

Chapter 13

PERSONNEL*

* **Editors Note:** Section 1 of an ordinance of June 18, 1991, repealed Ch. 13 in its entirety. Section 2 of said ordinance added a new Ch. 13 to read as herein set out. Former Ch. 13 pertained to similar subject matter and derived from Ord. of June 20, 1978; Ord. of Nov. 20, 1978; Ord. of June 14, 1982; Ord. of Jan. 20, 1987; and Ord. of March 16, 1987.

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ARTICLE I.

IN GENERAL

Sec. 13-1. Purpose; application.

(a) The purpose of these rules is to implement the provisions of the personnel ordinance and those parts of the town Charter relative to personnel administration.

(b) These rules may be amended in the same manner as adopted and will apply to all classified employees of the town except as otherwise specified. The rules shall not apply where there is conflict with a negotiated labor agreement between the town and employee organizations, or when they are not consistent with pertinent state law.

(Ord. of 6-18-91, § 2)

Sec. 13-2. Short title.

This chapter shall be known as the "Personnel Ordinance."
(Ord. of 6-18-91, § 2)

Sec. 13-3. Definitions.

Allocation. The placing of a position in its proper class based upon duties performed and responsibility exercised.

Applicant. An individual who has completed and submitted an application for employment with the town.

Appointed officers. Those individuals appointed by the town council, school committee or town administrator who are not in the classified service and are listed in Chapter 2 of the Code.

Appointment in the classified service. The act of the appointing authority in selecting and certifying in writing the person whom he deems best qualified for the classified position which is to be filled in accordance with the provisions of this chapter.

Assembled examination. An examination for which applicants are required to appear at a special place for the purpose of taking a test.

Board. The personnel board.

Break-in service. Any separation from the civil service of one scheduled workday or more, whether by resignation, layoff, retirement or dismissal, or absence without leave of one workweek or more when the employee is subsequently rehired.

Certification. Endorsement as meeting required minimum standards for a vacant position.

Civil service. All offices and positions in the town service as defined in the personnel ordinance. Same as classified service.

Class or class of position. A group of positions in the classified service, sufficiently similar in respect to duties and responsibilities that the same descriptive class title may be used to designate each position allocated to the class, that the same desirable entrance qualifications may be required of applicants to positions in the class, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of pay may be made to apply with equity.

Class specification. See Article IV of this chapter.

Class title. The designation given to each class. See Article IV of this chapter.

Classification plan. An orderly arrangement of positions into separate and distinct classes with each class

containing those positions which involve similar duties and responsibilities.

Classified service. All positions or employment in the service of the town whether fulltime or parttime, temporary or permanent, existing or hereafter created, that are specifically listed in this chapter.

Compensation. The standard rates for pay which have been established for the respective classes of work as set forth in the classified pay plan.

Continuous service. Employment without interruption except for absences on approved leaves or absences to serve in the armed forces of the United States.

Demotion. Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department. The primary organizational unit which is under the immediate charge of a director who reports directly to the town administrator. May also apply to a secondary organizational unit that reports to a primary department as set forth in other sections of the Code of Ordinances.

Dismissal. Separation from town employment for cause.

Elected officers. Members of the town council and school committee and the town administrator.

Eligible. A person whose name is on an appropriate employment list and who is not ineligible for appointment for other reasons.

Eligible list. A list of names of persons arranged in the order of their merit and fitness, as provided by this chapter.

Employee. A person who is legally an incumbent of a position in the classified service or who is on authorized leave or absence and whose position is held for him pending his return.

Examination. The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

Gender. The masculine noun or pronoun, as used in this chapter, shall be held to include the feminine, the singular to include the plural, and the plural to include the singular.

Grievance. A wrong, real or fancied, considered by an employee as grounds for complaint.

Immediate family. Includes spouse, children, mother, father, sister and brother.

Layoff. The involuntary nondisciplinary separation of an employee from a position.

Overtime. Authorized time worked by an employee in excess of his total normal working hours per week.

Parttime employee. An individual who is assigned a work schedule of less hours than other employees in the same function or group.

Pay grade. A symbol indicating the pay range of a particular class of positions.

Pay ordinance. The official schedules of pay approved annually by the town council for all town employees, elected officers, appointed officers and appointed personnel.

Pay plan. A schedule of pay established for the various classes with all positions of a given class being paid the same, or according to the same pay range.

Permanent employee. A classified employee who has satisfactorily completed the required probationary period.

Permanent position. Any position in the classified service which is required, or is likely to be required, without interruption for a period of more than six months.

Personnel. Those individuals appointed by the town council, school committee, town administrator or a department head who are not town officers or in the classified service and are covered in Chapter 2 of the Code.

Position. Any office or employment, whether occupied or not, full or parttime, consisting of duties and responsibilities assigned to one individual by competent authority.

Position classification plan. See Article IV of this chapter.

Position number. A number assigned each position for purposes of identification. See Article VIII of this chapter.

Promotional eligible list. A list of names of classified employees arranged in the order of their merit and fitness as provided by this chapter, and who have qualified for promotion in higher classes.

Probationary period. A working test period during which an employee is required to demonstrate his fitness by actual performance of the duties of a class to which he or she is appointed.

Promotion. Assignment of an employee from one class of position to another which has a higher maximum rate of pay.

Public notice. Unless otherwise stated, a written notice posted in all departmental offices and in a prominent place located in town hall where it is readily accessible to the public during business hours.

Regular appointment. An appointment without time limitation or special restrictions as to continued employment, to a permanent position authorized to be filled and made as a result of a certification.

Regular employee. An individual receiving an appointment in the civil service.

Separation. Leaving a position by resignation, dismissal, layoff, or pending investigation of charges made against an employee.

Temporary appointment. An appointment to a position authorized to be filled for a limited period and made as a result of a certification.

Temporary employee. An individual whose appointment to a position is of limited duration.

Transfer. Assignment of an employee from one position to another, not necessarily in the same department.

Vacancy. A position which has been newly established and not filled, or which has been vacated by an incumbent.

Workday. The scheduled number of hours an employee is required to work per day.
(Ord. of 6-18-91, § 2)

Sec. 13-4. Present employees in the classified service.

All employees holding classified positions with the town at the time of passage of this new chapter shall come under the rules of this new chapter at time of passage.
(Ord. of 6-18-91, § 2)

Secs. 13-5--13-10. Reserved.

ARTICLE II.

RULES AND REGULATIONS

Sec. 13-11. Purpose.

The purpose of these rules is to insure that both future classified employees and those already employed in the classified service will be, or have been, placed in positions without respect to race, color, religious, political, or other extraneous matters unrelated to merit and fitness, as provided in the Charter.
(Ord. of 6-18-91, § 2)

Sec. 13-12. Positions covered.

These rules shall apply to all positions in the classified service. Positions not listed in this chapter are not in the classified service and are therefore town officers or town personnel.
(Ord. of 6-18-91, § 2)

Sec. 13-13. Personnel records.

The personnel director shall have overall responsibility for, and the payroll clerk shall maintain, personnel records for each town employee. These records shall be available only to the employee concerned, the town administrator or the appropriate appointing authority and the personnel board.
(Ord. of 6-18-91, § 2)

Sec. 13-14. General prohibitions.

(a) No persons shall make any false statements, certificate, mark, or rating or report with regard to any test, certification of appointment made under any provision of this chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the classified service.

(c) No employee, official or person shall solicit any assessments, contributions or services for any political party from any employee in the classified service.

(d) No person holding a permanent position in the classified service shall be a candidate for any elective office unless he first resigns his position with the service of the town.

(e) Nothing contained herein shall affect the right of the employee to hold membership in and support a political party, to vote as he chooses, to express privately his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
(Ord. of 6-18-91, § 2)

Sec. 13-15. Employee organizations.

(a) The town employees shall have the right to organize, join and participate in or to refuse to organize, join and participate in any employee organization freely without fear of penalty or reprisal for the purpose of collective negotiation through representatives of their own choosing on terms and conditions of employment. Nothing contained in this chapter shall preclude the right of the employee from submitting an appeal under the provisions of Article XIII of the town Charter.

(b) Terms, conditions and benefits negotiated by the town with unions supersede those listed in this chapter.
(Ord. of 6-18-91, § 2)

Sec. 13-16. Employee responsibilities.

