

CITY OF EAST PROVIDENCE



EMPLOYEE HANDBOOK

POLICIES & PROCEDURES OF
THE CITY OF EAST PROVIDENCE



REVISED 2024

EMPLOYEE HANDBOOK

POLICIES & PROCEDURES OF THE CITY OF EAST PROVIDENCE

City of East Providence
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*Please note that the City of East Providence Employee Handbook is subject to change. The most updated version can be found on the City of East Providence website - eastprovidenceri.gov.

WELCOME FROM MAYOR ROBERTO L. DASILVA



Welcome to the dedicated employees of the City of East Providence. I am happy to have you as a member of a team of professionals that is committed to providing a high quality of life for residents, visitors, and future generations. Our goal is to provide a safe, well-organized community and a vibrant space for commerce and industry. Your efforts make East Providence an excellent place to live, learn, work, and play.

Being an employee of the City of East Providence puts you in a unique position of trust. Our residents have come to expect a high level of service and efficiency, and as a result, City employees are subject to public scrutiny. In your position, you may be the first point of contact when the City provides services or responds to a citizen's inquiry or request. Thus, you have a unique responsibility and opportunity to make a positive impression on the people of our community. Although your interaction with the public might be limited in your position, you play a vital role in presenting and representing the City in a favorable light.

With such responsibility, it is important for employees of the City of East Providence to understand the goals and expectations of your public employment. This handbook provides the guidelines, policies, procedures, and benefits related to all City personnel. Because it contains general statements of City policy - and may not include the fine details of each policy - it does not constitute an express or implied contract. Therefore, the City may add, modify, or revoke policies, procedures, and guidelines when necessary, and will make every effort to keep these guidelines current and to properly communicate changes. The most up-to-date version of this Handbook can always be found on the Office of Human Resources page of the City's website.

If you have any questions pertaining to our Employee Handbook, please reach out to the Department of Human Resources. Again, thank you for choosing to be a member of our team of dedicated employees. I wish you continued professional growth and success throughout your employment with the City of East Providence.

Sincerely,

Roberto L. DaSilva

Roberto L. DaSilva
Mayor

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SECTION I: INTRODUCTION



I01. THE MISSION OF THIS HANDBOOK:

I01.01 General Purpose:

- I01.01.01 To establish policies to ensure the orderly operations of the City and provide the best possible work environment for the employees of the City of East Providence.
- I01.01.02 Whether you have just joined our staff or have been at the City of East Providence for a while, we are confident that you will find this a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of the City of East Providence to be one of its most valuable resources. This Handbook has been written to serve as the guide for the employer/employee relationship.
- I01.01.03 There are several things to keep in mind about this Handbook. It contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resources Department, your supervisor, or refer to the applicable provisions of your Collective Bargaining Agreement.

I01.02 Role of City Employees:

- I01.02.01 The purpose of City government is to serve the community. Employees of the City are public employees, subject to public scrutiny, with a responsibility to the people, businesses, and visitors of East Providence. The quality of service provided by the City to the people of East Providence depends upon the quality of the City's workforce. Thus, the strength and future of the community depends, in large part, upon employee contributions—that is, employee conduct on the job and the way employees perform their duties. Contact that employees may have with the public is often the only basis on which City government is judged.

I01.03 Applicability:

- 101.03.01 The procedures, practices, policies, and benefits described herein may be modified or discontinued from time to time. The Human Resources Department will inform you of any changes as they occur.
- 101.03.02 Some subjects described in this handbook are covered in detail in official policy, plan documents or collective bargaining agreements. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits.
- 101.03.03 Please note that the terms of the written policies and plan documents are controlling and override any statements made in this document. Any statement within a policy or procedure found to be illegal, incorrect, and/or inapplicable shall not affect the validity and intent of the remaining content of said policy and procedure. Titles utilized shall not govern, limit, modify or affect the scope of meaning or intent of any provision.

101.04 Responsibilities:

- 101.04.01 Each department Director, manager and supervisor is responsible for enforcing the provisions of the employee handbook and ensuring the policies and procedures are fairly administered and equitably enforced.
- 101.04.02 City employees are responsible for complying with and adhering to the employee handbook; all rules of their department and to the directions provided by departmental management in the fulfillment of City personnel policies; and all other City rules, policies and ordinances, the City Charter, and the laws of the State of Rhode Island and the United States.
- 101.04.03 It is the responsibility of each employee to read, retain, understand, and update their employee handbook when provided with applicable revisions and additions.
- 101.04.04 Employees affected by collective bargaining agreements are also responsible to abide by the terms of such agreements, as the same may be amended from time to time, as well as any applicable memoranda of understanding.

101.05 Department Policies, Procedures & Directives:

- 101.05.01 Because of the nature of public safety, the Chief of Police and the Chief of Fire may issue policies and procedures to address department needs and to offer the highest level of public safety. All employees of Police and Fire shall adhere to the policies and procedures set forth by their respective Chief and adhere to the policies of the City of East Providence.
- 101.05.02 Policies and procedures of Police and Fire shall be filed with the Office of Human Resources. Any changes will be forwarded to the Director of Human Resources and the Mayor.
- 101.06.01 Written directives may be issued by department heads to improve efficiencies and services as needed and will hold the authority as if a policy or procedure. Department directives will only become effective with the signature of the department head, the Director of Human Resources, and the Mayor.

102. EMPLOYMENT AT WILL [NON-UNION EMPLOYEES ONLY]

Neither this handbook nor any other City of East Providence document confers any contractual right, either expressed or implied, to remain in the City of East Providence’s employ, nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice by the City of East Providence. You may resign for any reason, at any time. No Director, manager, or other representative of the City of East Providence has the authority to enter into any agreement for employment for any specified period, or to make any agreement contrary to the above. Only the Mayor may authorize an employment contract for a fixed term.

SECTION 2: POLICIES PERTAINING TO DIVERSITY, EQUITY, INCLUSION, AND EQUAL EMPLOYMENT OPPORTUNITY



201. DIVERSITY/EQUAL EMPLOYMENT OPPORTUNITY:

201.01 Policy: The City of East Providence provides equal employment opportunities to all employees and applicants for employment without regard to an individual’s actual or perceived race, color, religion, gender (including pregnancy, childbirth, and pregnancy-related conditions), sexual orientation, gender identity/expression (including transgender status), national origin, age, disability, genetic information, marital status, amnesty, or status as a covered veteran in accordance with applicable federal and state laws (each a “Protected Class”). The City of East Providence complies with applicable laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Please refer to the following City Personnel Ordinances that pertain to this topic:

- i. Sec. 11-212; Division 7/ EEO/AA Policy
- ii. Sec 11-213. Employment Practices

202. DISABILITY IN EMPLOYMENT:

202.01 It is the policy of the City of East Providence to comply with all federal and state laws concerning the employment of persons with physical or mental disabilities. The City of East Providence does not discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

202.02 The City of East Providence will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. If you are disabled or become disabled, meaning you have a mental or physical impairment that substantially limits one (1) or more major life activities, you may request a reasonable accommodation. You must contact your supervisor or the Director of Human Resources to begin the interactive process, which will include discussing your disability and possible reasonable accommodations. You will be notified

of the City's decision regarding your request within a reasonable period. The City treats all medical information submitted as part of the interactive process in a confidential manner.

203. ANTI HARASSMENT/ COMPLIANCE:

- 203.01 The City of East Providence is committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere which promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City of East Providence expects that all relationships among persons in the office, or any other work area, will be businesslike and free of bias, prejudice, and harassment.
- 203.02 The City of East Providence encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City of East Providence to investigate such reports promptly and thoroughly. The City of East Providence prohibits all forms of retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. The City of East Providence will protect witnesses and others who participate in an investigation of a retaliation claim to the best of its ability. The City of East Providence cannot promise confidentiality for employees who make a retaliation complaint. Identities will only be revealed on a need-to-know basis.
- 203.03 Each City of East Providence employee with individuals under their supervision has a duty to maintain a workplace free of harassment, to ensure that everyone under their supervision is aware of the City of East Providence's policy on harassment and the policy's procedure to report and resolve complaints. Any supervisor who learns of or suspects violations of this policy must promptly bring the matter to the attention of their supervisor, the Affirmative Action Officer, or the Director of Human Resources.
- 203.04 Definitions of All Harassment: Harassment is verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of their actual or perceived membership in a Protected Class, or the actual or perceived Protected Class of their relatives, friends, or associates, and that:
- a) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c) Otherwise adversely affects an individual's employment opportunities.
- 203.05 Harassing conduct includes, but is not limited to, the following:
- 203.05.01 Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to the individual's actual or perceived Protected Class.
 - 203.05.02 Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of an individual's actual or perceived Protected Class that is placed on walls, bulletin boards, or elsewhere on workplace premises, or in circulation in the workplace, including, but not limited to voicemails, e-mails, text messages, social media postings, and similar materials.
 - 203.05.03 Retaliation against an individual for protesting discrimination or harassment, for filing a charge of discrimination, or for testifying or assisting in an investigation of a charge of discrimination or harassment is unlawful and strictly prohibited.
 - 203.05.04 Sexual harassment is one form of unlawful harassment. It includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:
 - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working

environment.

203.05.05 Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender, sexual orientation, or gender identity/expression. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; rewards for sexual favors, denying rewards unless sexual favors are rendered; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, grabbing, padding or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

203.05.06 These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of East Providence (e.g., an outside vendor, consultant, or citizen).

203.05.07 Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Please refer to City Ordinance Personnel Sec 11-215. Allegations of Discrimination that pertains to this topic.

203.07 Complaint Process:

203.07.01 In order to take prompt and appropriate corrective action, the City of East Providence must be sufficiently aware of the harassment/discrimination or any related retaliation. Therefore, any employee who believes that they have been subjected to and/or have witnessed harassment/discrimination or related retaliation must report such conduct promptly, orally or in writing to the Director of Human Resources or their immediate supervisor. If your supervisor is the source of the harassing conduct, report the behavior to that person's supervisor or to the Director of Human Resources (401) 435-7766 or via email at rperry@eastprovidenceri.gov.

203.07.02 The City of East Providence will respond promptly to all complaints of harassment/discrimination that it receives. An investigation will be conducted confidentially to the extent possible. Where it is determined that inappropriate conduct has occurred, the City of East Providence will act to eliminate the conduct and impose such corrective disciplinary action as is necessary up to and including termination.

203.07.03 False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

204.04 When possible, the City of East Providence encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his/her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The City of East Providence recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

205. MUNICIPAL INTEGRITY OFFICER:

205.01 The role of the Municipal Integrity Office is to thoroughly and without bias investigate any allegations of misconduct on the part of an employee of the City of East Providence. If you believe that you have been the victim of misconduct committed by an employee of the City of East Providence or have witnessed potential misconduct, you must report the incident to the Municipal Integrity Officer ("MIO").

205.02 The MIO, Elmer Carvalho-Pina, will do his best to respond to all complaints that he receives within twenty-four (24) hours of receipt. You may call him at the City's Office of Affirmative Action and Equal Employment Opportunity at (401) 435-7509 or via email at epina@eastprovidenceri.gov. Any member of the public may call

the anonymous Municipal Integrity Hotline or electronically file a formal complaint via the City of East Providence website using the MIO complaint form.

- 205.03 A report needs to be filed within one (1) year of the occurrence of the alleged incident. All complaints are thoroughly examined, and all investigations are confidential and are either documented on a complaint form or become formal inquiries through the MIO. The MIO coordinates the receipt and processing of complaints and the conduct of confidential internal investigations arising from a citizen or employee complaint. All findings of fact and recommendations of potential disciplinary action will be made to the Mayor and/or the Director of Administration and the Director of Human Resources.
- 205.04 The MIO maintains a highly confidential and comprehensive central index of all official complaints received within the Office as well as those received by City of East Providence department heads and/or supervisors.
- 205.05 Complaints will be accepted from any source and may be made anonymously, in person, electronically or by telephone. Preferably, complaints should be made in person by the individual directly concerned in the allegation against a City of East Providence. Any department head or supervisor may take a complaint, and upon receiving the complaint must forward it to the MIO.
- 205.06 If a party to a complaint does not agree with its resolution, that party may appeal to:

Mayor Roberto DaSilva
East Providence City Hall
145 Taunton Ave.
East Providence, RI 02914
401-435-7500

Inquires of any discrimination relating to these may be referred to:
City of East Providence
Equal Employment Opportunity/Affirmative Action Officer
Elmer Pina, (401) 435-7509 epina@cityofeastprovidenceri.gov

206. STATE AND FEDERAL AGENCY INFORMATION:

While employees of the City of East Providence are strongly encouraged to use the internal complaint reporting procedures set forth in this employee handbook, they are not required to do so. Any employee who believes that they have been subjected to discrimination, harassment, or retaliation may file a claim with the state and federal agencies listed below:

Rhode Island Commission for Human Rights (RICHR)
180 Westminster Street, Third Floor
Providence, RI 02903
401-222-2661
401-222-2664 (TTY)
www.richr.ri.gov

United States Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
15 Sudbury Street, Room 475
Boston, MA 02203-0506
800-669-4000
800-669-6820 (TTY)
www.eeoc.gov

SECTION 3: EMPLOYMENT PRACTICES



301. EMPLOYMENT PROCEDURES:

301.01 Objective/ Purpose: The main objective of this policy is to promote employment with the City of East Providence. This policy defines the type of employment, working hours, performance appraisals, privacy expectations, probationary period, progressive discipline, separation of employment, employee privacy expectations and appeals. For additional information on this topic please refer to the City Revised Ordinances Ch.II, Article I, Sec.II-2. - Personnel Policy.

301.02 Responsibilities for employment procedures: The Mayor has the authority to hire, promote, discipline, layoff, and discharge City employees. The City Council has authority to appoint and remove any position that falls under their domain in accordance with City Charter. The Mayor sets the rate of pay and conditions of work in accordance with the collective bargaining and employment agreements with the City of East Providence employees and according to the pay guidelines adopted by the City. The Mayor supervises all their appointees and department heads. The Director of Human Resources under the supervision and guidance of the Mayor, administers the personnel policies of the City of East Providence on a day-to-day basis.

301.02.01 The Director of Human Resources annually reviews the pay schedule for all positions in the City of East Providence and makes a recommendation to the Mayor regarding any modifications in pay guidelines or position descriptions. A recommendation for revision of pay to comparable jobs may be used. No new, permanent position will be created without prior approval of the Mayor and said new position will comply with the provisions of all applicable collective bargaining unit agreements regarding the filling of positions.

302. EMPLOYEE DEFINITIONS AND CLASSIFICATION:

302.01 All employees, with the exception of Mayoral appointees, are designated as either nonexempt or exempt under federal and state wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period.

