. Permanent Police and Fire employees are covered by state law for injury on duty.

Employees with ten (10) years of service or more shall be granted up to an additional ninety (90) days sick leave if the sickness is of such nature as to require a prolonged period of treatment and recuperation.

<sup>v</sup>As proposed, amended and approved by City Council March 26, 2001

<sup>vi</sup> As proposed, amended and approved by City Council March 26, 2001

## **Rule XIV: Attendance and Leaves (cont.)**

Holidays off granted under these rules shall not be counted in computing sick leave taken. It is specifically provided, however, that sick leave with pay is not a right for which employees may make demand, but is instead a privilege which may be granted or denied by the proper authorities.

Sick leave with pay may also be granted from accrued sick leave credits when absence is certified by a physician to be necessary during the normal pregnancy of a classified employee, provided, however, that such sick leave shall not exceed a maximum of twenty (20) working days nor extend beyond the fifteenth (15) calendar day following delivery. Nothing in the foregoing shall be construed to prevent the proper use of sick leave credits when absence is certified by a physician to be necessary due to illness or incapacity not usual in a normal pregnancy.

When an employee finds it necessary to be absent because of illness, he shall cause the facts to be reported to his department head before twelve (12) o'clock noon of the first working day of absence. Neither sick leave nor Worker's Compensation leave shall be granted unless such report has been made.

In all cases where sick or Worker's Compensation leave exceeds three (3) working days but not more than one work week is taken because of illness, bodily injury or exposure to contagious disease, a personal affidavit must be presented. When sick leave or Worker's Compensation leave exceeds one (1) week, a certificate from either the employee's personal physician or the City Physician, must be submitted to the department head. This certificate must indicate both the nature and the probable duration of the disability.

In cases of extreme emergency involving valuable employees with a record of meritorious service, who through serious and protracted illness have used up all accumulated sick leave, compensatory time off and vacation leave, an extension of sick leave beyond the maximums provided for in the respective collective bargaining agreements, may be granted on request from the department head to the Personnel Director. The Personnel Director shall refer such cases to the Mayor and the City Council for approval.

Injuries arising out of and in the course of employment shall be reported forthwith by the employee to his department head who, in turn, shall make a full report to the Personnel Director.

No payment shall be paid when the personal injury or disease shall have been caused by the willful and serious misconduct of the employee or by his intoxication or the improper or excessive use of drugs.

A department head may request a doctor's certificate for even a one (1) day absence if he suspects that the sick leave privilege is being abused.

**The provisions of this subsection are subject to the provisions of any Collective Bargaining Agreement in full force and effect between the City and any Collective Bargaining Agent.**

## Rule XIV: Attendance and Leaves (cont.)

### 4) Special Leave<sup>vii</sup>:

Prior approval must be secured from the department head and the Personnel Director must be notified in advance, in writing, of all special leave. The following formula shall apply for all special leaves:

<u>Ceremony</u>	<u>Time Off</u>	<u>Covered Individuals</u>
Baptism	4 Hours	Son, Daughter, Godchild
First Communion	4 Hours	Son, Daughter
Confirmation	4 Hours	Son, Daughter
Bar Mitzvah	4 Hours	Son
Bar Mitzvah	4 Hours	Daughter
School Graduation	4 Hours	Employee, Son, Daughter
Shower	4 Hours	Son, Daughter, Brother, Sister, Brother/Sister-in Law
Wedding	3 Days	Employee
Wedding*	1 Day	Son, Daughter, Brother, Sister, Brother/Sister-in Law

\*An employee may have up to three (3) days off for the wedding of a son, daughter, brother, sister, brother-in-law, or sister-in-law if UNUSUAL travel distances exists.

This special leave only applies when an employee is scheduled to work at the time of the ceremony. Attendance records are to be marked accordingly.

**The provisions of this subsection are subject to the provisions of any Collective Bargaining Agreement in full force and effect between the City and any Collective Bargaining Agent.**

### 5) Other Leaves of Absence With Pay:

Employees shall be granted leave of absence for required jury duty or any other civic duty requiring appearance before a court or other public body. Such employees shall receive that portion of their regular salary which will, together with their jury duty pay or fees, equal their total salary for the same period, except where this rule is in conflict with state or federal law.

A department head shall grant a leave of absence, not to exceed one week, without loss of pay or reduction of the vacation credit, to any employee who has been elected a delegate or an officially designated representative of the City to attend state, regional or national meeting of professional societies and organizations, employee and veteran's conventions, provided that not more than two employees in any department shall be absent concurrently under this rule, and if such leave is approved by the Mayor and the Personnel Director.

<sup>vii</sup> As proposed, amended and approved by City Council March 26, 2001

## **Rule XIV: Attendance and Leaves (cont.)**

With the approval of the Mayor and the Personnel Director, leave with pay may also be granted by a department head for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities.

### **6) Leave of Absence Without Pay:**

An appointing authority, with the approval of the Personnel Director, may grant a regular employee leave of absence without pay for a period not to exceed one (1) year. Such leave shall be granted only when it will not result in undue prejudice to the interest of the City as an employer beyond any benefits to be realized. No leave without pay shall be granted except upon written request of the employee and a guarantee by the employee that he will serve the City for at least one (1) year after return from such leave. Whenever granted, such leave shall be approved in writing and signed by the appointing authority and a copy filed with the Personnel Director.