Any powers, duties or functions which are required by law to be exercised, performed or administered by a particular employee of the town shall be carried out by the employee who by this chapter or by the town Charter or by law is responsible for the same, regardless of title or designation of the position.
(Ord. of 6-18-91, § 2)

Sec. 13-17. Changes to the personnel ordinance.

Recommendations for addition to, deletion from or amendment of the personnel ordinance may be made by the council, the administrator or the personnel board. Recommendations from other than the council or administrator must be brought before and made through the personnel board. Such recommended changes shall become effective on approval of the council after public hearing.

(Ord. of 6-18-91, § 2)

Sec. 13-18. Exceptions to the personnel ordinance.

The town administrator may make minor exceptions to the policies set forth in this chapter on a one time, case by case basis as the situation warrants. Exceptions regarding working conditions, benefits or other policies between the town and one or more employees that would be made on a continuing basis must be in writing, be recommended and signed by the town administrator and be approved by the town council. In accordance with Article IV, Section 8 of the Charter, all matters involving compensation or vacation time, not specifically covered by or in compliance with the Charter or this chapter, must be approved by the town council.

(Ord. of 6-18-91, § 2)

Secs. 13-19--13-25. Reserved.

ARTICLE III.

PERSONNEL BOARD

Sec. 13-26. Personnel board, generally.

(a) The personnel board shall discharge the duties and responsibilities required by the town Charter, the personnel ordinance and these regulations.

(b) The personnel board shall have no responsibility for the hiring, firing or administration of personnel under any federal program. This authority shall be vested exclusively with the town administrator, to be performed under any guidelines established by the federal program.

Sec. 13-27. Duties of the personnel board.

(a) Elect one of its members as chairman, who shall preside at personnel board meetings and represent said board at official and ceremonial occasions; another of its members as vice-chairman, who shall act in the absence of the chairman; and a third member as secretary who will keep the official minutes of the board's activities.

(b) To advise and assist the personnel director and town administrator on problems concerning personnel administration and the improvement of personnel standards in the town service.

(c) Carry out the duties prescribed in Article XIII of the Charter.

(Ord. of 6-18-91, § 2)

Sec. 13-28. Personnel board procedures.

(a) Regular meetings of the personnel board shall be held at least once each month.

(b) Special meetings may be called by a majority vote of the personnel board, or by the town administrator upon mailing a written notice specifying the purpose of such meeting to each member of the

personnel board 48 hours prior to such meeting.

(c) Three members of the personnel board shall constitute a quorum. Any meeting shall be adjourned in the absence of a quorum.
(Ord. of 6-18-91, § 2)

Secs. 13-29--13-35. Reserved.

ARTICLE IV.

CLASSIFICATION PLAN

Sec. 13-36. Intent.

The following provisions shall govern the installation and administration of the position classification plan.
(Ord. of 6-18-91, § 2)

Sec. 13-37. Definitions.

Class specification means a written statement describing the duties, responsibilities and entrance qualification standards of a class of positions.

Class title means the designation given under these rules to a class, to each position allocated to the class, and to the incumbent of each position.

Position classification plan means the classes of positions described in the official class specifications with such amendments as may be made under these rules from time to time and as interpreted herein, and which shall, together with these rules, the class specifications, and any amendments thereto, constitute the official "position classification plan."
(Ord. of 6-18-91, § 2)

Sec. 13-38. Preparation and content maintenance of class specifications.

Class specifications shall be prepared by the personnel board and maintained by the personnel director.
(Ord. of 6-18-91, § 2)

Sec. 13-39. Interpretation of class specifications.

(a) *Effect of class specifications is to describe duties and responsibilities, not to restrict or prescribe them.* Class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the several classes, as determined by their duties and responsibilities, and shall not be construed as prescribing what the duties or responsibilities of any individual position shall be. The use of a particular expression or illustration as to duties or responsibilities shall not be held to exclude others not mentioned that are of similar kind of quality.

(b) *Class specifications do not destroy or create authority over certain operating responsibilities.* The language of class specifications is not to be construed as limiting or modifying the power that department heads may now have or hereafter be given to take from, add to, eliminate entirely, or otherwise change the duties and responsibilities of a position, to assign duties or delegate responsibilities to employees, or to direct or control their work.

(c) *Each specification to be read as a complete unit.* In determining the class to which any position should be allocated, the specification of each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities and qualification standards as together affording a picture of the kind and level of employment that the class is intended to embrace.

(d) *Relationship to other class specifications to be considered.* Each class specification is always to be construed in its proper relationship to other specifications so as to maintain proper gradations and differentiations among the several classes of the position classes of the position classification plan.

(e) *The class title.* The class title is always to be used with the meaning set forth in the remainder of the specification; that is, the text of the specification determines the official meaning of the class title.

(f) *Statements of entrance qualifications standards.* Statements of entrance qualifications standards in a class specification shall constitute the basis for the acceptance or rejection of applications for examinations and temporary appointments, for the tests to be included in examinations, and for the evaluation of the qualifications of applicants.

(g) *Certain qualifications not expressly stated are to be understood.* Qualifications such as acceptable physical condition, freedom from disabling defects, citizenship, suitable age, honesty, sobriety and industry, commonly required of all incumbents of positions of different classes shall be deemed to be implied as entrance qualification requirements even though they may not be specifically mentioned in the specifications.

(Ord. of 6-18-91, § 2)

Sec. 13-40. Class titles and pay grades.

Class titles for the various classes of positions, their class pay grade and basic workweek are hereby assigned. Such schedule to be approved and amended from time to time by the town council and kept on file with the personnel director, town clerk and personnel board.

(Ord. of 6-18-91, § 2)

- A= Administrative, Clerical and Fiscal
- B= Police Group
- C= Fire Group (included for Town control on qualifications)
- D= Highway Group
- E= General Labor Group

Class of Position	Class Pay Grade	Basic Work Week (hours)
<i>Administrative, clerical and fiscal group</i>		
Parttime Secretary	1*	P/T
Parttime Clerk	1*	P/T
Secretary I	4*	35
Clerk I	5	35
Public Works Clerk I	8	35
Records Clerk I	8*	35
Building and Zoning Clerk I	8*	35
Tax Clerk I	8*	35
Finance Clerk I	8*	35
Payroll Clerk I	8	35
Secretary II	6	35
Clerk II	9	35
Tax Clerk II	11*	35
Records Clerk II	11	35
Building and Zoning Clerk II	11	35
Payroll Clerk II	11	35
Finance Clerk II	11	35
Assistant Finance Director	13*	35
<i>Police group</i>		
Parttime Police Dispatcher	2*	P/T
Police Dispatcher	12*	40
Animal Control Officer	14*	40
Police Patrolman (probationary)	#	40
Police Patrolman	#	40
Police Inspector	#	40
Police Sergeant	#*	40
Police Captain	#*	40
<i>Fire group (Services presently contracted--Included for continuity)</i>		
Volunteer Fireman		
Fire Clerk		
Fireman		
Fire Equipment Mechanic		
Fire Lieutenant		

Fire Captain		
<i>Highway group</i>		
Highway Laborer	#*	35
Light Equipment Operator/Truck Driver	#*	35
Heavy Equipment Operator	#*	35
Mechanic	#*	35
<i>General labor group</i>		
Janitor	3	35
Water and Sewer Maintenceman	7	35
Water and Sewer Supervisor	10	35

Rate of pay set by union contract negotiations.

* Positions presently authorized in the pay ordinance to be compensated.

Sec. 13-41. Position descriptions.

Position numbers of position descriptions are listed in Article VIII of this chapter.
(Ord. of 6-18-91, § 2)

Sec. 13-42. Official copy of plan on file and available for inspection.

(a) The personnel board shall establish and maintain in the personnel office, in a form convenient for reference, an accurate and complete copy of the position classification plan to be designated as the official copy. The official copy of these rules and each class specification shall be endorsed with the date of adoption and the attesting signature of the chairman of the personnel board. All amendments or revisions of these rules or the class specifications shall be similarly endorsed. The official copy of the position classification plan shall be open to inspection by the public under reasonable conditions during business hours.