- 302.02 Nonexempt employees are employees who are paid on an hourly basis and are eligible for overtime pay at not less than one and one-half (1 ½) times their regular rate of pay for all hour worked over thirty-five (35) or forty (40) hours in a workweek (depending on the work hour requirements of the position). Employees are encouraged to refer to their applicable collective bargaining agreements which shall govern the overtime provisions.
- 302.03 Exempt employees are employees who are paid on a salary basis and who do not receive overtime pay for hours worked over forty (40) hours in a workweek. Refer to City Personnel Ordinance Sec. 11-63. - Compensation of Employees.
- 302.04 The City of East Providence has established the following categories for both nonexempt and exempt employees:
- 302.04.01 Regular, full-time: Employees who are not in a temporary status and who are regularly scheduled to work the City's full-time schedule of at least thirty-five (35) or forty (40) hours in a workweek (depending on the work hour requirements of the position), and who have successfully completed the six (6) month probationary period defined below. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits plan or program.
- 302.04.02 Regular, part-time: Employees who are not in a temporary status and who are regularly scheduled to work less than thirty-five (35) or forty (40) hours in a workweek (depending on the work hour requirements of the position) and who have successfully completed the six (6) month probationary period or any extensions thereof. A collective bargaining agreement may provide for a longer probationary period and therefore would govern. Part-time employees are not eligible for leave time (sick, personal and vacation) benefits, unless determined otherwise by the Mayor. Refer to Revised Ordinance Ch I I, Article III, Div. 3 Sec. 11-86. - Hours of work. For further information, refer to your collective bargaining or employment agreement.
- 302.04.03 Hours of work vary depending on the terms of the applicable collective bargaining agreement and the terms of the employee's appointment. Refer to Revised Ordinance Ch. I I, Article III, Div.3, Sec 11-86, - Hours of work.
- 302.04.04 A temporary employee is one who is employed to perform designated services for a period that typically does not exceed four (4) months. Temporary employees generally are not eligible for the benefits outlined in these policies and are advised when hired of their status. Refer to Revised Ordinance Ch. I I, Article III, Div.2, Sec 11-62 - Classification of positions.

303. EMPLOYEE PRIVACY EXPECTATIONS:

- 303.01 Employees have a reasonable expectation of privacy in desk contents; files; work areas; City of East Providence vehicles; computer files; faxes; and written, computer, or telephone communications. However, the City of East Providence may conduct a search of these areas if it is reasonable under all the circumstances to do so. More specifically, a search may be conducted if:
- 303.02 A supervisor or fellow employee has a legitimate business need to seek out and use material believed to be contained in one of the areas listed above.
- 303.03 A supervisor looks at the areas listed above or listens to communications listed above for the purpose of evaluating the quality or quantity of an employee's work or status of work assigned or pending.
- 303.04 An authorized staff person accesses computer software on City of East Providence computer equipment for the purpose of verifying proper installation, operation, use, or repair.
- 303.05 Computer files and electronic communications are subject to the Internet and Email Policy set forth within this handbook. Please note that this includes the right of the City of East Providence to access, monitor, log, copy, modify or retrieve, any information on the City of East Providence's computer system.

303.06 The Mayor is to be informed if, during daily operations or legitimate searches as described above, any material or information is discovered that indicates a possible violation of any federal, state, or local law, rule, or regulation.

304. PROBATIONARY PERIOD:

304.01 During the six-month probationary period immediately following the starting date of a newly hired employee, their overall performance and ability to work effectively with other employees will be evaluated and a determination made as to whether the employee will be retained. During this probationary period, the full-time employee participates in all benefits. A part-time employee is ineligible for benefits and their probationary period is three months.

304.02 After satisfactorily completing this probationary period, a new hire will become either a regular full-time or part-time employee. The City of East Providence may extend this probationary period if the City believes it to be in the best interest of the City and the employee. For non-union employees who are not subject to the terms of a collective bargaining agreement, the completion of the probationary period does not change their employment-at-will status.

304.03 If a supervisor feels that an employee is struggling to meet the needs of the position, an evaluation may take place during the probationary period. If the employee continues to not meet expectations after every effort has been made to assist the employee with the tools and training necessary, the employee may be terminated prior to the end of the probationary period.

(Refer to Revised Ordinance Ch.II, Article III, Div. 2 Sec. 11-62.- Status of Employees and Revised Ordinance Revised Ordinance Ch.II, Article III, Div. 2 Sec. 11-67.- Probationary Period)

305. EMPLOYEE PERFORMANCE:

A performance appraisal is considered a tool in synchronizing specific employee goals and objectives with those of the City. (Each performance review provides an opportunity to evaluate past performance and set realistic, measurable goals for the next year.) While a performance appraisal is not a substitute for ongoing communication and progress evaluation, it provides a structured opportunity for review. Presently, performance appraisals are done at the completion of an employee's probationary period. However, should a supervisor feel that an employee's performance is in decline, the department head may conduct a performance evaluation to assess the situation. If the employee is part of a collective bargaining agreement, their respective union would be notified of its justification and involved in the process in accordance with collective bargaining agreement guidelines. Please refer to your collective bargaining or employment agreement.

306. PROGRESSIVE DISCIPLINE:

306.01 The City of East Providence's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. It has been designed consistent with the City of East Providence's values, human resource best practices and employment laws. Outlined below are the steps of the City of East Providence's progressive discipline policy and procedure. The City of East Providence reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training, the employee's work record, and the impact the conduct and performance issues have on the City.

306.02 Process:

306.02.01 Counseling and Verbal Warning: A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's personnel file.

306.02.02 Written Warning: Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.

- 306.02.03 Final Written Warning/Performance Improvement Plan: When an employee has been involved in a disciplinary situation that has not been readily resolved or when they have demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a Performance Improvement Plan (PIP). PIP status will last for a predetermined amount of time not to exceed ninety (90) days. Within this period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the City of East Providence. At the end of the performance improvement period, the PIP may be closed or, if established goals are not met, dismissal may occur.
- 306.02.04 Suspension: Suspension is the final step of progressive discipline before termination. The duration of the suspension is at the discretion of the employee's supervisor with the guidance from the Director of Human Resources. The length of the suspension depends on the severity of the offense and after all other methods of progressive discipline have been exhausted. Based on the severity of the offense, a suspension may be warranted without going through other methods of progressive discipline.
- 306.02.05 Termination: A severe violation of code of conduct, including, but not limited to, a conviction of a felony, misappropriation/misuse of City property or resources, may be grounds and just cause for immediate termination. If an employee is convicted of a felony, they must inform their immediate supervisor and or the Director of Human Resources within twenty-four (24) hours. Failure to inform shall be grounds for further disciplinary action.
- 306.02.06 Any act or action performed at work or through City resources that may have led to any felony charge, may be grounds for discipline up to and including termination.
- 306.02.06 The Mayor reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.
- 306.03 Appeals: Refer to Revised Ordinance Ch 11, Article III Div. 2 Sec. 11-70. - Appeals and hearings are to be determined by the terms and conditions of the Collective Bargaining Agreement.
- 306.04 Immediate Termination: Behavior that is illegal is subject to immediate termination, and such behavior may be reported to local law enforcement authorities. Similarly, theft, harassment, reckless conduct, gross negligence, intoxication with drugs or alcohol while at work, fighting and other acts of violence at work, and lack of adherence to the City of East Providence Code of Conduct may be grounds for immediate termination without progressive discipline.
- 306.05 Documentation: The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's personnel file. An employee who refuses to sign such documentation will all be noted in the employee file. The failure to sign and acknowledge by the employee will not affect the City's ability to discipline.
- 306.06 Arrest Notification: An employee must notify the Department of Human Resources of any arrest by any local, state, or federal agency within 24 hours of its occurrence.

307. SEPARATION OF EMPLOYMENT:

307.01 Restructuring

- 307.01.01 The Mayor may separate an employee whenever necessary for restructuring departments or budgetary needs.

- 307.01.02 Where possible at least two (2) weeks prior to any separation due to restructuring, Human Resources will notify the union of the proposed action and the reasons for it.
- 307.01.03 Where possible at least two (2) weeks prior to any separation, Human Resources will provide any employee, who is to be separated, with written notice of the action and the benefits due to the employee.
- 307.01.04 Any compensation and vacation pay due to an employee will be paid as part of the next payroll following the separation. If there is a dispute or discrepancy over the amount to be paid, payment may be delayed.
- 307.01.05 An employee who is on a family or medical leave during a layoff will be treated in the same way as if they were not on leave.

(Refer to Revised Ordinance Ch.II Article III Sec II -69 Separation from services)

307.02 Termination

- 307.02.01 Non-union employees of the City of East Providence are employed on an at-will basis, and the City of East Providence retains the right to terminate such an employee at any time and for any reason, with or without cause or prior notice. Termination of union employees is governed by the terms of the applicable collective bargaining agreement.
- 307.02.02 Human Resources will provide notification in writing of the discharge and the reasons for it to the employee being discharged and, if the employee is a union employee, to the applicable union. Any compensation and vacation pay due an employee will be paid on the next regularly scheduled pay day following the date of employment termination. Severance pay, if any, shall be at the discretion of the Mayor and shall be granted only in return for a general release in a form satisfactory to the City of East Providence. Nothing contained in this Employee Handbook shall be deemed or construed as an express or implied policy by the City of Providence to provide severance pay or other benefits to employees upon separation from employment.
- 307.02.03 Any employee who believes they have been unfairly discharged may, within ten (10) days after the discharge, appeal to the Personnel Hearing Board. Such appeal shall be addressed to the chair, who shall call a meeting of the Personnel Hearing Board within fifteen (15) days after receipt of the appeal. The decision of the Personnel Hearing Board is final.

307.03 Voluntary Resignation

- 307.03.01 Employees who plan to resign from the City of East Providence employment are asked to provide at least two (2) weeks' notice to their supervisor in writing. Managers and above are asked to give four (4) weeks' notice to the Mayor in writing. If proper notice is not given, the employee will not be eligible for rehire.
- 307.03.02 Exempt employees who voluntarily terminate employment will be paid through the last day worked. Nonexempt employees who voluntarily terminate employment will be paid through the last hour worked. Any accrued and unused vacation time will be paid. These payments will normally be made on the next, regularly scheduled payday following the date of employment resignation.

307.04 Retirement

- 307.04.01 Employees who wish to retire are requested to notify their supervisor in writing at least one (1) month before the planned retirement date.

307.05 Job Abandonment

307.05.01 An employee who fails to report to work or who leaves work without permission (other than for permitted breaks) and does not contact their supervisor within forty-eight (48) hours shall be considered to have abandoned the job without notice. The supervisor shall notify Human Resources and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are eligible for any due compensation and vacation due.

307.06 Return of City of East Providence Property

307.06.01 The separating employee must return all company property at the time of separation including, but not limited to, cell phones, credit cards, keys, computers, laptops, security badges, etc..

307.07 Re-hire

307.07.01 Former employees who left employment with the City of East Providence in good standing and who were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the hiring manager and the applicant must meet all minimum qualifications and requirements of the position as well as go through the normal hiring/recruitment process.

307.07.02 Supervisors must obtain approval from Human Resources prior to rehiring a former employee. Generally, rehired employees begin benefits just as any other new employee; however, previous tenure may be considered in calculating longevity, leave accruals or any other benefits.

307.07.03 An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

308. NEPOTISM AND PERSONAL RELATIONSHIPS:

308.01 The basic criteria for appointment and promotion of all employees at the City of East Providence will be appropriate qualifications and performance. Relationship by family, marriage, or partnership will constitute neither an advantage nor a deterrent to a position, provided the individual meets and fulfills the appropriate position standards. It is not the intent of this policy to encourage the employment of relatives within the same department, but rather to reemphasize the concept that the selection of personnel will be based on job-related qualifications.

308.02 Family members, as well as domestic partnerships, whose qualifications rank them first for the positions under consideration may be employed (full time or part time), so long as neither family member is immediately responsible for the decision to hire, or the supervision, direction, evaluation, or salary recommendation of the other.

308.03 The City of East Providence wants to avoid situations that give rise to actual, potential, or perceived conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, daughter, son-in-law, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partner relatives.

308.04 If employees begin a dating relationship or become relatives, partners, or members of the same household and if one (1) party is in a supervisory position, that person is required to inform their supervisor of the relationship and both employees will be required to sign a Relationship Agreement where both parties understand and agree to certain conditions of employment.

308.05 The City of East Providence reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Refer to Revised Ordinance Ch. 11 Article I. Sec 11-2, Personnel policy.

309. INSPECTION OF PERSONNEL FILES:

- 309.01 The City of East Providence shall, upon not less than seven (7) days advance notice, (holidays, Saturdays, and Sundays excluded), and at any reasonable time other than the employee's work hours and upon the written request of an employee, permit an employee to inspect personnel files. Those files are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or disciplinary action. This inspection shall be made in the presence of Human Resources Department staff or employer's designee.
- 309.02 The employee shall not be permitted to make any copies of, nor remove their personnel file from the immediate place of inspection located at City Hall. However, upon written request, copies of documents in their personnel file will be provided to the employee.
- 309.03 This does not apply to records of an employee relating to the investigation of a possible criminal offense or records prepared for use in any civil, criminal, or grievance proceedings, any letter of reference, recommendations, managerial records kept or used only by the employer, confidential reports from previous employers, and managerial planning records.
- 309.04 The City of East Providence is not required to permit an inspection of any employee's personnel file or records on more than three (3) occasions in any calendar year.
- 309.05 In order to keep personnel files current, employees are required to notify Human Resources of any changes to employee information such as address, telephone number, email address, emergency contact, beneficiary, etc.

Refer to Revised Ordinance Ch. 11 Article I. Sec 11-5 Personnel Records.

310. EMPLOYMENT VERIFICATION:

- 310.01 All requests for information on current or former employees must be referred to Human Resources or Payroll. Information given by phone will be limited to verification of employment dates, position title and eligibility for rehire.
- 310.02 The City of East Providence, when upon written request by a prospective employer or a current or former employee and accompanied by an authorization signed by the employee, provides fair and unbiased information about a current or former employee's salary, position held and dates of employment.

311. WHISTLEBLOWER POLICY:

- 311.01 The City recognizes that as an employee, you will often be in the best position to observe and report potential violations of City policies or applicable federal, state, and local laws by employees, elected officials, or members of the public. To ensure that you are comfortable bringing forward good faith reports of misconduct, the City offers protection for "whistleblowers."
- 311.02 The City of East Providence's policy is to promote openness, honesty, and transparency in City government and to encourage good faith reports of alleged misconduct concerning compliance with City policies and federal, state, and local laws, rules, and regulations. As a result, the City prohibits harassment, discrimination, or any other form of retaliation taken against an employee for reporting, in good faith, possible compliance issues.
- 311.03 The protections of this policy extend to employees, who directly report suspected violations of City policy and/or applicable laws. Protections also extend to employees who provide information or cause information to be provided related to suspected violations of law or City policy. Employees aware of a potential or actual violation of policy or law are expected to report such conduct, regardless of whether the employee is personally involved in the matter.
- 311.04 Reporting a suspected misconduct: The City provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected misconduct. Generally, reporting misconduct should follow the chain of command set forth in this employee handbook and applicable department

work rules. This makes an employee's immediate supervisor their first option for filing the report. If the employee feels unable to do so or if there is any reason why this may not be appropriate, the employee may report the issue further up the chain of command up to and including the department head, Director of Human Resources, Mayor, the Municipal Integrity Officer, and/or the Affirmative Action/Equal Opportunity Officer.