Leave of absence without pay may also be granted to permanent employees in the classified service for period of one (1) month upon written application to the appointing authority and the Personnel Director stating reasons for request and with their prior approval.

The Personnel Director, with the approval of the Mayor, may grant an extension of leave, without pay, subject to foregoing terms and conditions.

Upon expiration of a regularly approved leave without pay, the employee shall return to work in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation.

Leave of absence without pay will not be granted under the above conditions to anyone requesting such a leave so as to try other employment. This does not prevent an employee of the City from requesting a leave of absence from his job to take another position within the City employ.

Any classified employee becoming a candidate for nomination or election to any partisan public office shall be granted leave of absence, without pay, to continue during the period of his candidacy but not to exceed one (1) year. This leave of absence shall only be granted if a written request is made by employee. Such leave shall be granted if a written request is made by the employee. Such leave shall be approved in writing and signed by the Mayor and a copy filed with the Personnel Director. If the employee has not returned to his position at the termination of his candidacy for nomination or election, or at the expiration of one (1) year, whichever comes first, he will be deemed to have resigned. Any person filling this position must be informed of the incumbent's leave of absence.

### **7) Military Leave:**

Any permanent full time employee in the classified service who is a member of National Guard or Naval Militia, or of Military of Naval Forces of the United States and is required to undergo field training therein, shall be entitled to leave of absence with pay, not to exceed fourteen (14) days in any one-year period, in addition to the annual vacation leave, provided the amount of compensation paid to such employee for such leave of absence shall be the difference between his compensation for military

activities and the amount of salary or wages due as an employee of the City, as shown by a statement by military authorities giving his/her rank pay and allowances.

## **Rule XIV: Attendance and Leaves (cont.)**

If the compensation for military service is equal to or greater than the salary or wages due as a City employee for the period covered by such military leave, then no payment shall be made. In the event that an employee enlists in or is inducted into the recognized armed and allied services of the United States in time of war or national emergency declared to exist by the President, then such employee shall be placed on leave for the duration of such war or national emergency and for ninety (90) days after separation from such recognized armed services. Such employee shall be restored to his/her position, provided they are physically and mentally able to perform the duties thereof, and shall be entitled to all salary increases, and seniority, which he/she would otherwise have enjoyed except for military service.

### **8) Absence Without Leave:**

An absence of an employee from duty, including any absence for a single day or part of a day, which is not authorized by a specific grant of leave of absence shall be without pay and may be subject for disciplinary action. Any employee who absents himself for three consecutive days, or on three separate occasions for less than three days without leave, shall be deemed to have resigned. Such action may be reconciled by the Personnel Director by a subsequent grant of leave if the conditions warrant.

### **9) Procedure in Requesting Leaves:**

An employee requesting a leave of absence for any reason other than sick leave must do so in writing and such request shall be approved by his appointing authority and the Personnel Director. The Personnel Director shall determine whether the employee is entitled to the leave of absence and shall notify the employee and appointing authority of his/her approval or disapproval. Requests for leave shall be made far enough in advance to allow time to carry out this procedure.

### **10) Holidays:**

Paid holidays are covered in the various collective bargaining agreements. Where holidays fall on *Sunday*, the usual custom of granting them on the following Monday shall be followed.

A paid holiday which falls on a *Saturday* may be celebrated on either the preceding Friday or the following Monday. Department heads should use discretion in granting this day off so that their departments will be adequately staffed on both days.

The Personnel Director, with the approval of the Mayor, may authorize for the employees of all departments either full or partial days off in addition to those already authorized in these rules to permit early closing in such instances as severe snow storms, extreme hot weather, at times of celebrations and at noon December 24<sup>th</sup> and 31<sup>st</sup>. Where the welfare, safety and convenience of the public prevents closings or the use of skeleton forces, full forces shall be maintained.

Employees absent without leave on the last working day before or the first working day following a day specified in the respective collective bargaining agreements as a holiday, shall not be paid for said holiday.

**11) Sick or Vacation Leave for Probationary Employees:**

Employees that are serving on a probationary basis may accumulate sick leave and vacation credits but the *may not use* them until the completion of their probationary period.

**Rule XV: Classified and Unclassified**

The personnel of the City shall be divided into the classified and unclassified services. The unclassified service shall consist of:

- a) All officers elected by the people or appointed by the Council
- b) All members of boards and commissions appointed for fixed terms
- c) The heads of departments of finance, law, public works, inspections, parks and recreation and welfare.
- d) Employees of the school committee
- e) One confidential secretary or assistant in the offices of the Mayor and of the Directors of Finance and Public Works
- f) Legal assistants of the City Solicitor
- g) The City Physician, the City Sergeant, the Harbor Master, the Sealer of Weights and Measures, employees of the Mayor's Office, Secretary of the Director of Administration, and two (2) part time members of the City Council Legislative Research Staff
- h) Employees of the Board of Canvassers
- i) Persons attached to the Police and Fire Departments other than permanent members thereof
- j) Persons employed temporarily in a professional or scientific capacity to make a special study, inquiry or investigation.

**The classified service shall consist of all other employees of the City.**

The employees of the Police Department and Fire Department are classified under the Cranston Civil Service System.

The members of the Police and Fire Departments are also subject to the special rules and regulations of their respective departments.