(b) Duplicates of the official copy of any class specification shall be furnished by the board to appointing authorities or department heads upon their request. The personnel board shall promptly give notice of revisions or changes in the position classification plan to the departments, the finance director and all other agencies dealing with personnel or pay.
(Ord. of 6-18-91, § 2)

Sec. 13-43. Installation of classification plan.

(a) *Initial allocations of positions.* As promptly as practicable after the adoption of the position classification plan, and after consultation with appointing authorities and department heads, the personnel board

shall allocate each position to the appropriate class on the basis of its duties and responsibilities.

(b) *Notification of initial allocations.* The personnel board shall promptly give notice of such allocations to the departments and employees affected.

(c) *Certification of initial allocations.* After affording department heads and employees affected a reasonable opportunity to be heard on controversial allocations, the personnel board shall certify official lists to the respective departments showing the allocation of positions to the appropriate classes.

(d) *Effect of initial allocations.* Such certified allocations shall constitute the official allocations in force at the time the position classification plan takes effect and they shall continue to be in force until changed under the provisions of these rules.

(e) *Official adoption of class titles.* Upon the certification of these allocations the title of the class to which each position is allocated shall forthwith become the title of each such position, and shall henceforth be used in all records, communications, documents, reports and processes relating to personnel matters, including the recruiting, testing, selection, appointment, transfer, promotion, re-employment, demotion or dismissal of employees, the preparation and audit of payrolls, and all budget and fiscal processes dealing with the appropriation and expenditure of funds for personnel services. When approved, other titles may be used for purposes of internal administration, public convenience or in situations other than budgetary or fiscal. (Ord. of 6-18-91, § 2)

Sec. 13-44. Allocation of positions during continuous administration of plan.

(a) *All positions to be allocated.* Every position existing when these rules take effect, or any position hereafter authorized or created, shall be allocated by the personnel board to the appropriate class. No person shall be appointed to a fulltime position until such allocation has been determined.

(b) *Allocation of new, additional or changed positions.* Whenever a new or additional position is, or is intended to be, authorized or created, or the duties or responsibilities of an existing position are, or are intended to be, substantially changed, and such change is of indeterminate duration, the head of the department shall report such fact to the personnel board and shall forward to the board such information, and in such manner and form as the board may, by regulation or otherwise, request. After such inquiry and conference as the board may deem necessary, the personnel board shall allocate or reallocate the position to the appropriate class and shall certify such allocation to the department. In cases of new or additional positions, the procedure to amend this chapter is specified in Article II of this chapter.

(c) *Abolition of position.* Whenever an existing position is abolished, the department head shall report such fact to the personnel board, with the necessary information.

(d) *Requests for review of allocation.* The department head or the employee occupying the position shall have the right to request and obtain a review by the personnel board of the correctness of the existing allocation of such position. The board shall prescribe regulations not inconsistent with these rules for the form, content and filing of requests for review of all allocations, for the conduct of conferences and investigations in connection therewith, and for taking action upon such requests, which regulations shall have the same force as these rules.

(e) *Force and effect of allocations or reallocations.* Whenever, under the provisions of these rules, a position shall have been allocated or reallocated to a class, the title of such class shall forthwith become the title of such position, and shall henceforth be used in all records, communications, documents, reports and processes having reference to such position, as set forth more particularly in section 13-43(e). Such allocation or reallocation shall continue in force until changed by the personnel board under provisions of these rules. (Ord. of 6-18-91, § 2)

Sec. 13-45. Amendment of position classification plan.

(a) *Force and effect of amendments and revisions.* Amendments, revisions and changes in the classes and the class specifications made under the provisions of these rules shall have the same force and effect as the classes and class specifications originally adopted.

(b) *Amendment of these rules.* These rules may be amended in the manner provided for their original adoption. (Ord. of 6-18-91, § 2)

Secs. 13-46--13-55. Reserved.

ARTICLE V.

EMPLOYMENT CONDITIONS, POLICIES, ETC.

Sec. 13-56. Examination procedures.

(a) *Requirements.* Unless specified otherwise in this chapter, no person shall be appointed to a position in the classified service unless he shall have filed a completed application form prescribed by the personnel board and shall have been certified by the personnel board for appointment. The board may require information concerning experience, education, training, reference and such other information it deems pertinent. All information supplied in an application will be subject to verification, and falsification will be grounds for rejection of the applicant. All applications whether or not resulting in appointment shall be kept in file for the time required by appropriate federal, state and town regulations.

(b) *Qualifications.* Competitive examinations shall be open to applicants who are citizens of the United States. Preference will be given to qualified residents of the town.

(c) *Public announcement of examination.* The personnel director shall announce publicly any competitive examinations for entrance into or promotion within the classified service at least 15 calendar days in advance of the scheduled date for such examination. Such announcements shall be posted on a bulletin board in the town hall and in such other accessible places as will assure that any interested residents may be informed about employment opportunities in the classified service of the town. Announcements shall be distributed to at least one daily newspaper in the area. In the case of professional and technical positions, the examination announcements may also be published in professional and technical journals and papers. The personnel director shall prepare in form suitable for general distribution, the time limit and the final date when applications will be received and accepted and any other pertinent information consistent with the provisions of this chapter. The

personnel director shall supply a copy of the position description to any person requesting it.

(d) *Types of test.* Examinations used to determine the merit and fitness of applicants may consist of oral or written tests, physical test, demonstrations of skill or any combination of such types as determined and authorized by the personnel board.

(e) *Veterans preference.* There shall be added to the final ratings of honorably discharged veterans who are examinees in competitive tests for entrances into the classified service, but not for promotion in the service, who receive at least the minimum required final earned rating as stated in the public notice, service credits amounting to five points for veterans or service credits amounting to ten points for disabled veterans.

Disabled veteran means any war veteran who is an examinee and who is certified by the Veterans' Administration to be physically disabled, as a result of a service-connected disability, with a disability rating of zero percent or more.

War veteran or *veteran* means any person male or female, who was employed as an officer, member of the enlisted personnel or otherwise in the active military or naval service of the United States or of any auxiliary unit of such military or naval service, except civilian employees at some time during the periods between:

April 6, 1917 and November 11, 1918 (WWI)

December 7, 1941 and December 31, 1946 (WWII)

June 27, 1950 through July 27, 1953 (Korea)

August 5, 1964 through May 5, 1975 (Vietnam)

August 1, 1982 through Aug. 1, 1985 (Lebanon)

Oct. 23, 1983 through Nov. 21, 1983 (Granada)

Dec. 20, 1989 through Jan. 31, 1990 (Panama)

Aug. 2, 1990 through May 1, 1994 (Gulf War)

(f) *Promotional examinations.* Promotional examinations shall be conducted in the same manner as open competitive examinations as set forth above, subject to the following conditions: A person is eligible for a promotional examination if he satisfies all the following requirements on the date for filing application in the official announcement for the examination:

He must hold a position in the classified service of the town;

He must meet the minimum requirements established for the class of position;

He must hold, or within three years have held, permanent status in the classified service of the town.
(Ord. of 6-18-91, § 2; Ord. of 11-15-99(1))

Sec. 13-57. Eligibility lists.

After passing an examination, applicants shall have their names placed on an employment list in the rank order of their final passing scores. An employment list shall remain active for a period of one year from the date it is established.

(Ord. of 6-18-91, § 2)

Sec. 13-58. Appointments.

(a) When a vacancy is to be filled, the personnel board shall certify to the appointing authority the three highest names of the eligible list or promotional eligible list, as requested by the appointing authority. If the list called for does not contain a minimum of three names, then the appointing authority may request the personnel board to establish a new list.

(b) Vacancies in the classified service will be filled, when practicable, by promotional appointment.

(c) The personnel director shall notify, in writing, the persons certified. If a person certified does not report to the appointing authority within five days, the personnel board shall certify the name of the next highest person on the list.

(d) Within 15 days after receiving the certification of eligibles, the appointing authority shall appoint one of the available certified persons.

(e) If the time requiring the person eligible to make necessary arrangements regarding his personal affairs prior to taking the position exceeds two weeks the appointing authority may ask for the certification of the next eligible person available. Such certification may be made only if deemed equitable by the personnel board.

(f) An applicant who accepts an appointment and fails to report to work within five days after the date set by the appointing authority, shall be deemed to have declined the appointment, and his name shall be removed from the list.

(g) Prior to appointment, an applicant must be examined and found physically fit for the position by a physician designated by the personnel director.