311.05 All reports of suspected misconduct will be handled as confidentially as possible, under the circumstances, with appropriate discretion and due regard for the privacy of the reporting employee.

311.06 Whistleblower Retaliation: Employees should report suspected retaliation for "whistleblowing" and supervisory employees must report all suspected retaliation violations.

312. JOB VACANCIES & JOB POSTINGS:

312.01 The City values and recognizes the quality of its employees and recognizes that, in many cases, filling vacancies with existing employees is beneficial. Promotion from within is often cost effective because internal candidates are frequently able to fill a position with little or no training. Further, the City is in a better position to consider an internal candidate because of the existing employment relationship. Therefore, the City desires to afford current, qualified employees the first opportunity to apply for open positions within the City's various departments and divisions.

312.02 The City will advertise its vacant positions internally consistent with the applicable collective bargaining agreements. At any time, the City may advertise a position internally and externally concurrently. The City is committed to employ, in its best judgment, the most highly qualified candidates for approved positions.

312.03 The following is the process for filling job vacancies and employment opportunities in the City:

- a. All applicants (internal and external) must apply through the City's ADP electronic computer system or through a paper application provided by the Human Resources Department;
- b. All candidates may attach their resume, cover letter, and any other pertinent attachments that may assist the hiring manager in selecting;
- c. Once the deadline for submitting applications is reached, the hiring manager, in conjunction with the Director of Human Resources will review all candidates' qualifications and experience and will select candidates for interviews;
- d. An interview panel will be selected, and a list of questions devised for the interview. All candidates will be asked the same questions;
- e. A scoring sheet will be devised by the Human Resources Department and interview panelists will be asked to score each candidate;
- f. Every effort will be made to have the AA/EEO officer present throughout the interviews as well as a representative from the Human Resources Department;
- g. Once the scoring is complete, candidates will be notified and the Mayor does have the option, after consulting with the hiring manager, to offer the position to any of the top three scoring candidates unless otherwise governed by a collective bargaining agreement;
- h. There may be additional interviews with the top scoring candidates before a final hiring decision is made;
- i. Once a hiring decision is made, an offer letter is sent to the selected candidates. A start date can only be set once the list with final scores is certified by the Personnel Hearing Board or the Director of Human Resources, if applicable pursuant to (CITE ORD)
- j. The Personnel Hearing Board will be convened to certify the selection list which will be in effect for one year. A decision by the Mayor may be made to extend the list for an additional year but cannot be extended longer than two (2) years.

312.04 Filling job vacancies internally: When considering internal candidates for vacant positions, the City will consider job-related standards such as work experience, the employee's past job performance, demonstrated attitude and skill, education, training, overall ability, length of continuous service and other job-relevant considerations.

313. TRANSFERS & DEMOTIONS:

- 313.01 Employment with the City is dynamic. You should not expect that you will never change positions as an employee of the City. Employees change positions for a variety of reasons, including career advancement, operational needs, and performance. Of course, the City recognizes that consistency and continuity are beneficial as well. All situations involving employee movement within the City's organizational structure are subject to review and approval by the Mayor. The following policies are meant to address the various ways that employees may change positions within the City. They cover many of the situations that arise and serve as a valuable background if you are considering a change in your position with the City.
- 313.02 Transfers: Occasionally, the City may require an employee to change jobs to better meet the needs of City operations and/or the public. In those cases, the City may seek volunteers to transfer to the position. If there are no volunteers or the City determines that the volunteers do not meet the minimum qualifications, the City may choose an employee for an involuntary transfer. Employees may also request to transfer to a vacant position. Transfers would be posted.
- 313.03 Demotions: Unfortunately, there may be occasions when an employee is demoted due to performance issues, work-related misconduct, or changes in the composition of the workforce. In such cases the City will determine the appropriate classification of the employee. If it is discipline related, the City reserves the right to demote the employee to a lesser position of rank, responsibility, and wage grade.
- 313.04 Further, employees may voluntarily request a demotion for a variety of reasons such as job satisfaction or personal needs. In those cases, the City will work with the employee to help with the transition and to ensure that the position meets the employee's and the City's needs. However, there must be a need or vacancy for this to be considered. As with other demotions, the City reserves the right to determine the employee's classification.

314. USING ADP COMPUTER SOFTWARE AND REQUESTING APPROVAL OF TIME OFF:

- 314.01 In order to streamline and facilitate processes and reduce paper waste, this policy is being instituted to allow all City of East Providence employees to use the current payroll/ADP software system to request earned time away from work. It is the policy of the City of East Providence that all City employees will use the ADP payroll software system to request and approve earned time away from work.
- 314.02 Guidelines: Employees may use their phone or computer to execute their time off requests;
- 314.03 The ADP system will only be used for requesting time off for the following reasons:
- a. Personal sick time
 - b. Family sick time
 - c. Personal time
 - d. Comp time
 - e. FMLA
 - f. Intermittent FMLA
 - g. Vacation time
- 314.04 The ADP system will not be used to request time off for the following reasons:
- a. Bereavement pay
 - b. Jury duty pay
 - c. Military leave
 - d. Workers' Comp leave
 - e. Injury pay
- 314.05 It is the responsibility of each employee to personally submit their time off requests. Should an employee not take the approved time off, it is the responsibility of the employee to notify the approving manager as to the reason.

- 314.06 Instructions on how to use electronic devices for this purpose are located in the Human Resources Department web page. New employees will be instructed on this process by Payroll during new employee orientation.
- 314.07 Although every effort will be made to approve time-off requests, managers reserve the right to approve or not approve time-off requests based on availability of staffing in each department.
- 314.08 Employees are welcome to review their personal time-off balances in the ADP system at any time by going into the ADP software system.

SECTION 4: WORKPLACE EXPECTATIONS AND CODE OF CONDUCT



401. WORKPLACE POLICY:

- 401.01 It is expected that all City employees will conduct themselves in an appropriate and law-abiding manner at all times. Employees' moral character, integrity, honesty, and respect is paramount for a healthy and friendly work environment in which all employees can work to their fullest potential. This policy is to clarify precisely what conduct is expected from all City employees while doing City employment and in general.
- 401.02 As an employee of the public sector, it is expected that all employees are law-abiding citizens and do not violate the public's trust. Employees' behavior in and out of the City's employment is important to always cultivate and earn the public's trust. The City strongly encourages all employees to be mindful of this in conducting the City's and personal business in the most ethical manner.

402. OPEN DOOR POLICY:

- 402.01 The City of East Providence is committed to treating its employees with respect and dignity and to provide them with excellent benefits, optimum working conditions, and competitive wages. The City of East Providence understands that at times employees have concerns and suggestions for improvements. The City of East Providence encourages its employees to speak up and take advantage of its open-door policy.
- 402.02 Employees are encouraged, in the first instance, to address any issues with their supervisor and the Human Resources Department, if needed, as most problems can be resolved swiftly. If, for any reason, that is not possible, or if an employee is not comfortable raising the issue with their supervisor or Human Resources, the Mayor is available and fully supports the open-door policy.
- 402.03 Supervisors are responsible for promptly addressing issues or concerns raised by employees and for taking the appropriate steps to deal with such issues. Supervisors should not consider employee concerns as threats or challenges to their authority, but rather as another encouraged form of communication. The direct, personal relationship between City of East Providence employees and their supervisors ensures the best environment for achievement of individual and City goals.

403. RULES OF CONDUCT:

403.01 It is the goal of the City of East Providence to provide a pleasant and safe working environment for its employees and to operate in an efficient manner. To achieve these objectives, it is important that each employee become familiar with the personnel rules and regulations set forth in this handbook.

403.02 The following list of rules and regulations, while neither exhaustive nor all-inclusive, applies to all employees and provides examples of the kind of unacceptable conduct, which may lead to discipline and/or discharge:

- a. Dishonesty, including any deliberate falsification or misrepresentation, misleading, or incorrect information in connection with the preparation of the City of East Providence records;
- b. Stealing, sabotage, willful damage, abuse, or destruction of the City of East Providence property or equipment, or the property or equipment of another employee, or failure to report any of the above;
- c. Possession or consumption of intoxicating beverages or illegal drugs at work or the sale of illegal drugs at work or reporting to work under the influence of intoxicating beverages or illegal drugs;
- d. Insubordination including, but not limited to, refusal to perform work required by the Mayor or by the employee's supervisor;
- e. The use of abusive or threatening language;
- f. Fighting or threatening bodily injury to others, or any conduct which is harassing or disrespectful of the rights and dignity of others;
- g. Sleeping during assigned work hours;
- h. Carelessness or recklessness in the performance of one's job, concealing mistakes or damaged material or continued unsatisfactory performance of one's job;
- i. Excessive or pattern of absenteeism, tardiness, or early departures without permission;
- j. Unauthorized or unreported absences;
- k. Unauthorized overtime;
- l. Unauthorized access, use, or disclosure of the City of East Providence's confidential information;
- m. Failure to follow safety rules or procedures;
- n. Use of the City of East Providence time or resources for personal gain;
- o. Unlawful harassment of any kind;
- p. Unauthorized access, use, or disclosure of any sensitive, claims-related information, specifically including, but not limited to, personal medical information about claimants/ employees, the status of settlement negotiations or claims management strategy;
- q. Circumventing the chain of command and undermining the authority of a supervisor;
- r. Unauthorized permission to carry a weapon or firearm while conducting personal business on City property or City work time.
- s. Using the employee's employment title, stature, or influence to gain any personal favors during the time of employment.

404. EMPLOYEE STANDARDS OF PROFESSIONAL CONDUCT/CODE OF ETHICS:

404.01 It is the duty of each City of East Providence employee to conduct himself/herself inside and outside their office by utilizing the highest standards of professional conduct. Therefore, the following Standards of Professional Conduct guidelines apply:

- a. Honesty: Be scrupulously and consistently honest by being truthful, sincere, forthright, and candid, where professional duties requiring confidentiality permit, so that persons are not misled or deceived.
- b. Integrity: Demonstrate integrity by exhibiting conduct consistent with core beliefs and assuring the practices are congruent with principles; honoring and adhering to the general principles of public service ethics, the mission, and values of the organization; expressing and fighting for your concept of what is right and upholding your convictions to the best of your ability.
- c. Commitment: Demonstrate promise keeping by fulfilling commitments, make your word your bond; discharging commitments in a fair and reasonable manner; exercising prudence and caution in making commitments, considering that unknown or future factors might arise, which could make fulfillment of them impossible, difficult, or undesirable; assuring that commitments made are clear to all parties;
- d. Fairness: Demonstrate fairness by demonstrating a commitment to justice, the equitable treatment of individuals in all actions, including recruiting, hiring and promoting employees, exercising authority

- with open mindedness and seeking all relevant information, including opposing perspectives; voluntarily correcting personal or institutional mistakes and improprieties and refusing to take unfair advantage of mistakes or ignorance of citizens; scrupulously employing open, equitable, and impartial processes to gather and evaluate information necessary for decision;
- e. Respect for others: Respect others by acknowledging and honoring the right of those affected by official and managerial decisions to privacy and dignity; treating others with courtesy and decency; exercising authority in a way that provides others with the information they need to make informed decisions about matters within the scope of their professional duties; responding to inquiries from constituents and work colleagues in a timely manner;
 - f. Pursuit of Excellence: Perform your duties with excellence by being diligent, reliable, careful, prepared, and informed; continuing to develop knowledge, skills, and judgment necessary to the performance of your duties;
 - g. Personal Accountability: Be accountable by accepting personal responsibility for the foreseeable consequences of actions and inactions; recognizing your special opportunities and obligations to lead by example; making decisions that consider long-term interest and the need to exercise leadership for prosperity;
 - h. Loyalty: Demonstrate loyalty by advancing and protecting the interests of those with legitimate moral claims arising from personal and institutional relationships and safeguarding confidential information without violating professional duties; resolving conflicting loyalties to various parties by placing obligations to the constitution, the institution of government and fundamental principles of representative democracy above your duty to individuals; refusing to subordinate other ethical obligations in the name of loyalty such as honesty, integrity, fairness and the obligation to make decisions on merits, without favoritism, in the name of loyalty;
 - i. Public Office as Public Trust: Treat your office as a public trust by using your powers and resources to advance the public interest.
 - j. Independent Objective Judgment: Employ independent, objective judgment in performing your duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences, while discharging lawful discretionary authority to the public/taxpayer's best interest;
 - k. Public Accountability: Assure that government is conducted openly, efficiently, equitably, and honorably in a manner that permits the citizens to make informed judgments and hold government official(s) accountable;
 - l. Democratic Leadership: With a positive attitude, honor and respect the principles and set a positive example of good citizenship by scrupulously observing the letter and spirit of the laws and rules;
 - m. Respectability and Fitness for Public Office: Safeguard public confidence in the integrity of government by being honest, fair, caring, and respectful and by avoiding conduct creating the appearance of impropriety, which is unbecoming a public official.

In accordance with RIGL § 36-14-1, it is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid all appearances of impropriety, and not use their position for private gain or advantage. Behavior that discredits the City cannot and will not be tolerated.

405. FUNDRAISING:

- 405.01 The City of East Providence encourages individual employee participation in assisting the nonprofit community and charitable organizations. These guidelines are to promote City employees' engagement with society.
- 405.02 This policy outlines the scope of fundraising and what kind of organizations they can participate in and assist with fundraising. Due to the time-consuming nature of fundraising activities, however, any individuals wishing to assist such organizations during the workday, on City leased or owned property, must receive prior written authorization from their division administrator and the Director of Human Resources. Fundraising solicitation would include activities such as distributing flyers, sending e-mails, or hanging posters. Using City resources such as photocopy equipment, paper, computer equipment, or employee work time in individual solicitation efforts is strictly prohibited. Also, solicitation through email without prior agency approval is also prohibited. This does not preclude employee participation in City-sponsored general campaigns with designated employee leadership with Director of Human Resources and managerial approval.

406. CONFIDENTIALITY:

- 406.01 It is the City's policy that all information considered confidential will not be disclosed to external parties or to employees without a need to know. If an employee questions whether certain information is considered confidential, they should first check with their immediate supervisor.
- 406.02 This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.
- 406.03 All inquiries from the media concerning the City of East Providence must be referred to the Mayor's Office. Misuse or unauthorized disclosure of confidential information not otherwise available to persons or cities outside the City of East Providence is cause for disciplinary action up to and including termination.

407. ATTENDANCE AND PUNCTUALITY:

- 407.01 Working schedules and starting times are established by the department directors based on business needs. Supervisors are responsible for communicating work schedules to subordinates.
- 407.02 Employees are expected to be at their workstation able and ready to work at starting time. Work activity should commence at starting times and continue until the normal designated stopping times for breaks, lunch, or the end of work. Absenteeism is defined as an absence without prior approval.
- 407.03 In the event of tardiness or absence, the employee is required to contact their supervisor within one (1) hour of their scheduled start time. Not reporting to work and not contacting a supervisor to report the absence may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.
- 407.04 Excessive tardiness and or absenteeism will result in corrective disciplinary action up to and including termination. Excessive tardiness is defined as two (2) or more instances of lateness in a calendar month and is subject to corrective discipline. Excessive absence is defined as two unexcused absences per month.
- 407.05 An employee's request to leave work early may be considered by their supervisor on behalf of the department head. Approval of such absences should be based upon the urgency of the reason for absence and department staffing needs. Refer to Revised Ordinance Sec. 11-88. Attendance.

408. ANIMALS IN THE WORKPLACE:

- 408.01 Policy: To ensure that only service-related animals are permitted at City workplaces, it is the policy of the City of East Providence to allow no other animals in the workplace other than registered service-related animals and/or any Police Department K9 or comfort dogs. It is also the policy of the City to maintain a professional, clean, and safe workplace.
- 408.02 No pets/animals of any kind are allowed in City buildings unless they are service animals and or K9 dogs involved in police work.
- 408.03 If an employee needs to be assisted by a service animal, the employee must inform the Human Resources Department and present the animal's certification. Every effort will be made to reasonably accommodate the employee and their service animal.
- 408.04 Employees in the department, where the service animal will be located, will be given notice prior to the service animal coming to their department. All accommodations will be handled by the Human Resources Department in conjunction with the employee's immediate supervisor.
- 408.05 If all possible accommodations become a hindrance towards other employees, it may be just cause not to grant an accommodation for a service animal. If the service animal becomes disruptive and poses any harm to other employees, it may be grounds for termination of the employee, should no other accommodation be readily available.

408.06 Employees with service animals will not be allowed extra time for extra breaks or walks with their animals. Any such breaks will have to be their regular, available break periods and or lunches.

408.07 If an employee changes service animals, they must present the new animal's certifications.

409. DRESS CODE:

409.01 The City of East Providence strives to be known as a City where employees enjoy their work environment. To help meet these goals, the City of East Providence adheres to a Dress Code Policy as our dress standard for office employees, which includes a casual Friday. On a casual Friday all employees may dress business casual.

409.02 The City of East Providence's objective in establishing a dress code is to allow employees to work comfortably in the workplace. Yet, employees still need to dress professionally. Because all clothing is not suitable for the office, these general guidelines for appropriate business attire will help employees determine what is appropriate to wear to work. Choose business attire that communicates professionalism.

409.03 Acceptable Attire: The following are examples of acceptable workplace attire:

- a. Suits
- b. Tailored pantsuits
- c. Dress pants, slacks, khakis
- d. Businesslike dresses
- e. Suit jackets, blazers, or sport jackets
- f. Coordinated dress separates, with or without a blazer
- g. Long or short-sleeved collared dress shirts with tie
- h. Sweater worn over dress shirt and tie
- i. Professional shoes with socks
- j. Suits
- k. Skirts(not denim) that are knee length
- l. Dresses (not denim) that are knee length
- m. Dress slacks, professional capris
- n. Professional blouses and sweaters
- o. Professional shoes, dress boots, dress shoes, dress sandals with heel strap

409.04 Unacceptable Attire: The following are examples of unacceptable workplace attire:

- a. Clothing that is torn, dirty, or frayed
- b. Clothing with unfinished seams
- c. Clothing with words, terms, or pictures
- d. Clothing that appears sloppy or oversized
- e. Clothing that is wrinkled
- f. Clothing that reveals the employee's cleavage, back, stomach, or underwear
- g. Jeans, cargo pants
- h. Shorts/Bermuda shorts
- i. Bib overalls
- j. Beachwear
- k. Athletic wear; sweatpants, hoodies, fleeces
- l. Tank tops, T-shirts, with writing
- m. Spandex, or other form-fitting pants
- n. Athletic shoes, open toe sandals (flip flops, Crocs, Toms), Birkenstocks, slippers Hats, caps, sunglasses within the workplace

409.06 Casual Days: All dress code requirements apply. However, employees may wear:

- a. Jeans and cargo pants (no tears, fraying, acid washed, faded, tight-fitting, baggy, or sloppy)
- b. Collared polo, golf, the City of East Providence logo polos, banded collar shirts and turtlenecks

- c. Athletic shoes; clean, no holes
- d. Dress sandals with heel strap; no flip flops, no Crocs, no shower shoes, or thongs

409.07 Dress Code for External Functions: The City of East Providence expects professional attire for employees working at external functions, attending presentations and trainings, business meetings, court, and conferences regardless of the day of the week. The City of East Providence expects employees to dress in a manner that reflects the highest standards of professionalism and appearance. For men, suit coats and sports jackets must be worn at external functions. Per our policy, exceptions may be made by supervisors or the Mayor.

409.08 Dress Code Exceptions: The Dress Code may be modified for specific circumstances at the discretion of the employee's supervisor, department head, or the Mayor.

409.09 Protective Clothing: Protective clothing may be required for certain positions and will be provided to the employee.

409.10 Tattoos and Piercings: We understand tattoos and jewelry are a form of personal expression. However, they may pose a conflict with the employee's job or work environment. Factors that the City of East Providence will consider when determining whether jewelry or tattoos meet the dress standards include:

- a. Personal safety of self or others
- b. Productivity or performance expectations
- c. Whether the tattoo or piercing is offensive to coworkers, residents, vendors, or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protective nature.

409.11 Resident complaints: If the City of East Providence determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as the removal of excess or offensive jewelry, the covering of tattoos, transferring to an alternative position, or other reasonable means to resolve the conflict. Employees should discuss reasonable accommodations with their supervisor.

409.12 Hygiene, Odors, Fragrances: Standard hygiene includes a regular bath or shower, use of deodorant, and appropriate oral hygiene. We understand that body or breath odor issues may be related to medical conditions. If so, please address with your supervisor confidentially or with the Human Resources Department. Allergies, breathing issues, headaches, and discomfort can be triggered when employees wear or use perfumed products at work. Personal fragrant products (fragrances, cologne, lotions, powders, and other similar products) that are perceptible to others should be kept at a minimum.

409.13 Corrective Action: No dress code can cover all contingencies. Therefore, employees must exert a certain amount of judgement in their choice of clothing to wear to work. If an employee experiences uncertainty about acceptable attire for work, the employee should discuss with their supervisor.

409.14 Any staff member who does not meet the attire or grooming standards set by the City of East Providence will be subject to corrective action and may be asked to leave the premises to change clothing or appropriately groom.

409.15 If feasible, the employee will be asked to go home to change and return to work. Non-exempt employees will not be compensated for any work time missed because of the failure to comply with designated workplace attire and grooming standards.

409.16 If the employee lives too far away, they will be asked to go home for the day. If appropriate, exempt employees will be charged with a half (1/2) personal day.

409.17 If inappropriate attire continues, the employee will be subject to disciplinary action up to and including termination.

410. TRAVEL AND CONFERENCE EXPENSES:

410.01 Overnight travel of more than one (1) night must be approved in advance by the Mayor.

410.02 Employees must complete the Expense Reimbursement Form and attach all receipts. All travel or other expenses must be itemized, and receipts are to be furnished, except when impractical. The form should be approved by the employee's supervisor and submitted to the Finance Department for reimbursement.

410.03 Subject to such other guidelines, as the Mayor may from time to time establish, an employee traveling for City of East Providence business or using personal resources for City of East Providence purposes, is entitled to reimbursement or payment of the following expenses:

- a. Automobile: Mileage will be reimbursed at the then-current Internal Revenue Service (IRS) reimbursement rate. Reimbursement requests for reasonable parking costs and tolls should be accompanied by receipts. Employees are required to maintain copies of their completed mileage reimbursement forms for federal income tax purposes. The City of East Providence does not reimburse for mileage between an employee's home and the workplace. However, as appropriate, employees may be reimbursed if they travel directly from home to a work-related event. Any travel distance that is greater than the distance from the employee's home to their City of East Providence work location is reimbursable. Employees who operate personal vehicles for City business must obtain auto liability coverage for bodily injury and property damage, and may need a special endorsement for business use, if so determined by their personal insurance agent.
- b. Accommodations: All reasonable expenses subject to daily maximums established periodically by the Mayor which consider the travel location and prevailing costs. The City of East Providence will not reimburse employees for expenses from the minibar, fitness center, hotel movies, or other amenities.
- c. Meals: Verified actual expenses subject to reasonable, daily maximums and specific exclusions established periodically by the Mayor which consider the travel location and prevailing costs.
- d. Common Carrier Travel: An employee may receive reimbursement for necessary common carrier fares (plane, train, bus, taxi, etc.) in attending conferences, meetings or conducting City of East Providence business at locations where a personal or City of East Providence vehicle is not readily available or practical for use. In arranging such travel, an employee shall be entitled to reimbursement only for coach fare. Travel arrangements should be made sufficiently in advance to ensure the availability of the lowest airfare. An employee shall also utilize the lowest, reasonable fare option when balanced against other business costs and time (both personal and business), which might be incurred with other travel options. Employees will not be reimbursed for upgrades, travel insurance, airline club memberships, and excess luggage charges.
- e. Vehicle Rental: An employee may receive reimbursement for rental of a vehicle if necessary, to effect reasonably convenient access to business conferences or meetings or for the conduct of other City of East Providence business at locations where a personal or City of East Providence vehicle is not readily available or practical for use. In general, the employee should determine whether to rent a vehicle or rely on common carriers (buses, taxis, subways, etc.) based on the option which is the least expensive, with due consideration given to the extra time and inconvenience which might be occasioned by reliance on common carriers only. Only midsize or smaller class cars may be rented. To minimize car rental expenses, gasoline tanks should be filled prior to returning the vehicle whenever possible. The City of East Providence will not reimburse the employee for navigation, toll, or Wi-Fi enhancements. Vehicles must be returned to the location from which they were rented unless business requirements dictate otherwise. When using a rental automobile, City of East Providence employees must obey vehicular laws and must follow safe driving practices. Traffic and parking tickets will not be reimbursed to the traveler.
- f. Shuttle Service: The use of airport shuttle services is encouraged when the cost of such services is less than the cost of airport or terminal parking. Where possible, employees are encouraged to use complimentary shuttle services provided by hotels for transportation to and from airports.
- g. Tips/Gratuities: For meals, baggage handling, bellmen and other services will be reimbursed when considered reasonable as defined by the services required and received. Generally, tips/gratuities should not exceed twenty percent (20%).
- h. Other Purchases: Any personal incidental expenses such as dry cleaning, shoeshines, personal entertainment, gift shop purchases and the like shall be the responsibility of the employee.

Employees issued a City of East Providence-owned vehicle should refer to the City of East Providence's Vehicle Use Policy.

411. USE OF THE CITY OF EAST PROVIDENCE RESOURCES:

- 411.01 An employee is expected to exercise due care and prudent economy when operating City of East Providence equipment or using supplies. An employee misusing equipment or appropriating resources, supplies, or services for personal use may be disciplined by the Mayor and may be subject to legal consequences.
- 411.02 All materials such as reports, plans, papers, booklets, etc. developed and prepared by employees during employment with the City of East Providence are the property of the City of East Providence. Under no circumstances are employees authorized to remove and keep such materials as personal property without authorization of the City of East Providence. Upon separation from employment, all the City of East Providence property must be returned.
- 411.03 Use of City of East Providence telephones, copiers and faxes for personal purposes should be limited. No international calls should be made from City of East Providence phones.

412. CITY POOL VEHICLES USE:

- 412.01 At various times, the City of East Providence may maintain a pool of City vehicles for employee use for official business. All City of East Providence employees are encouraged to use these vehicles in lieu of using their personal vehicles for work-related travel if such vehicles are available.
- 412.02 In the event that City of East Providence employees intend to use said pool vehicles, they must understand and agree that the City of East Providence has the right to review any appropriate documents, including driving records or proof of a valid license. To that end, prior to using a City of East Providence pool vehicle, City of East Providence employees must furnish the Finance Director and Director of Administration, or their delegate, with a copy of a current, valid driver's license. A copy of the driver's license will be kept on file.
- 412.03 In addition, employees using a City of East Providence pool vehicle must immediately make their supervisors aware of any driving violations, changes to driver information and/or driver status, if any, since the last time that the employee used a City of East Providence pool vehicle. A signature, as an acknowledgement of the policy, also authorizes the City of East Providence to request from the Rhode Island Department of Motor Vehicles a copy of the employee's driving record together with any related documents.
- 412.04 Employees must provide a copy of a valid driver's license and follow the City of East Providence's pool vehicle reservation system. All City Hall employees in need of a City vehicle to conduct City business must request and sign out a vehicle from the Mayor's Office.
- 412.05 Any vehicle assigned to a City of East Providence employee remains the property of the City of East Providence and the employee shall have no ownership.
- 412.06 The City of East Providence employee will ensure that the City vehicle is in safekeeping while in their possession, i.e., locked, and secure.
- 412.07 The City of East Providence employees will ensure that all occupants, including the employee, wear safety belts when the pool vehicle is in operation.
- 412.08 The City of East Providence employee will comply with all respective laws and regulations governing motor vehicle operations, including speed, traffic, parking regulations. In the event the employee violates any such law or regulation, they shall be solely responsible for any associated fines or costs. If the City of East Providence incurs any fines or costs because of the employee's operation of the pool vehicle, or the employee's failure to pay any fine or cost, the employee shall be required to reimburse the City of East Providence for such expenses and may be subject to further discipline.

- 412.09 The City of East Providence employee will refrain from using cellular telephones (unless they are equipped with hands-free operations), personal listening devices, and from conducting any other activities, which may impede the driver's ability to focus on safely operating the pool vehicle.
- 412.10 The City of East Providence employee will fill the gas tank immediately prior to relinquishing the vehicle back to the City of East Providence pool, when the gas tank is below fifty percent (50%) full. The employee will be reimbursed through the Travel and Conference Expenses process.
- 412.11 No persons may smoke or use electronic cigarettes inside of a City of East Providence pool vehicle.
- 412.12 An employee shall not operate a City of East Providence pool vehicle if they are not fully alert or experiencing fatigue.
- 412.13 A City of East Providence employees shall not operate a pool vehicle if under the influence of alcohol, drugs, or any intoxicating substance, or any other substance, including prescription drugs, which impairs their ability to operate a pool vehicle.
- 412.14 City of East Providence employees are responsible for ensuring that pool vehicles are clean and free from trash and other debris after use.
- 412.15 The City of East Providence-issued vehicle insurance information card and Rhode Island registration must always remain in the pool vehicle.
- 412.16 If a transponder is associated with a City of East Providence pool vehicle, it shall be left mounted in the vehicle when the vehicle is returned.
- 412.17 City of East Providence employees must immediately notify their supervisor, or their designee, of any vehicle damage, malfunctions, warning lights encountered, incidents, or breakdowns.
- 412.18 No unauthorized persons will be permitted to operate a City of East Providence pool vehicle.
- 412.19 Employees may use a City of East Providence credit card for vehicle-related expenses and submit receipts in accordance with the credit policy. If another form of payment is used, a receipt for the expense must be submitted to the City of East Providence for reimbursement.
- 412.20 Employees should plan to request the use of a pool vehicle in advance, to the best extent possible, to ensure a proper distribution of keys.
- 412.21 Employees are responsible for exercising due care when operating a City of East Providence vehicle. In the event of an accident, the employee is required to notify the appropriate police department of the accident. In some cases, a local police department may not be willing to take a motor vehicle accident report for certain type of accidents. For example, some municipal police departments will not take accident reports for parking lot accidents that do not involve personal injury. Should a police department refuse to take an accident report, document the date and time of the call to the police department, as well as the police department employee you spoke with.
- 412.22 City of East Providence employees are required to exchange any required information with other drivers and persons involved, and to cooperate fully with any law enforcement officials or investigators.
- 412.23 City of East Providence employees shall immediately notify their supervisor in the event of an accident. A formal claim must be filed with The Rhode Island Interlocal Risk Management Trust and arraignments made to have the involved vehicle inspected by an appraiser.
- 412.24 An internal accident report must be filled out and turned into the Human Resources Department within twenty-four (24) hours of the incident.
- 412.25 Any vehicle assigned to a City of East Providence employee must be returned immediately upon request.