(h) In the absence of a list, an appointing authority may appoint a person to a position, provided that no such temporary appointment may extend beyond 90 working days.

(Ord. of 6-18-91, § 2)

Sec. 13-59. Probation.

(a) *Probation period.* New employees and employees transferred to a class of position assigned to a higher pay grade shall serve a probationary period of six months, except for those employees whose positions are covered by the probation requirements of existing labor agreements.

(b) *Evaluation.* Appointing authorities shall evaluate the performance of probationary employees

every two months during the probation period and shall, after the final satisfactory probational evaluation, affirm that the employee should be given permanent status. During the period of probation an employee may be discharged by the appointing authority without cause and without having any right of appeal when, in the opinion of the appointing authority, the service of the employee is not satisfactory.
(Ord. of 6-18-91, § 2)

Sec. 13-60. Separations.

(a) The continuance in service of every employee shall be conditioned on good behavior and satisfactory performance of duties. An employee may be temporarily separated by layoff or suspension, or permanently separated by resignation or dismissal.

(b) Whenever there is lack of work or lack of funds requiring reductions in the number of employees in a department of the town government, the required reduction shall be made in such job class or classes as the department head or director may designate, providing that employees shall be laid off in the inverse order of their relative seniority. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employees.

(c) When in the judgement of an appointing authority an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay. A suspended employee may not request a hearing before the personnel board of review unless the suspension is for more than ten working days. Whenever the suspension is for a period of more than ten days or the employee has received a previous suspension within the six months immediately prior thereto, the employee may request a hearing before the personnel board of review in accordance with the procedures contained in Article XIII of the Town Charter.

(d) A permanent employee may be dismissed or demoted whenever in the judgement of the appointing authority the employee's work performance or misconduct so warrants. When the appointing authority decides to take such action he shall file with the employee and the personnel board of review a written notification containing a statement of the substantial reasons for the action. The employee shall be notified on or before the effective date of the action to file a reply within ten calendar days from the effective date of the action with the appointing authority and the personnel board of review and to request a hearing before the personnel board of review.

(e) If the employee files a reply and requests a hearing within the prescribed period, the personnel board of review shall schedule a hearing within ten days after receipt of the employees request.

(f) If the personnel board of review finds the action of the appointing authority was based on political, racial or religious prejudice, or that the appointing authority failed to follow the procedures outlined herein, the employee shall be reinstated to his/her former position without loss of pay or seniority.

(g) The personnel board of review may sustain, modify or reverse the action of the appointing authority.

(h) An employee may resign by filing his reasons with the appointing authority.
(Ord. of 6-18-91, § 2)

Sec. 13-61. Seniority.

Seniority is defined as the total length of unbroken town service in any capacity within the classified service, within a class of position. The town accepts the principle of seniority and the personnel director shall maintain a seniority list of employees by class of position. Personnel who temporarily leave the classified service by accepting an appointment to a nonclassified town position do not accrue seniority while in the unclassified position but regain their previous seniority if and when they return to a position in the classified service. (Ord. of 6-18-91, § 2)

Sec. 13-62. Noncompetitive positions.

The following positions shall be considered as noncompetitive: Laborer and building custodian. Appointment to these positions shall be made upon recommendation by the appointing authority and approval of the board subject to established requirements for character and physical condition. (Ord. of 6-18-91, § 2)

Sec. 13-63. Workweek.

The normal workweek shall consist of five consecutive days, unless need elsewhere in the Code, other exceptions shall be contained in current labor agreements. Unless otherwise noted in the Code, the working hours for each day shall be seven hours for town hall employees and as provided in current labor agreements for other employees of the town. (Ord. of 6-18-91, § 2)

Sec. 13-64. Office hours.

The hours during which town offices and departments shall be open for business shall be determined by the town administrator with the approval of the council. (Ord. of 6-18-91, § 2)

Sec. 13-65. Attendance.

Employees shall regularly be at their places of work in accordance with these rules and departmental regulations. All departments shall remain daily attendance records of all employees. (Ord. of 6-18-91, § 2)

Sec. 13-66. Overtime.

Employees shall work overtime when necessary and overtime shall be allocated evenly among all employees concerned. Overtime must be approved by the department director. (Ord. of 6-18-91, § 2)

Sec. 13-67. Retirement age.

Mandatory retirement will be required at age according to law. Members of boards, commissions and parttime help are exempt from the mandatory retirement provisions.

(Ord. of 6-18-91, § 2)

Sec. 13-68. Management rights.

The management of the town and direction of the working forces is vested exclusively in the town administrator, including, but not limited to: the right to hire, suspend or demote, discipline or discharge for proper cause; to transfer or lay off because of lack of work, or other legitimate reasons; to determine the type, kind and quality of service to be rendered to the community; to determine the location of the physical structures and personnel working stations of any department or division thereof; to plan and schedule service and work programs; to determine the methods, procedures and means of providing such services; to determine what constitutes good and efficient town service, in accordance with the provisions of this chapter.

(Ord. of 6-18-91, § 2)

Secs. 13-69--13-75. Reserved.

ARTICLE VI.

BENEFITS

Sec. 13-76. Holidays.

Employees in fulltime positions (exception to labor contracts) shall be paid at their regular rate of pay for each of the following designated holidays when such holidays occur or are celebrated on a day when the employee normally renders services; provided, however, said employee works a regular workday before and a regular workday after said holiday:

- (a) *Designated holidays:* (exception to labor contracts):

New Year's Day	Labor Day
Washington's Birthday	Columbus Day
Memorial Day	Armistice Day
Independence Day	Thanksgiving Day
Victory (VJ) Day	Day after Thanksgiving
Martin Luther King Day	Christmas Day

- (b) Whenever a holiday is celebrated during the employee's vacation, the employee (exception to labor contracts) shall receive an additional day off to compensate for the holiday;
- (c) All fulltime employees (exception to labor contracts) shall be eligible for the following partial holidays in accordance with procedures as established by the departmental directors. Said partial holidays shall consist of the following:

- a. Good Friday, from noontime on.
- b. The working day before Christmas, from noontime on.
- c. The working day before New Year's Day, from noontime on.
- (d) Whenever any of the preceding listed holidays falls on a Saturday, the day preceding shall be considered the holiday. Whenever any of the preceding listed holidays falls on a Sunday, the day following shall be considered the holiday (exception to labor contracts);
- (e) Because their position requires 24 hour, seven day per week rotation, employees serving the town as police dispatchers will not be allowed to take holidays off, but shall receive, as compensation, an average day's pay for each of the observed holidays, and one-half (1/2) an average day's pay for each of the observed one-half-day holidays, whether or not the dispatcher actually worked the holiday, and such additional compensation shall be paid during the week in which such holidays occur.

(Ord. of 6-18-91, § 2)

Sec. 13-77. Holidays for members of the police, highway and police personnel unions.

See respective contracts.

(Ord. of 6-18-91, § 2)

Sec. 13-78. Vacation.

Vacation leave shall be earned as follows:

- (a) All fulltime employees are eligible for a vacation according to the following schedule (exception to labor contract):

Seniority	Vacation (No. of Days)
0 to 6 months	0
1 year (completed)	5
2 years to 5 years (completed)	10
6 years to 10 years (completed)	15
11 years (completed)	16 days plus one additional day for each additional year in excess of 12 years (completed) maximum total of 22 days.

- (b) The below information is provided to amplify the above schedule of vacation.

Classified employees are in a probationary status during their first six months and therefore earn no vacation time during that period. Earned vacation time shall accrue on a monthly basis commencing on the last day of the seventh month of employment. From month seven thru month 60, vacation time will accrue at the rate of 0.833 days per month. From month 61 thru month 120, vacation time will accrue at the rate of 1.250 days per month and so forth per schedule above figured on a monthly basis.

- (c) The distribution of vacation pay shall be on or up to one week before the start of the employee's vacation.
- (d) Vacations may be taken at the discretion of the employee, subject to approval of his/her department head and the town administrator. The number of employees in any department who may be on vacation at the same time will be determined by the department head and the town administrator, but may not exceed one-third (1/3) in departments of three or more employees. When more than that number request vacation, for the same time period, preference for vacation time periods will be determined by seniority.
- (e) Vacation should be taken in the calendar year for which it is due. Employees are allowed to carry over a maximum of 20 vacation days into the next calendar year as of December thirty-first. Any days in excess of 20 on December thirty-first are not transferable and will not be compensated.
- (f) Regular employees who have completed one year in town service and who are discharged, resign, retire or die, shall be paid for unused vacation time.
- (g) No employee shall be allowed to take more than two consecutive weeks of vacation without prior approval of the departmental director and town administrator.