412.26 Any individual who is in violation of the provisions listed in this policy may be subject to potential disciplinary action by the City of East Providence up to and including termination.

413. TECHNOLOGY USE:

413.01 Computer System Use Policy: The Computer System Use Policy is intended to provide security for the City of East Providence's computers, computer systems, and computer networks. This policy applies to all users of the City's computers, computer systems, computer networks, and all data entered, processed, or stored on the City's computers, computer systems, and computer networks. The City's computer system includes City-owned or supplied individual desktop computers, laptop computers, cell phones, smartphones, PDAs, tablets, photocopiers, removable storage devices, and file servers as well as all other hardware or software components of the City's computer network. In some circumstances, this also applies to equipment personally supplied by the employee for work purposes.

413.02 All workstations used in the City of East Providence's offices shall be shielded in such a way to prevent public access and public view using reasonable precautions. Workstations that access protected information shall be shielded from public view using software and/or hardware.

413.03 Active workstations shall not be left logged on to systems and/or applications while unattended for extended periods of time. Workstations that are inactive for more than fifteen (15) minutes will be locked with a password protected screensaver unless a specific exemption has been granted by the City of East Providence. All users are expected to properly lock their workstation when leaving it unattended so that unauthorized access to information can be prevented.

413.04 All access is to be granted to workstations, folders, applications, or any information using unique, controlled Login IDs assigned to specific users and passwords. All users must be authenticated by the network, system, or application using an approved authentication method.

413.05 In accordance with the Mobile Device Policy, laptops and other City of East Providence-owned devices must be secured or in the possession of the employee to whom it is assigned at all times. Laptops should not be left in hotel rooms, automobiles, or public locations.

413.06 The City of East Providence reserves the right to access, monitor, log, copy, modify, retrieve, store, and delete any information stored in the City of East Providence computer system. The City of East Providence reserves the right to disclose all information regarding stored documents, files, or downloads by individuals to any party (inside or outside the City of East Providence) it deems appropriate. Files containing personal information stored on the City of East Providence's computer systems may be subject to review by the City of East Providence for any purpose.

413.07 Failure to comply with this policy will result in disciplinary action up to and including termination, as well as the possibility of appropriate legal action including, but not limited to, the right to seek compensation and or prosecution. Further, an employee who violates this policy may also violate Health Insurance Portability and Accountability Act ("HIPAA") and be subject to civil and criminal penalties. Employees must become familiar with the City of East Providence's HIPAA policies. Any employee with questions about this policy, the City of East Providence's HIPAA policies, or the application of HIPAA in the use of the City of East Providence's computer system should contact the Human Resources Department.

413.08 Internet and Email Policy: Access to the internet, and use of internal and external email, have been provided to the City of East Providence employees for the benefit of the City of East Providence and its members. Every employee has a responsibility to maintain and enhance the City of East Providence's public image, and to use the internet and email in a productive manner. All individuals with access to the internet through the City of East Providence's computer system have a responsibility to use it in a professional, lawful, and ethical manner. During work hours, the City of East Providence employees may only access the internet and use email for the City of East Providence business, not for personal matters. This policy applies to all City of East Providence employees and contractors.

413.09 Acceptable Uses of the Internet and Email: While the City of East Providence encourages employees to access personal email using their own personal devices, such as phones or tablets, the City of East Providence understands that this is not always possible and so occasional use of a desktop-based browser interface to access personal email systems is allowed. Under no circumstances will software be installed to allow access to personal email or other systems. The City of East Providence employees must also understand that such use is a privilege that is not to be abused.

413.10 Prohibited Uses:

413.10.01 Confidential City of East Providence information should never be transmitted or forwarded through the internet to outside individuals or companies not authorized to receive the information and should not be sent or forwarded to other employees inside the City of East Providence who do not have a need to know the information. Unauthorized dissemination of such material may result in disciplinary action up to and including termination, as well as civil and criminal penalties under state and federal law.

413.10.02 The City of East Providence internet and email system should not be used for the advancement of individual views or for unauthorized personal business. Solicitation of non-City business or any use of the internet for personal gain is strictly prohibited.

413.10.03 Use of the internet must not disrupt the operation of the City of East Providence network or other users' networks. It also must not interfere with the productivity of employees.

413.10.04 Under no circumstances may an employee access, retrieve, or print text and graphics, which exceed the bounds of generally accepted standards of good taste and ethics or which violate the City of East Providence policies. Nor shall any employee engage in any unlawful activities or any other activities that would, in any way, bring discredit upon the City of East Providence.

413.10.05 The City of East Providence's internet connection may not be used to download, disseminate, view, or store commercial or personal advertisements, solicitations, promotions, malicious software (e.g., viruses, self-replicating programs, exploits, hacking tools, peer-to-peer sharing, security control evasion tools, etc.), political material, pornographic text or images, or any other unauthorized materials.

413.10.06 The City of East Providence's internet connection may not be used to display, store, or send (by email or any other form of electronic communication such as non-business-related bulletin boards, chat rooms, UseNet groups, etc.) material that is fraudulent, discriminatory, harassing, retaliatory, embarrassing, sexually explicit, offensive, profane, obscene, intimidating, defamatory, violent, or otherwise inappropriate or unlawful.

413.10.07 Harassment of any kind is prohibited. No messages, cartoons, jokes, or sexually explicit materials, with derogatory, disparaging, harassing or inflammatory remarks about an individual or group's actual or perceived Protected Class status sex, gender identity or expression, age, race, color, religion, disability, national origin, ancestry, physical attributes, sexual orientation, military status or other protected basis may be transmitted using the City of East Providence's computers, computer systems, and computer networks.

413.10.08 All messages communicated on email should have the employee's name attached.

413.10.09 No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message.

413.11 All messages created, sent, or retrieved using the City of East Providence's internet, through email (external or internal), or other communication systems are the property of the City of East Providence regardless of whether they are done during work or non-work time. Employees have no personal right of privacy in such messages.

413.12 City Website: To preserve the public nature of the City's website and to avoid any perception that the City endorses or provides favorable treatment to any private person or business enterprise, corporate or commercial logos or links to vendor sites will only be allowed on the City's website with the prior written approval of the Mayor.

413.13 Disclaimer of Liability: The City is not responsible for material viewed or downloaded by employees from the Internet. Employees are cautioned, that, included among the massive amount of information on the Internet, some is offensive, sexually explicit, and inappropriate. In general, it is difficult to avoid encountering some of this material on the internet, even when performing innocuous search requests. In addition, having an email address on the internet may lead to receipt of unsolicited email containing offensive content. Employees accessing the internet do so at their own risk.

413.14 Voicemail Policy:

413.14.01 Departments are encouraged to use voicemail to serve both internal and external publics. Voicemail is never to be used as a mechanism for screening calls. Such action is subject to discipline. Each department is allowed to set up and enforce additional voicemail or telephone policies, which may be applicable to its activities. Such policies may not conflict with the City policy.

413.14.02 City telephone numbers published to the telephone directory should not use voicemail as the primary means for answering the phone during business hours. Those phones may have the voicemail option for after hours and internal messages but should always be answered by a live person during business hours, when possible.

413.14.03 The goal is to minimize the number of times a citizen gets connected with voicemail. Messages should reflect when the employee is gone for more than that day (or else the phone should be forwarded to a live person). Calls should never be transferred from voicemail to voicemail.

The following are acceptable practices:

- a. Greetings placed on City voicemail must be kept current. If an employee with voicemail privileges is out of town or away from the desk for an extended period, the message must reflect when a call will be returned.
- b. It is important that voicemail (incoming messages) be reviewed and responded to appropriately, usually by the end of the business day. Supervisors are responsible to ensure appropriate use by themselves and by the Employees they supervise.
- c. It is advised that every voicemail offer the option to the caller to push "0" to reach a live operator/clerical assistant. Employees should ensure that the operator is aware that they may receive those calls.
- d. Voicemail messages (incoming and outgoing) should be businesslike and professional. Use of obscenity or other offensive languages is grounds for discipline.
- e. Employees should be aware that voicemail messages are being monitored.
- f. Individual voicemail accounts may be accessed by a supervisor. There must be a "live-person" at the end of any calling cycle. Departments are also responsible to check their systems to make sure that no black holes exist and that calls roll over to a live answer during business hours.

413.16 Network Passwords & Protocol:

413.16.01 City employees shall not reveal their usernames and passwords (except to their supervisor or staff employees in the IT Department) or otherwise breach the security of the network. Passwords should be obscure and a minimum of six characters in length. For best security, passwords must include special characters (e.g., "@," "!", "&," "%"). All passwords must be changed every 90 to 120 days. Employees of the network who do not change their passwords will be prompted to make a change or they may be automatically locked out of the system.

413.16.02 City employees are required to lock their computers whenever they leave their desk. Pressing the CTRL-ALT-DELETE keys will prohibit unwarranted access to the City's network. If computers are found unlocked and unattended, the IT Department may lock the user account preventing access to the City's network.

413.17 Compliance: Violations of this policy may result in restriction or loss of internet access and are subject to the normal disciplinary procedures of the employee's department for misuse of City resources and employee time. Each department is responsible for enforcing compliance with this policy by its employees. Any employee who has experienced misuse of internet access, including non-conformance to this policy, evidence of potential viruses, or unauthorized access, should immediately report it to their supervisor.

413.18 Privacy:

413.18.01 City computers, computer systems, and computer networks, and all data entered, processed, or stored on the City's computers, computer systems, and computer networks are the property of the City. The City may access documents, information, and communications stored on its property or in its computers, computer systems, and computer networks whenever warranted by business need or legal requirements. The City's internet access system automatically maintains electronic records of Internet usage, including the Internet sites and addresses accessed by each employee, the network address of the computer from which access is obtained, and usage time. The City may periodically review such records and/or access stored electronic documents and communications, without notice to the employee, for accounting purposes, to assure proper use of internet access, to prevent security violations, and to review the employee's job performance.

413.18.02 In addition, communications by internet and other electronic communications, like paper documents, may be subject to the disclosure provisions of the Access to Public Records Act (APRA), the public records provisions of the City of East Providence Charter, or both, and are subject to discovery in litigation.

413.18.03 Employees should not expect that their communications using the City's systems, including, but not limited to, communications involving email and City-furnished internet access, are private or confidential. Employees do not have an expectation of privacy, and waive their right of privacy, in their use of the computer and electronic communication system, including, but not limited to, the documents, email and voice mail messages they create, store, send and receive, and the internet sites they visit.

413.18.04 Employees must understand that there may be a periodic inspection of their PC and network drives to ensure compliance with these regulations.

413.19 Issuance and Circulation:

413.19.01 The Human Resources Department is responsible for publicizing this policy to all employees by issuing a written copy of this policy to all City departments.

413.19.02 The City, through its department heads, managerial and supervisory employees, will implement this policy. A copy of this Policy will be given to all employees that utilize computers, email, and the internet in the performance of their duties or have access to same. The Mayor may, from time to time, establish guidelines, consistent with this policy, to ensure the effective and efficient use of these resources.

413.19.03 Employees should recognize that they are representatives of the City of East Providence, both in their professional capacity and, to the extent they are associated with this administration, in their personal life. Careful consideration should be taken when referencing the City of East Providence, individual departments, coworkers, or business topics in public forums or social networks. Users

are reminded that messages disseminated through the internet may be captured, forwarded, and put to unintended use by others and, once disseminated, cannot be recalled.

413.20 Cellular Phones:

- 413.20.01 This policy outlines the use of cellular phones at work and the safe use of such phones by employees. Cellular phones will be issued only to employees of the City of East Providence who require such equipment for the performance of their duties. No cellular phones shall be issued without the approval of the department head and Mayor. Department heads shall be responsible for maintaining a current master listing of all City issued cellular phones and accessories for their department. Such list shall contain a complete description of the equipment issued, serial numbers, phone numbers, and the specific person the equipment and phone number are assigned to.
- 413.20.02 The Mayor shall approve the designated carrier(s) to be utilized for the cellular services in accordance with all City purchasing policies. Department heads will provide all users in their department with information and/or training on how to utilize the phones and information on the service plans.
- 413.20.03 Only cellular phones issued by the City are to be utilized by employees during working hours. The use of personal cellular phones should be restricted to break or lunch periods.
- 413.20.04 Cellular phones are to be used only for City business. Employees may not use cellular phones provided by the City to conduct business for others or for themselves. Cellular phones should not replace the use of regular phones. All business calls should be kept as brief as possible. Excessive usage may constitute abuse of this privilege. Cell phones are not to be used for any illegal activities.
- 413.20.05 There is no expectation of privacy when using City issued cellular phone equipment. The employee's supervisor and/or department head will review all call records monthly. The employee will be asked to explain any unrecognized calls. Personal phone calls are not acceptable on a City-issued cellular phone. Any employee found to be utilizing their City-issued cellular phone in this manner will be required to reimburse the City for the total cost of any personal calls made.
- 413.20.06 To the extent permitted by applicable law, employees will be held responsible for lost or stolen cellular phones and accessories belonging to the City. Employees must immediately report lost or stolen equipment to their direct supervisor.
- 413.20.07 All cellular phone calls are to be made in a safe manner. In general, calls are not to be made while operating City vehicles. If "hands free" phones are available, they may be utilized when necessary, otherwise cellular phones are to be used only when the vehicle is off the road and parked.
- 413.20.08 Generally, confidential information is not to be discussed over cellular phones.

413.21 Personally Identifiable information ("PII"):

- 413.21.01 What is Personally Identifiable Information ("PII")? The term personally identifiable refers to information which can be used to distinguish or trace an individual's identify, such as their name, Social Security Number, biometric records, etc., alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as their date and place of birth, mother's maiden name, etc. Examples include direct references such as name, address, Social Security number, and email address. PII also includes any information that could be used to reference other data elements that are used for identification, such as gender, race, and date of birth.
- 413.21.02 What is sensitive PII? Sensitive PII is defined as PII which, when disclosed, could result in harm to the individual whose name or identity linked to the information. Further, in determining what PII

is sensitive, the context in which PII is used must be considered. For example, a list of people subscribing to a government newsletter is non-sensitive PII; a list of people receiving treatment for substance abuse is sensitive PII. As well as context, the association of two or more non-sensitive PII elements may result in sensitive PII. For instance, the name of an individual would be sensitive when grouped with place and date of birth and/or mother's maiden name, but each of these elements would not be sensitive independent of one another.

- 413.21.03 For the purpose of determining which PII maybe electronically transmitted, the following types of PII are considered sensitive when they are associated with an individual. Secure methods must be employed in transmitting this data when associated with an individual: place of birth; date of birth; mother's maiden name; biometric information; medical information, except brief references to absence from work, personal financial information, credit card or purchase card account numbers; passport numbers; potentially sensitive employment information, e.g., personal ratings, disciplinary actions, and results of background investigations; criminal history; any information that may stigmatize or adversely affect the individual.
- 413.21.04 The purpose behind PII is to secure and protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means.
- 413.21.05 What is the City of East Providence Policy on electronic transmission of PII? This policy provides guidance to help City of East Providence employees distinguish between sensitive and non-sensitive PII and to determine which PII may be transmitted electronically. The City's policy is that sensitive PII must be transmitted by methodologies such as password protected files or encryption. Non-sensitive PII may be transmitted in an unprotected format. The transmission of sensitive PII, even if it is protected by secure means, must be kept to a minimum.
- 413.21.06 This policy applies to City of East Providence employees, contractors, and others who are authorized to access or use City resources.
- 413.21.07 The list of data that may be sensitive depending on specific circumstances is non-exhaustive. Social Security numbers ("SSN), including truncated SSNs that include only the last four digits, are sensitive regardless of whether they are associated with an individual. If it is determined that such transmission is required, then secure methods must be employed.
- 413.21.08 What PII is considered non-sensitive? Work and home addresses; work and personal email addresses; resumes that do not include SSNs or where SSNs are redacted; general background information about individuals found in resumes or biographies.
- 413.21.09 The determination that certain PII is non-sensitive does not mean that is publicly releasable. The determination to publicly release any information can only be made by the official authorized to make such determinations.
- 413.21.10 What does electronic transmission of PII include?
Examples of electronic transmission of PII, include, but are not limited to:
- a. Email, text, and instant message
 - b. Document(s) attached to an e-mail message
 - c. File Transfer Protocol (FTP)
 - d. Secure Sockets Layer (SSL)
 - e. Transport Layer Security (TLS)
 - f. General Web Services
 - g. File Sharing Services Electronic Data charge (ED)
- 413.21.11 How should operating units transmit sensitive PII? There are several methods operating units can use to transmit sensitive PII. These include:

- a. Installing encryption software on a select number of desktops and designating those computers for the transmission of sensitive PII.
- b. Using encryption software to encrypt the sensitive PII before sending it electronically, e.g., as an email attachment. The password key should be forwarded to the recipient in a separate email from the attached file.
- c. Using an application designed to protect the transmission of sensitive PII, e.g., web-based applications that Telephone Large Scale Information (TLSI), secure file transfer applications such as Secure Shell File Transfer Protocol (SFTP).
- d. Sending documents with sensitive PII by facsimile is permissible if the sender alerts the designated recipient that sensitive PII is being sent. The recipient must then verify by phone or email that the information has been received.

413.21.15 Under no circumstances is PII information obtained about citizens through the normal course of business to be transmitted electronically without prior approval of the Legal Department.

413.21.16 PII obtained on residents is to be redacted from all hard copies prior to being transmitted in any form to any department.

413.21.17 Who should employees contact if they have questions about which PII may be transmitted electronically? If there are any questions concerning the sensitive or non-sensitive nature of the PII, they should contact their supervisor who should consult the Legal Department.

413.22 Social Media Policy

413.22.01 The purpose of this policy is to establish general standards and responsibilities for the acceptable use of social media. The policy governs the use, administration, management and retention of social media and social media content, consistent with state Law, federal law, local City laws and regulations, and City and department goals.

413.22.02 This policy applies to all uses of social media by City of East Providence employees maintaining, using, or providing oversight of social media tools. Employees include, but are not limited to full-time and part-time employees, contractors, interns, and volunteers who access or distribute content. This Policy also applies to members of the public who comment or otherwise interact with the City through its social media platforms.

413.22.03 All content created, received, transmitted, stored, or deleted from City information systems is exclusively the property of the City or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to the content.

413.23 Standards of Social Media

413.23.01 All uses of social media on behalf of the City or any City department, or in any manner that appears to represent the City or constitute communication by the City, must comply with the following standards:

413.23.02 Departments and Department Heads:

- a. No City department may establish, use, or terminate a social identity, account, profile, page, site (collectively, social media account(s)) without the prior approval of the Director of Information Technology (IT Director) or their designee and the Mayor.
- b. Department heads, with the approval of the IT Director or their designee and the Mayor, shall designate one or more department employees to be authorized social media users for the agency. Only the department's authorized social media users for the agency shall

be authorized to post social media content on the agency's social media accounts and may have access to the agency's social media accounts that permit such posting.

- c. Department heads shall establish a procedure for approving content prior to posting and shall issue City guidelines for all social media content that is posted on the agency's social media accounts including: the designation of one or more department directors (who may also be a department authorized social media user) to be responsible for the approvals. All department social media guidelines and policies must be consistent with this policy and must be approved by the IT Director and the Mayor.
- d. No information or link (hyperlink) to any internet site, or other materials, or communications, may be posted, or approved for posting, on a City department social media account that is not directly related (as determined by the department head) to the mission, services, and business objectives of the department.
- e. City of East Providence social media pages must clearly identify the page as created and managed by the agency, identified as a department, office, commission, or agency of the City of East Providence.
- f. Department social media must prominently display, on the first page accessible to site visitors, links to the City's official website: eastprovidenceri.gov.
- g. The City of East Providence reserves the right to delete, remove, or take-down any post, comment, reply, etc. in violation of the policy. Records are kept of all deleted items and include a note supporting the reasoning for deletion.

413.23.03

Employees: No City employee may establish any social media account in the name of or on behalf of the City or any department unless (1) the IT Director or their designee, the Mayor, and the employee's department head have all approved the account, and (2) all information to be posted on the account is approved in accordance with subsection "(i)" above. This requirement applies regardless of whether the account is established, accessed, or used by means of City information systems, and regardless of whether the account is established, accessed, or used from a City or non-City premises. Employees cannot use social media in a manner such that:

- a. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests.
- b. Includes slurs, profanity, insults; material 'that is harassing, defamatory, fraudulent, violent, or discriminatory; or other content of communications that would not be acceptable in a City workplace under City or Department policy or practice.
- c. Violates the terms of contacts governing the use of any social media content including, but not limited to, software and other intellectual property licenses.
- d. Displays sexually explicit images, cartoons, jokes, or messages.
- e. Contains confidential or "for official use only" information, or information that compromises the security of City internal networks or information. Or includes, but is not limited to, information that is protected from unauthorized access, use, or disclosure under any federal, state, or local law.
- f. Violates the terms of use governing the social media account.
- g. Contains information, comments, pictures, updates, or any media that notifies, alerts, or informs the public about any public safety event involving East Providence Police Department, the East Providence Fire Department, or the Department of Public Works that would compromise, highlight, or bring attention to an in-process or completed public safety event. Any such notification using social media that is deemed inappropriate will be met with disciplinary action.

413.23.04

This list is not exhaustive. Questions about uses of social media or particular social media content should be directed to the IT Director, the Director of Human Resources, or the Mayor. This policy is not intended to govern employees' establishment or use of personal social media accounts for personal purposes, outside the workplace and using non-City computers, computer systems, and computer networks. However, some personal uses of social media may reflect on the City or appear to represent City policy or appear to be on behalf of the City.. For these

reasons, City employees are expected to comply with all City and agency policies, as well as the following standards, when using personal social media accounts.

- a. City employees have no right to privacy with respect to their personal use of social media or personal social media accounts accessed by means of City computers, computer systems, and computer networks. Employees should not expect or assume privacy or confidentiality with respect to such personal use of social media content.
- b. Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements, or other social media content are an official policy, statement, position, or communication of the City of East Providence, or represent the views of the City or any City officer or employee, unless the head of the user's department, the IT Director or designee, and the Mayor have granted express permission for that use to do so.
- c. If a City employee has not received such express permission, any user profile, biography, or posting on a personal social media account that identifies the individual as a City of East Providence employee must include a qualifying statement in substantially the following form; "The views I express on this site are my own and do not reflect any official views or positions of the City of East Providence."

413.24 Interactive Communication Notice to Site Visitors:

413.24.01 A City or department social media site or page may be a limited public forum under the First Amendment if visitors are able to post comments or other communications. Where permitted by the operator of the site, the comments and similar functions should be disabled on City and department social media pages, unless the department head, IT Director or designee, and the Mayor, determine that permitting or encouraging interactive communications with site users is necessary to carry out the official objectives of the agency in creating the site.

413.24.02 If interactive communication (e.g., comments) are permitted, terms of use for visitors to the site must be posted prominently on the site. The terms must include a clear description of the topics that the site is intended to address and that may be addressed in comments, with a statement that user postings will be removed if they are not directly related to those topics.

413.24.03 Statements substantially similar to the following are not permitted:

- a. Communications containing slurs or profanity; material that is harassing, defamatory, fraudulent, violent, discriminatory, or sexually explicit; or any material that infringes copyright, trademark, or other intellectual property rights. Any such communications may be removed at any time without notice.
- b. This site is not owned, controlled, or operated by the City. Visitors to the site must comply with the terms of use and privacy policies of the site operator and are subject to the site operator's practices regarding the collection and retention of passive information (e.g., cookies) and other information from and about the visitor.
- c. Any advertisements appearing on the site are not controlled by the City or the agency and do not reflect endorsement by the City or department. Opinions expressed by visitors to the site do not reflect an endorsement or opinion on the part of the City or department.

All postings by visitors to the site may be retained by the City, in its discretion as required by applicable law or City policy. Visitors to the site should have no expectation of privacy or confidentiality with respect to any content they post to the site, and the City has no responsibility for maintaining any such privacy or confidentiality.

413.24.04 The content of communication posted by site users may not be edited or otherwise modified; removal is the only action that may be taken (only for communications that violate the terms of the statements).

413.25 Information Requirements:

- 413.25.01 Department heads must submit a list of all social media accounts maintained by the department to the IT Director or their designee, including, at a minimum, the following information: (1) the name, hosting site, internet address, date of inception of the account, and a statement of purpose and scope of the City's use of the account; (2) all user names, passwords, and other login credentials for the account; (3) all authorized social media users for the agency that have access to and/or responsibility for the account; and (4) the administrative contact information for the account. The department head must promptly notify the IT Director of any changes in any of the foregoing, and of any new City social media accounts or pages or termination of accounts or pages.
- 413.25.02 Department Heads shall ensure that all approved social media accounts and social media content are periodically reviewed for compliance with this policy. Department Heads are responsible for all social media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or behalf of the City or the Department.
- 413.25.03 Records Retention: Social media content is subject to the Records Retention and Destruction Schedule established by the Rhode Island Secretary of State, whether the social media is currently posted on the City's site(s). The City is responsible for making and retaining such postings, as required by the State's Records Retention and Destruction Schedule.
- 413.25.05 If a City contractor or third-party user knowingly or negligently commits or permits a material violation of this policy, the City may terminate the contract in accordance with the terms and/or terminate the contractor's or third-party user's access to City information processing facilities and information systems, in addition to any legal or remedial actions the City may take to enforce and protect its interest.

413.26 Media Communications: To ensure the proper communication to media, it is the policy of the City of East Providence to always keep the public informed through accurate and effective information communicated through all area media outlets, the City's own website, and social media. Requests from the media including, but not limited to, newspaper, television, internet, radio, etc., for information or interviews should be directed to the Mayors' Office.

413.27 Official City Communications:

- a. All City media relations are administered through the Mayor's Office.
- b. The Mayor or their designee will be responsible for all communications with the media.
- c. Any posts on social media are the responsibility of the Mayor's Office or their designee.
- d. In incidents involving fire and or police matters, the Fire Chief and Police Chief are charged with all media relations. They may also appoint a designee that they feel can clearly and effectively communicate the matter to the media and the public.
- e. It is prohibited to post social media commentary or to make statements to the media representing the official position of the City of East Providence without first obtaining permission from the Mayor's Office.
- f. It is the responsibility of the City Council President or their designee to respond to media inquiries regarding official business of the Council.

413.28 Guidelines: It is crucial that the correct information be distributed to the public at all times. If a situation arises where an employee is asked by the media to comment on a situation, the employee should refer the media person or outlet to the Mayor's Office for comment and refrain from commenting. Any employee discovered to be misrepresenting the City on social media or to any media outlet, and not authorized to do so, may be subject to disciplinary action up to and including termination of employment. The employee may also be subject to civil suit.

413.29 Mobile Devices: The following standards concerning City of East Providence laptops, smartphones, tablets, or any

other devices that fall within the category of portable computing or data storage device, are designed to allow appropriate usage of technology while minimizing the security exposures that these devices may bring. Without the implementation of these standards, there could be loss of confidential data, loss of intellectual property (IP), or damage to City of East Providence computers, computer systems, and computer networks. These standards apply to both the City of East Providence owned devices and to personal devices for which a user stipend is granted. All users of such devices must agree to these standards. Employees are required to sign a Mobile Device Policy acknowledgment form.

413.30 General Requirements:

- a. Approval of Device: All devices require City of East Providence approval and must be used in accordance with any applicable Information Security policies. All City of East Providence-related data received, transmitted, or displayed must be kept confidential, and only used for approved business purposes.
- a. Data Encryption: All devices must be encrypted using a strong password or biometric scan. If the device allows a strong password in place of a four (4)-digit PIN code, the strong password will be used. Only devices, which may be fully encrypted with a strong password or biometric scan (i.e., thumb scan) will be approved.
- b. Tracking: All phones will have the Find My iPhone or similar tracking feature enabled at all times. This feature must enable the City of East Providence's Information Technology Department to locate and remote wipe the device at any time. Tracking will not be employed, though, unless the device is reported missing or stolen.
- c. Designated User: Devices may not be shared or used by other individuals, including household members.
- d. Protection of User ID and Password: At no time may any City of East Providence employees provide their City of East Providence login credentials to anyone, including family members or other office staff members, except that such credentials may be provided to members of the City of East Providence's IT Department. Users must not post or display their login credentials in any way on the device with sticky notes, taped notes, or any other affixed message, or keep login credentials stored in the same location as the device.
- e. Storage of Device: Devices must be kept secured, never unattended, and must always remain with the assigned user as is reasonably possible. Devices may not be left in vehicles or in other places where the risk of theft is increased.
- f. Loss or Theft of Device: If a device is lost, stolen, or otherwise missing, the City of East Providence IT Director must be notified as soon as possible. If the whereabouts of a device is not known by the user and cannot be determined by the IT Department, it will be assumed that the device has been stolen and it may be remote wiped by the IT Department.
- g. Connecting to Networks with Portable Devices: Only approved connections and methodologies should be used to connect to the City of East Providence network.
- h. Connection to Other Networks: The preferred method of connecting a device to the internet is through the City of East Providence's Wi-Fi network or the device's cellular connection. The user, however, may connect to their own home personal internet provider with the device, only for the purposes of connecting to the City of East Providence network. The home network must have firewalls turned on by default. If the device will be connected to any other type of wireless network or connection, the user should make reasonable inquiry regarding whether the network and/or connection is secure.
- i. Connecting to the City of East Providence Remotely: It is the responsibility of any user who connects to the City of East Providence network remotely to make their best efforts to ascertain whether appropriate security measures are in place. Employee-owned phones must only connect to the City of East Providence's email system via the phone's native email application or through the City of East Providence's Outlook Web.