(Ord. of 6-18-91, § 2)

Sec. 13-79. Sick leave.

- (a) Sick leave with pay is hereby defined to mean the absence from duty of any fulltime employee because of personal illness, bodily injury or exposure to contagious diseases.
- (b) Requests for sick leave must be reported to the department head within a reasonable amount of time after the employee's scheduled reporting hour for work. All absences of more than three days' duration must be substantiated by a doctor's certificate stating the cause and expected duration of an employee's sick leave.
- (c) Sick leave shall be earned at a rate of one day per month, to a maximum of 12 days per year on a cumulative calendar year. Sick leave may be accumulated to a maximum of 130 days for employees not covered by labor agreements. While on sick leave, additional sick leave will not be earned. Probationary employees are not entitled to sick leave.
- (d) Sick leave may only be used for its purpose of permitting the employee time off for actual illness.

Two of the allotted annual sick days may be taken as immediate family sick days. It is not to be used as vacation and department or division supervisors shall request a physician's certificate from those employees absent more than three consecutive days.

(e) Fulltime employees who have worked for the town at least three years but less than 15 years shall be paid one-half (1/2) of his/her total accrued sick leave upon leaving the town's employment; i.e., retirement, mandatory, voluntary, death or otherwise. In the event of death, such employees' estate shall be entitled to receive one-half (1/2) of his/her total of accrued sick leave.

(f) Employees or their estates shall receive full pay for his/her total accrued sick leave when said employee has 15 years or more of completed service to the town.

(Ord. of 6-18-91, § 2)

Sec. 13-80. Military leave.

Any employee, other than temporary, who is a member of a reserve force of the United States, or the Rhode Island National Guard, or the Rhode Island Air National Guard, and is ordered by the appropriate authorities to attend a training period or other duties under the supervision of the United States, or the State of Rhode Island, shall be granted a leave of absence without pay from his position during the actual duration of such activity, but not to exceed 15 days annually. During this period, the employee shall accrue sick and vacation leave as though actually employed. Such employee shall receive that part of his regular salary which will, together with his reserve or guard pay, equal his total town salary for a similar period.

(Ord. of 6-18-91, § 2)

Sec. 13-81. Parental leave.

Parental leave shall be granted pursuant to Chapter 48 of the General Laws of RI.

(Ord. of 6-18-91, § 2)

Sec. 13-82. Jury leave.

A leave of absence will be granted to any fulltime employee who has been chosen for jury duty. The employee shall be paid the difference between his regular weekly salary and his jury compensation.

(Ord. of 6-18-91, § 2)

Sec. 13-83. Leave without pay.

(a) Upon written application, a fulltime employee with at least six months service may be granted a leave of absence without benefits, if approved by the appointing authority, not to exceed six months, and subject to one renewal not to exceed six months for reason of personal illness in the immediate family, disability or for the purpose of furthering his education or training.

(b) Leaves of absence for reasons other than those stated above may be granted with the consent of the appointing authority.

(c) Seniority shall be retained and shall accumulate during all leaves of absence.

(Ord. of 6-18-91, § 2)

Sec. 13-84. Return from leave.

Upon return from a leave of absence an employee shall be placed in his former job, if it is available, or in an equivalent one in which the rate of pay prevails. Seniority shall be retained and accumulated during all leaves of absence.

(Ord. of 6-18-91, § 2)

Sec. 13-85. Funeral leave.

(a) Funeral leave with pay shall be granted to any full- or parttime employee for a period of three working days because of the death of the employee's father, mother, husband, wife, child, brother, sister, brother-in-law, sister-in-law, father-in-law or mother-in-law. Funeral leave of one day, for the death of any other relative, may be granted at the discretion of the department head or director.

(b) Funeral leave will not be charged against sick leave.

(Ord. of 6-18-91, § 2)

Sec. 13-86. Temporary employees.

Temporary employees shall not be entitled to sick leave or vacation unless employed for a period longer than six months.

(Ord. of 6-18-91, § 2)

Sec. 13-87. Health insurance coverage.

(a) All full time employees, except those in the highway department, shall be eligible for health care insurance coverage on the first day of the month after 30 days of employment. Highway department employees shall be eligible for health care insurance coverage on the first day of the month after 60 days of employment. A full time employee will receive his/her choice of family or individual coverage, depending on his/her needs, either of which a portion of will be paid by the town.

(b) Only current full time employees of the town are eligible to participate in the town's health care insurance coverage group plans:

Provided, however, that the town council may permit the full time employees of the North Smithfield Fire and Rescue Service, and the North Smithfield Public Library to participate in the town's group health care insurance coverage plans, if said permission does not increase the per participant cost to the town.

(c) This section shall take effect upon passage, provided, however, nothing contained herein shall be deemed to apply to health care insurance coverage plans which are the subject of collective bargaining agreements heretofore entered into by the Town of North Smithfield, or to part-time employees hired prior to the passage hereof.

(Ord. of 6-18-91, § 2; Ord. of 3-4-02)

Sec. 13-88. Life insurance.

All fulltime employees shall be eligible for \$15,000.00 life insurance coverage after one month which will be paid by the town.

(Ord. of 6-18-91, § 2)

Sec. 13-89. Retirement fund.

(a) All fulltime employees are required to join the Rhode Island Municipal Employees Retirement System following the first six months of employment.

(b) All employees shall accept the rules governing retirement of the Rhode Island Municipal Employees Retirement System.

(Ord. of 6-18-91, § 2)

Sec. 13-90. Retirement of incapacitated police officers.

(a) Any classified employees of the police department who have been away from the job due to sickness or injuries sustained or contracted in the performance of their duties continuously for a period of at least 18 months prior to the effective date of this section (6-19-91), shall report to active duty within a period of 30 days from the passage of this section (6-19-91), and failure to so report shall be deemed prima facie evidence of the fact that they are physically unfit for duty and, therefore, unable to return to their regular duties as a policeman. Such persons who shall not return within the 30 days as aforesaid, shall be immediately placed upon an eligibility list for disability retirement pursuant to the general laws of Rhode Island, 1956, as amended, 45-21-21, et seq.; upon satisfaction of such requirements of the municipal employees retirement board pursuant to section 45-21-21, he/she shall receive such benefits as are provided for therein; once placed upon said eligibility list, the member or the town may apply for disability benefits on behalf of such member.

(b) Any classified employees of the police department who shall in the future remain away from their regular employment as a police officer for a period of 18 months due to becoming wholly or partially incapacitated by reason of injuries incurred or sickness contracted during the performance of their duties, shall, at the expiration of the 18 months, return to duty within 30 days thereafter or shall be deemed physically unfit for duty and, therefore, unable to return to his/her respective duties as a policeman. Such persons who shall not return within the 30 days as aforesaid, shall be immediately placed upon an eligibility list for disability retirement pursuant to the general laws of Rhode Island, 1956, as amended, 45-21-21, et seq.; upon satisfaction of such requirements of the municipal employees retirement board pursuant to section 45-21-21, he/she shall receive such benefits as are provided for therein; once placed upon said eligibility list, the member or the town may apply for disability benefits on behalf of such member.

(c) Any classified employees of the police department who shall have remained away from their regular employment as a police officer for a period of less than 18 months prior to the date of the passage of this section, shall not remain away from their respective employment for the reasons aforesaid for more than 18 months from the date of the contraction of the initial illness or injury which caused the incapacity.

(d) Any classified employees of the police department who have been away from their job for a period in excess of 18 months due to sickness or injury sustained or contracted in the performance of their duties and

have returned to their job within a thirty-day period in accordance with the provisions of this section and who have, within a six-month period of their return to their normal duties, suffered a recurrence of the same sickness or injury which disabled them initially will be given one additional period of 30 days in which to return to their regular duties as a police officer; and failure to so report shall be deemed prima facie evidence of the fact that said personnel is physically unfit for duty and shall immediately be placed on the retirement list in accordance with the provisions of this section.