- j. Idle Sessions: Users must ensure that active remote sessions are not left unattended, thereby preventing non-City of East Providence users from accessing information. The device must be set to auto-lock after a maximum of fifteen (15) minutes of inactivity, although shorter periods are encouraged, and a passcode must be required to wake the device from auto lock.
- k. Software Installation: All City of East Providence-issued devices, other than phones, shall have only the City of East Providence-approved software installed. Such software shall be installed by a member of the City of East Providence's IT Department. Users may not remove or install any software. Users are not permitted to disable any anti-virus software that has been installed. The City of East Providence's IT Department may remove any unapproved software or data found on the device without notice or backup.
- l. Updates: All City of East Providence-issued laptops, tablets and notebooks must connect locally to the City of East Providence network on a regular basis to ensure that any software or program updates are applied. Since only administrators may install software or updates, this may require relinquishing the device to the IT Department
- m. Transferring Data to Personal Computing Devices: The City of East Providence sensitive data and Electronic Protected Health Information (EPHI) may not be stored on personal or non-City of East Providence devices or cloud services.
- n. Backups: City of East Providence-issued mobile devices may not be backed up by the user at any time. Backups are to be made only by the IT Department.
- o. Device Inspections: All City of East Providence issued devices are subject to examination by staff authorized by the Mayor
- p. Storage of Information on Hard Drive: Users may not save, store, or copy any sensitive data including EPHI to any device, including phones, tablets, and laptops unless it has been specifically authorized by the City of East Providence IT Director. Where approval has been granted for EPHI or sensitive data storage on the device, City of East Providence-approved encryption is required.
- q. Device Tracking Log: The IT Director must maintain a tracking log of all City of East Providence devices that store EPHI. This log must include the device serial number and the assigned user.
- r. User Responsibility for Device: If the device is missing, stolen, or misused because the user has not complied with these guidelines, the City of East Providence user who has been issued the device bears sole responsibility for the consequences. Disciplinary actions up to and including termination and fines could apply.

414. CREDIT CARD AUTHORIZATION AND USE:

- 414.01 City credit cards may be issued to and used by employees and officials of the City of East Providence. All employees provided with a card must sign the Credit Card Authorization and Use Policy acknowledgement form and provide a copy of the front and back of the signed credit card to Human Resources.
- 414.02 The Mayor may suspend or terminate, for any reason, the privilege extended to any employee of using a City credit card.
- 414.03 City credit cards shall be used solely for City of East Providence-related expenses. City credit cards may be used when traveling or in instances when the City of East Providence needs to establish credit to secure a purchase (as contracted for purchases through an established vendor account from which the City of East Providence normally purchases materials and goods).
- 414.04 No personal purchases of any kind shall be placed on City of East Providence credit cards, even if the City of East Providence employee/official plans to reimburse the City of East Providence. Moreover, users of the City credit card should be aware that they could be held responsible personally for a charge they place on the corporate account if such purchase is later deemed by the Mayor to be an inappropriate expense for the City of East Providence to assume. The City of East Providence will cover all expenses incurred and placed on the City's account consistent with other policies and procedures or with purchasing directives issued by the Mayor.

- 414.05 If a user is concerned about whether a planned purchase is appropriate or authorized, the user should defer that purchase until prior authorization can be given by the Finance Director. The Mayor should secure the purchase through other procedures, which do not immediately encumber the City of East Providence.
- 414.06 Users of the corporate credit cards should keep all charge receipts and file these with the Finance Department upon request. The Mayor or Finance Director may require additional information or forms to be completed documenting the details and reasons for the purchases.

415. PETTY CASH USE:

- 415.01 Petty cash funds are available for reimbursement of small, out-of-pocket expenses incurred while conducting official City of East Providence business. Petty cash funds promote efficiency and economy to the City of East Providence by eliminating the preparation of checks for small amounts.
- 415.02 Generally, petty cash transactions will consist of unplanned emergency purchases under \$25 for business-related supplies, meals, parking, etc. If an unplanned emergency purchase exceeding \$25 should arise, verbal authorization from the petty cash custodian must be obtained prior to making the purchase. If an unplanned emergency purchase arises where petty cash funds cannot be accessed and personal funds are used instead (with prior approval from the Finance Director), employees will be allowed to submit for reimbursement via the City of East Providence's Expense Reimbursement form.
- 415.03 Employees utilizing petty cash funds are required to submit receipts from purchases to the petty cash custodian or their designee to obtain reimbursement. The petty cash fund may not be used for personal use, loans, or the payment of services, prizes, or awards. The petty cash fund journal/entry ledger should be submitted monthly to the finance department. Anyone wishing to be reimbursed from petty cash should submit the receipt in the same week.

416. OUTSIDE POLITICAL ACTIVITY:

- 416.01 No employee may engage in any political activity which could compromise or jeopardize the City of East Providence's non-partisan status. This policy is not to be construed to prevent employees, when acting as private individuals, from becoming or continuing to be members of a political party, attending political party meetings, expressing their views on political matters or from voting freely in any election.
- 416.02 This policy specifically prohibits an employee from representing or implying that the employee represents the City of East Providence when engaging in partisan, political activity. It further requires that an employee identified as being a City employee during their partisan activity take prompt and positive action to disassociate themselves from the perception that they are representing the City of East Providence.

417. CONFLICTS OF INTEREST:

- 417.01 The Rhode Code of Ethics as administered by and through the Rhode Island Ethic's Commission applies to employees of municipal government. Employees are encouraged to familiarize themselves with its provisions. Violations of the Rhode Island Code of Ethics may subject an employee to disciplinary action, including termination. If confronted with a potential issue of ethical conduct, employees are encouraged and required to seek an advisory opinion from the Rhode Island Ethics Commission.
- 417.02 Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their job. At times, an employee may be faced with situations in which business actions taken on behalf of the City of East Providence may conflict with the employee's own personal interests. City property, information or business opportunities may not be used for personal gain.

Conflicts of interest may arise in the following circumstances:

- a. Being employed by, or acting as a consultant to, a supplier, vendor, or contractor that conducts business with the City of East Providence, regardless of the nature of the employment, while employed with the City of East Providence.

- b. Hiring or supervising family members or closely related persons.
- c. Serving as a board member for an outside commercial entity which does business with the City of East Providence.
- d. Owning or having a substantial interest in a supplier, vendor, or contractor which does business with the City of East Providence.
- e. Accepting gifts, discounts, favors, or services from a supplier, vendor, or contractor.

417.03 Employees with a conflict (or perceived conflict) of interest question should seek advice from their supervisor. Before engaging in any activity, transaction, or relationship that may give rise to a conflict of interest, employees must seek review from their supervisor or the Mayor.

418. OUTSIDE EMPLOYMENT:

418.01 Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined:

418.01.01 Activities and conduct away from the job must not compete with, conflict with, or compromise the City of East Providence interests or adversely affect job performance and the ability to fulfill all job responsibilities. In addition, employees are not to solicit or conduct any outside business during paid working time.

418.01.02 Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If the City of East Providence determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment. A refusal to comply with the City of East Providence's reasonable request to terminate outside employment may result in immediate termination of employment.

418.01.03 Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

419. GIFTS, ENTERTAINMENT, AND FAVORS:

419.01 Employees should not solicit or accept gifts, entertainment, favors or other benefits of an excessive value that might influence or appear to influence their judgment. Likewise, employees should not offer to give or receive gifts, entertainment, favor, or other benefits of excessive value to others that might influence or appear to influence another's persons' conduct towards the City of East Providence. Employees should ask the Mayor or their supervisor about accepting or giving gifts.

419.02 The Rhode Island Code of Ethics prohibits the acceptance or receipt, either directly or as the beneficiary of a gift other thing of value given to a spouse or dependent child, a gift(s) or other thing(s) of value having a fair market value or actual cost greater than twenty-five dollars (\$25), but in no case having an aggregate fair market value or aggregate actual cost greater than seventy-five (\$75) in any calendar year. Employees are encouraged to review the applicable section of the Code of Ethics section 1.4.2 (36-14-5009).

420. SOLICITATIONS, DISTRIBUTIONS, AND POSTING OF MATERIALS:

420.01 The City of East Providence prohibits the solicitation, distribution, and posting of materials on or at the City of East Providence property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by the City of East Providence and sponsored programs related to the City of East Providence's services as well as employee charitable and community activities approved by the Mayor.

420.02 Provisions:

- a. Non-employees may not solicit employees or distribute literature of any kind on City premises at any time.
- b. Employees may not solicit other employees during working time, except in connection with a City-approved or sponsored event.
- c. Employees may not distribute literature of any kind during working time or in any work area at any time, except in connection with a City-sponsored event or with the prior approval of the Mayor.
- d. The posting of materials or electronic announcements is permitted with prior approval from the Mayor.
- e. Violations of this policy should be reported in a timely manner to your direct supervisor, department heads, and/or the Mayor's Office.

421. WORK FROM HOME / ALTERNATIVE WORK ARRANGEMENTS (AWA):

421.01 Work from home is discouraged and will be addressed only on an as-needed basis. Employees must discuss alternative work arrangements ("AWAs") with their supervisor and gain approval from the department head. Such arrangements need to be approved by the Mayor and the Human Resources Department

421.02 If an employee feels that they need an AWA, they must fill out a request form and submit to the Director of Human Resources after obtaining approval of their department Director who will need to make arrangements such as technology use etc., for the AWA to take place.

421.03 Should the Mayor feel that there is a need for a limited, City-wide AWA Program to take place, no individual AWA request forms need to be filled out. Each department head will plan for such program to go into effect and give employees as much notice as possible.

422. PURCHASING / PROCUREMENT PROCESS:

422.01 It is imperative that all employees in a position that may require any type of purchasing of goods and services follow the proper guidelines and procedures for doing so. The purchase requisition serves to inform the Purchasing Division of the needs of the user department and to correctly define the material requested.

422.02 Preparation: Requisitions shall be prepared far enough in advance to permit the Purchasing Division to obtain competitive prices, either orally, or by informal quotations and if over \$12,500 by formal sealed bids. The time allowed to secure such competitive prices shall not be less than the following, after receipt of requisition and correct specifications by the Purchasing Division.

- a. One (1) week for items upon which advertising is not required.
- b. Three (3) weeks for items upon which advertising is required.
- c. Requisition on which special handling is desired for the purchase of materials, to prevent downtime in any operation in a department, but which are not strictly emergencies may be worked through channels in the interest of saving time. However, these should be kept to a minimum since they tend to disrupt the normal purchasing procedure.
- d. Requisitions pertaining to division operation requires signature of the division head and approval of the department head by initials.
- e. Requisitions pertaining solely to the department head's office will require their signature only.
- f. Requisitions more than \$2,500 require approval of the Mayor.

SECTION 5: COMPENSATION AND REST PERIODS



501. OVERTIME:

501.01 The objective of this policy is to give data pertaining to wages and various policies related to remuneration/compensation, over time, meal breaks, rest breaks, and different practices which are related to compensation.

Refer to the following City ordinances on these topics:

Chapter 11 Article III Division 2 Sec. 11-63. Compensation of Employees;

Chapter 11 Article III Division 3 Sec. 11-86. Hours of Work;

Chapter 11 Article III Division 3 Sec. 11-87. Overtime

501.02 Overtime: Unless modified by a collective bargaining agreement, due to the needs of the City's operations, non-exempt employees may be required to work overtime. Overtime will be paid at one and one half (1½) times the employee's regular hourly rate for all hours worked over forty (40) hours in any one (1) workweek.

501.03 Exempt employees are not eligible for overtime. They are expected to work as many hours as required to perform the duties of the position.

501.04 Any and all overtime must be approved in advance by the employee's supervisor. Supervisors are responsible to ensure that employees begin and end work on time and that employees understand prior approval is necessary before working beyond the assigned workday or reporting to work early. At the supervisor's discretion, an employee's work schedule may be adjusted during a workweek to avoid overtime. Overtime should be kept to a minimum and each department head is responsible for its regulation and budget. Should an incident arise that may require overtime, the Mayor should be alerted to its justification prior to it occurring.

501.05 Approved paid absences including sick, personal, vacation, holiday, family and medical leave, military, bereavement, and jury duty are paid at an employee's regular rate of pay but are not counted as hours worked for the purposes of computing overtime.

501.06 Part-time employees are not allowed to work overtime unless approved by their immediate supervisor. Overtime for part-time employees will only be paid after forty (40) hours of work per week.

502. MEAL BREAKS:

502.01 Employees are entitled to a paid meal break pursuant to their collective bargaining agreement. Employees must be completely relieved from duty for an unpaid meal break. Supervisors are asked to encourage their employees to cease work entirely and use the breakroom for eating and breaks. Employees may not forfeit meal breaks to arrive late or leave early. At their supervisor's discretion, an employee's work schedule may be adjusted during a workweek to allow for late arrival or early departure as an exception for urgent matters. If a non-exempt employee is required to work through any portion of their meal break, they will be paid for the time worked.

503. REST BREAK:

503.01 The City of East Providence provides employees with the opportunity to take a ten (10) minute paid rest break during every four (4) hours worked which should be taken as far as practicable in the middle of each work period. Rest breaks may not be combined with meal periods, and they may not be used to shorten the workday. The City of East Providence will not authorize a rest break for employees whose total daily work time is less than three and one-half (3 ½) hours. Supervisors will schedule rest breaks to ensure the smooth operation of their departments. Rest breaks are counted as hours worked, and thus, employees are not required to record their rest breaks on the City's timekeeping system.

504. EXPRESSION OF BREAST MILK:

504.01 The City of East Providence supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. Any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Any employee requiring such an accommodation must notify the Human Resources Department which will coordinate such accommodation with the employee's supervisor. Every effort will be made to provide a suitable, private area for such accommodation for this purpose. Any breast milk stored in the refrigerator must be labeled with the name of the employee and that the contents are breast milk. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Breaks of more than twenty (20) minutes in length will be unpaid, and the employee should indicate this break period on their time record.