(Ord. of 6-18-91, § 2)

Sec. 13-91. Reserved.

Sec. 13-92. Employees who have lost required qualifications.

Employees who have lost the qualifications (certification, license, etc.) required to perform the position they hold will be given three months leave of absence without pay to regain qualification, if such time is recommended by their department head, after which they will be required to either apply for another position which is open for which they are qualified or be dismissed. If a position is open they will be given preference.

(Ord. of 6-18-91, § 2)

Sec. 13-93. Unemployment claims.

The town administrator, with the assistance of the solicitor, shall investigate the validity of all unemployment claims as may be received by and claimed against the town. The administrator shall give notice to the members of the council of the claim within seven days of receipt of the claim, at which time the administrator, with the assistance of the solicitor, shall advise the council of a recommended course of action, and any applicable deadline for such action. Should the council or any member wish to amend or revise the intended course of action, then such member(s) shall place the matter on the agenda of the next scheduled meeting or of a special meeting for that purpose should time constraints so require.

(Ord. of 7-18-05)

Secs. 13-94--13-100. Reserved.

ARTICLE VII.

PAY PLAN

Sec. 13-101. Classified pay plan.

(a) The plan as adopted shall constitute the official pay schedule for positions in the civil service. No person in the civil service shall be paid a salary that is greater than the maximum or less than minimum rates fixed in the approved pay plan for the position he holds.

(b) The official classified pay plan will follow the below format, will be certified in May of each year by the personnel board prior to the town council's adoption of the pay ordinance and be kept on file with the personnel director.

Class Pay Grade	Step 1	Step 2	Step 3	Maximum Rate
-----------------	--------	--------	--------	--------------

1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

(Ord. of 6-18-91, § 2)

Sec. 13-102. Conversion of weekly rates to hourly rates.

Hourly rates of pay for the respective classes of positions, except those positions for which an annual salary is provided, shall be determined by dividing the weekly salaries for the class pay grade in which the position is allocated by the normal hours of work per week for the class.

(Ord. of 6-18-91, § 2)

Sec. 13-103. Fulltime basis of salary schedules.

The salaries prescribed in the salary schedule are fixed on the basis of fulltime employment for the normal work week, as provided for the respective classes.

(Ord. of 6-18-91, § 2)

Sec. 13-104. Parttime and seasonal employees.

Any parttime or seasonal employees shall be employed initially at the hourly rate equivalent to the entrance salary in the schedule for the appropriate class pay grade in which the class of position is allocated. Such parttime and seasonal employees shall not receive vacation or sick leave benefits.

(Ord. of 6-18-91, § 2)

Sec. 13-105. Starting rates for entrance.

(a) *Starting rate on initial employment.* Original appointment to any position shall be made at the entrance rate and advancement from the entrance to the maximum rate within a salary range shall be by successive steps. Upon recommendation of the personnel board and department head, the town administrator may authorize initial compensation at a rate higher than the entrance rate in the salary schedule, based on the employee's experience, ability and skill over and above the minimum qualifications specified for the class.

(b) *Starting rate on return to duty.* When an employee returns to duty in the same class of position

after an involuntary separation from the town service of not more than one year, which separation was not due to discreditable circumstances, such employee shall receive the rate in the salary schedule corresponding to the step rate received at the time of separation and shall subsequently serve thereat for at least such period as is normally required for advancement to the next higher salary rate.

(c) *Starting rate on return from military service.* An employee who leaves or has left the town service to enter the active service of the armed forces of the United States, under the terms of the Selective Service Act, or any amendments thereto and who subsequently is reinstated to a position previously held by him, shall be entitled to receive a salary at the step rate to which he would have been entitled had his services with the town not been interrupted by entry in the armed forces.

(Ord. of 6-18-91, § 2)

Sec. 13-106. Step advancement and promotion.

(a) *Step advancement.* At the completion of the first year of service, and upon the recommendation of the department head and the town administrator, the employee shall be advanced to the next higher rate in the appropriate salary schedule, provided his service has been satisfactory. Subsequently, and again upon the recommendation of the department head and the town administrator, the employee shall be advanced to the next higher rate at the conclusion of each succeeding year of satisfactory service in his position until he has reached the maximum rate of the salary schedule appropriate to the class to which his position is allocated. The personnel board may recommend to the town administrator to advance an employee within a pay grade at such other times as may be deemed to be in the best interest of the classified service, provided such employee has completed his probationary period.

(b) *Rate of pay on promotion.* In any case where an employee is promoted to a class with a higher salary schedule, the entrance rate shall be at the lowest step in the higher salary schedule that will provide an increase over the salary received immediately prior to such promotion.

(c) *Requirements as to continuity of service.* Service requirements for advancement within salary schedules and for other purposes as specified in this chapter, shall have the implication of continuous service, which means employment in the town service without break or interruption; provided that absence on authorized leave shall not affect continuity of service. Leave without pay for periods in excess of 30 days, except as provided in this chapter, and all absences without leave shall be deducted in computing total service.

(Ord. of 6-18-91, § 2)

Sec. 13-107. Rates for special assignment.

When an employee is temporarily required to work in a higher class of position, for a period of 15 days or more, such employee shall receive the lowest salary rate of that higher class which will provide a pay increase over his present rate, retroactive to the first day of such assignment.

(Ord. of 6-18-91, § 2)

Sec. 13-108. Longevity.

A longevity incentive shall be paid to union members in accordance with their current contracts and to nonunion employees in accordance with the amounts established in the annual pay ordinance.

(Ord. of 6-18-91, § 2)

Sec. 13-109. Overtime.

(a) Overtime shall be paid to all hourly and nonexempt salaried employees, except policemen, for all time worked over the normal hours of work per week for the class. The overtime rate shall be one and one-half (1 1/2) times the hourly rate. Overtime will be worked at the request of the department head or director only.

(b) Employees in the police or highway unions will receive overtime in accordance with the provisions of their contract.

(c) Overtime provisions of this section shall not apply to occasional requirements to attend council, board, commission or committee meetings to provide information on their area of work.

(d) Classified employees who are salaried and meet the exemption criteria of the Fair Labor Standards Act (as amended) and Title 29, Part 541 will not be eligible for overtime or compensatory time.
(Ord. of 6-18-91, § 2)

Sec. 13-110. Compensatory time.

Whenever possible, compensatory time will be allowed at the same rate of time in lieu of overtime. Upon the recommendation of a department head and with the approval of the town administrator, compensatory time may be given to classified employees to recognize duty to the town beyond normal working hours based on factual information given to the department head and town administrator.
(Ord. of 6-18-91, § 2)

Sec. 13-111. Town council to prescribe salaries.

The town council may establish by ordinance annually, the rate of compensation that may be paid to all town employees, including boards and commissions, as provided for by the Home Rule Charter.
(Ord. of 6-18-91, § 2)

Secs. 13-112--13-120. Reserved.

ARTICLE VIII.

POSITION DESCRIPTIONS

Sec. 13-121. General.

(a) Article VIII provides position titles for all classified positions which may be necessary for the town to properly function at present or in the near future. Because a position is listed here does not necessarily mean that the position has been authorized by the town council. Positions authorized by the town council will be listed in the pay ordinance, which is revised each June, and which lists the wages to be paid to the classified employee who is qualified to fill that position.

(b) The official position descriptions will be identified with the below position numbers and position titles, will be certified by the personnel board and be kept on file with the personnel director.

ADMINISTRATIVE, CLERICAL, AND FISCAL GROUP

Sec. 13-122. Parttime secretary.

Sec. 13-123. Parttime clerk.

Sec. 13-124. Secretary I.

Sec. 13-125. Clerk I.

Sec. 13-126. Public works clerk I.

Sec. 13-127. Tax clerk I.

Sec. 13-128. Records clerk I.

Sec. 13-129. Building and zoning clerk I.

Sec. 13-130. Payroll clerk I.

Sec. 13-131. Assistant tax collector.

Essential duties and responsibilities include the following, but other related and relevant duties may be assigned:

- (1) Collection of real estate, property, motor vehicle taxes as well as water and sewer, assessment and user fees.
- (2) Determines the amount of interest due on each delinquent tax bill.
- (3) Preparation of municipal lien certificates.
- (4) Preparation of bank deposits.
- (5) Collection of returned checks by the bank (NSF).
- (6) Monitors delinquent taxpayers, sends out notices and dunning letters, and handles telephone inquiries and demands.
- (7) Confirms current tax status of all requests for: permits, licenses and car registration.
- (8) Prepares tax sale on delinquent properties:

- a. Selects delinquent properties.
- b. Meets with title company providing detail and mails notices.
- c. Updates and notifies newspaper of delinquent properties.

(9) Handles and monitors bankruptcy on property within the town with guidance and assistance from the town solicitor.

(Ord. of 3-3-97)

Sec. 13-132. Secretary II.

Sec. 13-133. Clerk II.

Sec. 13-134. Tax clerk II.

Sec. 13-135. Records clerk II.

Sec. 13-136. Building and zoning clerk II.

Sec. 13-137. Payroll clerk II.

Sec. 13-138. Finance clerk II.

Sec. 13-139. Assistant tax collector.

(Ord. of 11-15-99(1))

Sec. 13-140. Assistant finance director.

(Ord. of 11-15-99(1))

Secs. 13-141--13-145. Reserved.

POLICE GROUP

Sec. 13-146. Parttime police dispatcher.

Sec. 13-147. Police dispatcher.

Sec. 13-148. Animal control officer.

Sec. 13-149. Police patrolman (probationary).

Sec. 13-150. Police patrolman.

Sec. 13-151. Police inspector/detective.
(Ord. of 11-15-99(1))

Sec. 13-152. Police sergeant.

Sec. 13-153. Police lieutenant.
(Ord. of 11-15-99(1))

Sec. 13-154. Police captain.
(Ord. of 11-15-99(1))

Sec. 13-155. Reserved.

FIRE GROUP (SERVICES PRESENTLY CONTRACTED--
INCLUDED FOR CONTINUITY)

Sec. 13-156. Fire clerk.

Sec. 13-157. Volunteer fireman.

Sec. 13-158. Fireman.

Sec. 13-159. Fire equipment mechanic.

Sec. 13-160. Fire lieutenant.

Sec. 13-161. Fire captain.

Secs. 13-162--13-165. Reserved.

HIGHWAY

Sec. 13-166. Highway laborer.

Sec. 13-167. Light equipment operator/truck driver.

Sec. 13-168. Heavy equipment operator.

Sec. 13-169. Mechanic.

Secs. 13-170--13-175. Reserved.

WATER, SEWER AND GENERAL LABOR GROUP

Sec. 13-176. Janitor.

Sec. 13-177. Water and sewer maintenance man.

Sec. 13-178. Water and sewer supervisor.

Secs. 13-179--13-185. Reserved.

(Ord. of 6-18-91, § 2)

ARTICLE IX.

POLICE AND FIRE DEPARTMENTS

Sec. 13-186. Police--Composition of department.

(a) The organization of the town police department shall be as follows:

Chief of police (Not in the classified service)

Captain

Lieutenants

Sergeants

Police officers/inspectors/detectives

(b) The police department shall be divided into a uniformed division and a detective division.
(Ord. of 6-18-91, § 2; Ord. of 11-15-99(2))

Sec. 13-187. Same--Qualification for appointment.

Qualifications for appointment to the permanent police force shall include but not be limited to the following:

(a) Shall be an American citizen;

(b) Shall be 21 years old or over;

(c) Shall never have been convicted of a crime;

(d) Shall pass a physical examination by a doctor chosen by the town; and

(e) Shall preferably have completed 60 hours or preferably hold a degree in law enforcement from an accredited college or university.

(Ord. of 6-18-91, § 2; Ord. of 11-6-96)

Sec. 13-188. Same--Promotions.

- (a) *Promotion procedure established.* There are established procedures to be followed in qualifying candidates for promotion in the town police force as set out herein.
- (b) *Service and examinations.*
 - (1) A candidate for promotion shall be accepted from personnel currently employed on the force who have satisfactorily completed at least three years' service as a patrolman on the force.
 - (2) A written examination shall be given to each candidate under the supervision of the personnel board with a majority of members present at a time and place described by the chairman of the board.
 - (3) An oral examination shall be given by three impartial Rhode Island police chiefs selected by the chief of police of the town with the approval of the town administrator. In addition to the chiefs, one member of the personnel board must be present at the time of this test.
- (c) *Scoring examinations.* Ratings on the examinations prescribed in subsection (b) hereof shall be made on the basis of points scored with the following rates to apply:
 - (1) Written examination, 50 percent (50 point maximum).
 - (2) Oral examination, 50 percent (50 point maximum).
 - (3) Minimum qualifying score, total of subsections (1) and (2) above--75 points.
 - (4) All such candidates passing the minimum qualifying score shall be given one additional point score for each completed year of police force service in the town police department, up to but not exceeding 12 years and one point for each five college credits.
 - (5) The bonus points shall be added to the total score achieved by the addition of the oral and written test scores, but only if the total achieved is no less than 75 points.
 - (6) The final score shall be the total of the oral plus written plus bonus points.
- (d) *Notice of test scores.* Within five days of the completion of the tests by the candidates, the board will notify the chief of police and town administrator of the final standings of the applicants based on the procedures outlined above. The choice of the individual to fill the opening will be made as prescribed in the Town Charter.
(Ord. of 6-18-91, § 2)

Sec. 13-189. Same--Retirement.

All fulltime employees of the North Smithfield Police Department shall be in the police employees Rhode

Island Retirement Systems twenty-year retirement plan, as fulltime employees in the same manner and with the same privileges, condition, rights and obligations as other town employees.
(Ord. of 6-18-91, § 2)

Sec. 13-190. Reserved.

Secs. 13-191--13-200. Reserved.

ARTICLE X.

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY FOR CLASSIFIED EMPLOYEES

Sec. 13-201. Purpose.

(a) To assure equal opportunity for each and every one of its citizens, this affirmative action plan was developed and will be implemented, ensuring every citizen equal employment opportunity regardless of race, color, religion, sex, age or national origin.

(b) This affirmative action plan is a clear and concise statement of specific and results-oriented goals and objectives by which equal employment opportunity will be achieved. This plan is the town's commitment to become an equal opportunity employer, not by words but in practice.

(c) Positive action must be taken if employment is to be open to all. Selection and advancement must be based on merit principles, the actual ability and potential to do a job.
(Ord. of 6-18-91, § 2)

Sec. 13-202. Equal employment policy and administration.

(a) The town council and the town administrator reaffirm the town's policy of equal employment opportunity based on personnel rules and regulations. No person in the classified service of the town or seeking admission thereto shall be appointed, promoted, removed or in any way favored or discriminated against because of sex, religion, national origin, race, color or age. Each applicant for town employment is considered on the basis of his or her qualification for the job. All employees are given equal consideration in compensation, benefits and promotional opportunities without regard to race, color, religion, sex, age or national origin.

(b) In the implementation of this policy, the town administrator exercises personnel leadership in establishing, maintaining and carrying out the town's affirmative action efforts to promote equal employment opportunity in every aspect of town employment. To assist him in carrying out these policies, the town administrator will assign to an individual personnel responsibilities and authority in implementing equal employment responsibilities.

(c) The individual assigned personnel responsibilities develops plans for implementing the town's equal employment opportunity objectives. He or she monitors personnel hiring patterns within the town employee population and establishes the program's goals. He or she will continue to appraise the town's personnel activities to identify deficiencies existing in equal employment opportunities. With the town administrator's approval and

within merit system procedures, this individual will take the remedial steps necessary to deal with the program shortcomings.

(d) This individual will handle expeditiously any complaints from town employees who believe themselves to be the victims of discrimination and will make recommendations for the disposition of such complaints to the town administrator.

(e) The individual assigned personnel responsibilities will continue to ensure that the town's policy on equal employment opportunity is publicized internally by permanent posting on all departmental bulletin boards.

(f) The town's policy on equal employment opportunity is publicized so that all town residents will be aware of these provisions.
(Ord. of 6-18-91, § 2)

Sec. 13-203. Recruitment of town employees.

The following procedures shall continue to be carried out or will begin shortly to advance equal employment opportunity in the recruitment of town employees:

- (a) All employment advertising and recruitment, activities, including contracts with employment sources, are to be directed to all qualified applicants, regardless of race, color, religion, sex, age or national origin.
- (b) All employment advertising, job announcements, and recruiting brochures will identify the town as "An Equal Opportunity Employer M/F."
- (c) Unnecessary restrictions on age, sex physical characteristics, education or experience are deleted from all recruiting announcements, and only bona fide requirements may be specified, particularly of age and sex.
- (d) Department heads and supervisors will encourage active person-to-person contact in the recruitment process on the part of minority employees to facilitate the recruitment of minority applicants.
- (e) Job announcements are issued in readable and understandable language, particularly for those positions for which the educationally disadvantaged may be qualified.
- (f) Individual letters will be prepared for distribution to minority group organizations and personal contact will be made with these organizations expressing interest in referral of qualified applicants wherever vacancies exist.
- (g) Women's organizations will receive individual letters and personal contact will be established with these organizations expressing interest in referral of qualified applicants wherever vacancies exist.

(Ord. of 6-18-91, § 2)

Sec. 13-204. Testing.

(a) *Standards.* Efforts to ensure that all selection procedures are designed to prevent discrimination against minority applicants will be continued as follows:

- (1) When feasible, tests are developed and administered by the state personnel department, upon request by the town, based on the town's job specification. The technical services are rendered under merit system principles.
- (2) Each test is professionally developed and administered objectively with uncomplicated, standard instructions.
- (3) Tests are weighed appropriately according to their relative importance to the total job.
- (4) Tests are appraised critically and developed in new forms and procedures, as needed, to assure current relevance of the instruments.
- (5) Tests are structured for minimum levels in all aspects, including verbal ability, literacy and technical content.
- (6) Tests are used to avoid discrimination.
- (7) Oral and performance tests are used whenever possible.

(b) *Procedures.* To advance equal opportunity in selection, the following procedures will be established:

- (1) Tests will be validated for content, based on job analysis. Where tests are shown to be not valid, they will not be used as a part of the selection process.
- (2) As the personnel staff's competency in validation increases, an attempt will be made to review tests for validity on a criterion-related basis, providing sufficient data is available and recognizing the U.S. Civil Service Commission's statement on rational validity and limitations on criterion-related validity.
- (3) Personnel applications will be reviewed to ensure that any potentially discriminatory questions are not included.

(Ord. of 6-18-91, § 2)

Sec. 13-205. Appointment, placement and promotion.

(a) *Existing procedures.* The following procedures will continue to be carried out in the appointment and placement of town employees:

- (1) Suitability requirements involving arrests and convictions and other factors which may work to the disadvantage of applicants are applied with judgment in order to permit the employment of

qualified applicants.

- (2) Flexible and innovative approaches to appointments and placements are sought within the discretion permitted under merit principles.
- (3) Every employee shall be afforded every opportunity for promotion via promotional examinations and open competitive examinations for which they meet the minimum qualifications.

(b) *New procedures.* To advance equal employment opportunities in the appointment and selection process, the following procedures will be instituted:

- (1) Appointing authorities will be required to certify that appointments were made on a nondiscriminatory basis when they submit a personnel list.
- (2) Periodic reviews of the meaningfulness of these statements will be made by the personnel office.
- (3) A standardized personnel action form will be developed for all town departments for the use of submitting personnel recommendation.

(Ord. of 6-18-91, § 2)

Sec. 13-206. Classification of positions.

- (a) The following procedures will continue to be carried out in the classification of town positions:
 - (1) Position descriptions are reviewed prior to issuance of each announcement and evaluated to insure that the requirements are job-related and that qualifications for the position are limited to the minimum needed for entrance into a given class. Education, experience, aptitude, knowledge, skills and abilities are considered.
 - (2) Education and experience requirements will be job-related and will not create artificial barriers for minority employment.

(b) To advance equal employment opportunities in the classification program, the following action will be taken: The existing classification plan and pay plan will continue to be comprehensively reviewed, evaluated and revised for each new fiscal year with emphasis on assuring that it does not include factors which discriminate against minority groups and women and on hopefully creating positions which will provide upward mobility for minorities, women disadvantaged and present town employees.

(Ord. of 6-18-91, § 2)

Sec. 13-207. Staff and employee development.

(a) Education and training which enhance equal opportunity employment will continue to be provided town employees, as follows:

- (1) Tuition assistance is available to all town employees to enhance the employees' abilities in job-related subjects, within the town's financial capabilities. In order to receive tuition assistance,

employees must be recommended by their department head, the request must be approved by the town administrator, money must be available in the tuition assistance account in the current budget and the employee must sign a payback agreement. Under the payback agreement, the employee would agree to work one year for the town for every \$2,000.00 received or pay back the remainder at eight percent interest within ten years on a monthly schedule.

(2) Training is provided to enable employees to increase their supervisory and basic management skills through programs, conference and institutes approved by the town administrator and personnel office.

(b) To advance equal opportunity in staff and employee development, the following additional steps will be taken:

(1) A written policy on the tuition reimbursement program will be developed and published to help assure that the selection of employees for assistance is objective and nondiscriminatory.

(2) Supervisors will receive training in the EEO responsibilities and in the solution of problems that may arise in integrating minority employees into the town's work force.

(3) A study will be conducted on the development of a feasible program through which the full utilization of employee skills may be achieved. Emphasis will be placed on the identification of employees in lower classifications who have not advanced or who have received only minimal increments in comparison to employees in the same classification in the past three years and who have experience or education superior to that required in the present assignment. Particular attention will be paid to the practicality of the means by which the full utilization of their skills may be achieved.

(Ord. of 6-18-91, § 2)

Sec. 13-208. Other personnel actions.

To advance equal opportunity in other personnel actions, the following additional steps will be taken:

(a) Exit interviews for all terminations except retirements will be conducted to determine if the employee quit his or her job because of uncertainties about duties to be performed or because of fears that arose from being placed in a new environment that may be the result of the attitudes of fellow employees.

(b) Town departments will be assisted in the implementation of the performance evaluation of new employees after their six-month probationary period to ensure that all town employees are informed of their evaluation and are permitted to discuss it with their immediate supervisors. A standardized performance evaluation form will be developed for use by all town departments.

(c) A policy on maternity leave will be developed and published to ensure women applicants and employees equal job opportunities.

(Ord. of 6-18-91, § 2)

Sec. 13-209. Program evaluation.

The town's equal employment opportunity program will be evaluated periodically. New goals and target progress dates will be based on the needs of the program as identified in the evaluation process. Program evaluation will be accomplished as follows:

- (a) An improved system for gathering statistical data will be developed as the basis for assessment of minority groups and women employees, their major job groupings and salary classes. Consideration will be given to the reasonable representation of minority members and women entering, moving within, and leaving employment. Also numbers of minority and women employees will be related to the latest census data and, if possible, on numbers of skilled and trained individuals in minority groups and women available locally for jobs used by the town.
- (b) Based on any program shortcomings which are identified by improved statistical procedures, new or revised objectives, goals and target dates will be established, if needed.
- (c) Minority group and women statistics will be reviewed quarterly and evaluated in depth annually. A report will be compiled for the town administrator following the annual evaluation, indicating trends, identifying program accomplishments or deficiencies, and recommending plan revisions for the succeeding year.

(Ord. of 6-18-91, § 2)

Sec. 13-210. Assignment of responsibilities.

(a) The town administrator bears responsibility in establishing, maintaining, and carrying out affirmative action efforts to promote equal employment opportunity in every aspect of town employment.

(b) All department heads bear responsibility for compliance with this affirmative action plan in assuring equal employment opportunity within their own departments. Management at all levels will make a good faith effort to achieve this intent.

(Ord. of 6-18-91, § 2)

Secs. 13-211--13-220. Reserved.

ARTICLE XI.

EFFECTIVE DATE OF CHAPTER

Sec. 13-221. Severance clause.

(a) If any section, clause, provision or portion of this chapter shall be held to be inconsistent with the rules and regulations of the Home Rule Charter, such decision shall not affect any other section, clause, provisions, or portion of this chapter.

(b) If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause,

provision or portion of this chapter.
(Ord. of 6-18-91, § 2)

Sec. 13-222. Effective date.

This chapter shall take effect on the day following its passage by the council.
(Ord. of 6-18-91, § 2)