505. OFF-SITE ACTIVITIES / TRAVEL TIME:

505.01 Non-exempt employees will be compensated according to state and federal requirements for City of East Providence-approved attendance at lectures, meetings, training programs, and similar activities that are work related.

505.02 If a non-exempt employee is required to travel to a location other than their regular work site, they will be compensated for travel time after deducting the time normally spent commuting to their regular work site. For example, an employee's commute from their home to their work location in East Providence averages fifteen (15) minutes. If the employee is asked to travel to another location from home, which is thirty (30) minutes away, the employee will be compensated for the extra fifteen (15) minutes.

505.03 Time spent by any employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and will be counted as hours worked.

505.04 Travel to and from the regular work site is not work time and is not compensable.

506. PAY SCHEDULE / PAYMENT OF WAGES:

- 506.01 All compensation matters for full-time/non-exempt employees are stipulated in their individual collective bargaining agreements.
- 506.02 Employees are paid biweekly on Friday. If the pay date is a holiday, employees are paid the previous day. The pay period begins on Sunday and ends Saturday.
- 506.03 The City of East Providence offers employees up to three direct deposit accounts through automatic payroll deductions. Employees may enroll by completing the Employee Direct Deposit Enrollment Form and submitting a written or electronic request to Payroll. The direct deposit paycheck will be deposited into the employee's bank account(s) on the pay date.
- 506.04 Time off must be entered into the ADP system by non-exempt employees by 4 p.m. on the Friday prior to a pay week and approved by their supervisor by 11 a.m. on the Monday prior to the pay date. If the employee does not complete their timecard, it is the supervisor's responsibility to fill it in so that payroll may be processed. Instructions on entering time into ADP as outlined in section three (3), page thirty (30) of this handbook.
- 506.05 The City of East Providence utilizes the ADP portal which provides employees with:
- a. Direct access to their personal and company information, including pay statements;
 - b. Availability 24 hours a day, 7 days a week;
 - c. Access from home or office;

Refer to City Ordinance Chapter 11 Article III Division 4 Sec 11-117. Employees to be paid bi-weekly.

507. PAYROLL DEDUCTIONS:

- 507.01 The City of East Providence complies with applicable law and will make only required or authorized deductions from employees' wages. The following deductions, if applicable, will be made from employees' gross wage payments:
- a. Deductions to pay the employee portion of local, state, and federal taxes;
 - b. Deductions required pursuant to properly authorized requests for a withholding order for support, an earnings assignment order, earnings withholding order, or other similar court order;
 - c. Deductions required pursuant to a properly authorized wage garnishment order;
 - d. Other deductions authorized in writing by the employee, including deductions to cover insurance premiums, union dues, savings plan deductions or payments for other employee benefits;
- 507.02 All deductions will be itemized on employees' pay statements. Employees with questions regarding any deductions taken from their paychecks may contact payroll.

SECTION 6: BENEFITS



601. BENEFITS:

601.01 Retirement Pensions:

As a municipal employee, you are required to participate in the Employee Retirement System of Rhode Island (“ERSRI”), as well as the Teachers Insurance & Annuity Association of America (“TIAA”). These deductions are state mandated based on the employees’ earnings and are automatically deducted biweekly from the employee’s paycheck. Information may be found at www.tiaa.org and www.ersri.org.

601.02 The City of East Providence also offers 457 Savings plan with two vendors. This is a way for employees to save money that is tax deferred. There are also loan provisions and withdrawal provisions to these plans. Employees are introduced to these vendors at the time of hire and periodic meetings are held throughout the year with them. Participation in the 457 Savings Plan is strictly voluntary. Detailed information may be found at www.icmarc.org and www.us.axa.com.

601.03 Eligible members of the police and fire departments participate in the City’s Firemen’s and Policemen’s Pension Fund as set forth in Chapter 11, Article V of the City Code of Ordinance and their respective collective bargaining agreement.

602. CONTINUING EDUCATION:

602.01 Full-time employees become eligible for tuition reimbursement assistance after completing a full year of continuous employment with the City of East Providence beginning on an employee’s date of hire. This benefit falls within the

guidelines of each collective bargaining or employment agreement. Only courses, which begin after one (1) year of service will be eligible for benefits.

602.02 Reimbursement includes tuition, which is defined to mean course tuition and required associated course fees (not school admission or entry fees), and books.

602.03 To qualify for tuition reimbursement, the following conditions must be met:

- a. The course must be related to the employee's job or to another work-related function within the City of East Providence. The Mayor, in interpreting this work-related provision, shall construe its meaning.
- b. Approval by the employee's department Director and Mayor of the course's eligibility for tuition reimbursement must be received by the employee prior to the start of the course. Approval is also based on funding availability. Department directors must have the necessary funding in their department budgets to be able to approve such reimbursement.
- c. The course must be offered at an accredited institution of higher education.
- d. The employee must receive a passing grade of "C" or better for the course. If the course is only offered on a pass/fail basis, the employee must secure a passing grade.
- e. The employee must pay at least ten percent (10%) of the tuition cost.
- f. The employee must still be employed with the City of East Providence (and not have given a notice of pending resignation or retirement) at the time of completion of the course and requested reimbursement.

Tuition reimbursement will be paid at the conclusion of the course by the City of East Providence upon satisfactory documentation to the Director of Human Resources of course grade and tuition cost.

603. EMPLOYEE ASSISTANCE PROGRAM (EAP):

603.1 Through the Employee Assistance Program (EAP), the City of East Providence provides confidential access to professional counseling services. The EAP, available to all employees and their immediate family members, offers problem assessment, short-term counseling, and referral to appropriate community and private services. This service is provided on behalf of the City of East Providence by Coastline EAP. Services include:

- a. Childcare and/or eldercare referrals
- b. Personal relationship information
- c. Health information and on-line tools
- d. Legal consultations with licensed attorneys
- e. Financial planning assistance
- f. Stress management
- g. Career development
- h. Employee Concierge Services
- i. Medical Bill Saver

603.02 The EAP offers unlimited access to consultants by telephone, resources and online tools, webinars and up to three (3) face-to-face visits with a consultant for help with short-term problems.

603.03 The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Contacts to and information given to the EAP counselor may be released to the City of East Providence only if requested by the employee in writing. There is no cost for an employee to consult with an EAP counselor and this benefit also applies to each household family member. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by the employee's health insurance plan. Costs that are not covered are the sole responsibility of the employee.

603.04 You may contact Coastline EAP at 800-445-1195 for an appointment. Assistance may also be obtained by visiting their website at www.coastlineeap.com and entering "City of East Providence" as the company name.

604. FLEXIBLE SPENDING ACCOUNT (FSA):

- 604.01 The City of East Providence offers Dependent Child Care FSA and Health Care FSA, which allows employees to pay for qualified out of pocket expenses such as health, dental, vision and daycare needs with deductions from their paycheck on a pretax basis.
- 604.02 Employees who are enrolled in the City of East Providence's group health insurance may not participate in the healthcare portion of this benefit due to the existence of the Health Savings Account (HSA). For more information contact the Human Resources Department

605. HEALTH AND DENTAL INSURANCE:

- 605.01 The benefits described in this section are subject to and controlled by the actual terms contained in the applicable plans/policies as agreed upon each collective bargaining agreement or employment agreement. Applicable plans/policies will be provided to the employee upon enrollment. The City of East Providence reserves the right to change or terminate these plans/policies.

Refer to City Ordinance Chapter 11 Article III Division 2 Section 11-63, Compensation of Employees Subsection D.

- 605.02 Health and Dental Insurance: The City of East Providence provides its full-time employees with individual and dependent (as applicable) health and dental insurance benefits and contributes a generous amount towards the premiums. Employees are required to pay for a share of the cost of these benefits in an amount that shall be established by the collective bargaining agreement or employment contract, and which shall be communicated to employees on an annual basis. The City of East Providence may change the type and level of benefit, the providers and programs, and the amount of employee co-pays, as circumstances warrant. Any changes in union employee contributions will be negotiated with the respective union.
- 605.03 Upon demonstration of satisfactory alternative health insurance coverage, any full-time employee who waives the City of East Providence offered health and dental insurance program shall not have the co-pay deducted from their pay. Certain collective bargaining agreements provide continuation of health benefits for a fixed amount of time after retirement. Please refer to your CBA.

606. GROUP TERM LIFE INSURANCE:

- 606.01 The City of East Providence provides full-time employees fully paid group term life and accidental death and dismemberment insurance in an amount defined in the collective bargaining or employment agreement. Specific details are contained in the plan document.

607. VOLUNTARY SUPPLEMENTAL LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE:

- 607.01 The City of East Providence offers additional life and AD&D to full-time employees, spouses, and dependent children up to age nineteen (19), or twenty-six (26) if a full-time student. The cost is paid entirely by the employee through payroll deductions.

608. WELLNESS PROGRAM:

- 608.01 Through The Rhode Island Interlocal Risk Management Trust (The Trust), the City administers a Wellness Program which helps employees live their healthiest lives through wellness initiatives. Programs include fitness classes, healthy challenges, and nutritional information. The Human Resources Department informs employees periodically as The Trust provides such initiatives.

609. WORKERS' COMPENSATION:

- 609.01 All employees who are injured at work or who become ill from working may be eligible to receive workers' compensation benefits. If your injury or illness is not work-related, a different program, such as Temporary Disability Insurance (TDI) or Social Security Disability may provide benefits.

609.02 Employees must immediately report any accident or injury to their supervisor so that the necessary paperwork may be completed. This should be done within twenty-four (24) hours of the incident. Should the incident be reported after twenty-four (24) hours has passed, the City reserves the right to deny the claim unless it is investigated, and witnesses can verify that the incident took place.

609.03 The City of East Providence strives to assist employees to return to work as soon as possible following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (“ADA”) or leave benefits under the Family and Medical Leave Act (“FMLA”). When possible, modified duty positions may be made available to injured workers providing the attending physician releases the employee to return to work on modified duty. The City of East Providence cannot guarantee a modified duty position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

610. CONTINUATION OF BENEFITS (COBRA):

610.01 In the event of an employee’s termination of employment with the City of East Providence or loss of eligibility to remain covered under the City of East Providence’s group health, dental, and/or vision insurance programs, employees and their eligible dependents may have the right to continued coverage under the City of East Providence’s group health/dental insurance programs for a limited period at their own expense pursuant to COBRA (Consolidated Omnibus Budget Reconciliation Act). Employees enrolled in the City of East Providence’s group health, dental and/or vision plans will receive a notice that details the applicable terms and timelines.

SECTION 7: LEAVES OF ABSENCE AND TIME OFF



701. VACATION LEAVE:

- 701.01 Full-time employees of the City of East Providence are eligible to accrue vacation leave time upon date of hire, detailed in their collective bargaining agreement or employment agreement.
- 701.02 Full-time employees are eligible to receive vacation with pay in accordance with their collective bargaining or employment agreements.
- 701.03 Vacation leave taken by exempt or non-exempt employees is to be in full-day or half-day increments only.
- 701.04 During a calendar year, an employee may take vacations to the extent that vacation time has accumulated and with the prior approval of their supervisor or the Human Resources Department.
- 701.05 If a paid holiday falls within the vacation period of an employee, that day shall not be counted as a vacation day, but as a holiday with pay.
- 701.06 Employees may carry over certain number of vacation leave hours into next calendar year. See your collective bargaining employment agreement for details, where applicable.
- 701.07 Any accrued vacation leave is payable upon retirement or termination of employment at the daily rate of pay being earned by the employee at the time.

Refer to City Ordinance Chapter 11 Article III Division 3 Sec 11-90. Vacation Leave

702. SICK AND PERSONAL LEAVE:

- 702.01 Employees earn and receive personal and sick leave days in accordance with their collective bargaining agreements or employment agreement.

- 702.02 Sick and personal leave is intended for use in connection with short-term illnesses of five (5) days or less, personal business, family care, and other needs which may require time off from work. Full-time employees accrue sick and personal leave up to a maximum of fifteen (15) days per year. Sick and personal leave time taken by exempt employees is to be in full-day or half-day increments and non-exempt employees is to be in hourly increments.
- 702.03 Employees may use sick and personal leave for non-work-related illness, injury, medical or dental visits, or other health related purpose for themselves or the employee's immediate family. Immediate family is defined to include the employee's spouse or domestic partner, children, parents, stepparents, stepchildren, siblings, immediate in-laws, grandparents, grandchildren, or other persons residing in the employee's household. If a City paid holiday falls within the period the employee is out sick, that day will not be counted as a sick day, but as a holiday with pay.
- 702.04 To the extent possible, planned sick and personal leave time must be requested as soon as feasible. Supervisors may approve the use of sick leave for a period not exceeding five (5) consecutive workdays and may request a physician's certificate for any absence. Employees are responsible to provide a physician's certificate for an absence of over three (3) consecutive days. The Human Resources Department shall have discretion whether to approve absences of more than five (5) consecutive workdays and, if so approved, shall commence Family & Medical Leave Act procedures if eligible.
- 702.05 In the event all accumulated sick and personal leave has been used, the employee must then use any accumulated personal or vacation leave. Unpaid leave that does not qualify under state and/or federal law will be granted at the discretion of the Mayor.
- 702.06 If leave is being taken for FMLA-qualifying reasons, an eligible employee will be notified of their rights and responsibilities under FMLA. Any sick and personal leave or vacation leave used will be counted toward the amount of leave permitted under the Act.
- 702.07 There are two (2) types of leave, paid and unpaid. Paid leave consists of vacation leave, sick and personal leave, bereavement leave, jury duty leave, storms, and holidays. Employees may also be eligible for Family & Medical Leave and Military Leave, which may consist of paid and/or unpaid leave. Unpaid leave may be granted by the Mayor after consultation with the Human Resources Department and consists most often of a leave of absence.
- 702.08 An employee utilizing paid leave continues to receive all benefits including health, dental, vision, long term disability, life insurance, vacation, sick and personal leave. An employee on unpaid leave accrues no insurance benefits or leave time unless they qualify for such benefits or leave time under the FMLA. Please refer to your collective bargaining agreement.
- 702.09 The City of East Providence expects excellent attendance from its employees but recognizes that employees will need time away from work from time to time to address their medical needs or the medical needs of a family member. These rules do not supersede applicable federal or state laws that require employer verification for leave taken, including, but not limited to, the FMLA. In the case of suspected sick leave abuse, the City may review an employee's sick leave use with heightened scrutiny. Examples of suspected sick leave abuse include but are not limited to: (a) taking paid sick leave on days when an employee's requested for vacation leave has been denied; (b) a pattern of taking paid sick on days when the employee is scheduled to work a shift that may be perceived as undesirable; and, (c) a pattern of taking paid sick leave on Mondays, Fridays or immediately following a holiday.

Refer to City Ordinance Chapter II Article III Division 3 Sec II-91. Sick leave; death benefit and Chapter II Article III Division 3 Sec II-94, Leave of absence

703. BEREAVEMENT LEAVE:

- 703.01 In the case of a death in an employee's immediate family, an employee may be excused from work, with pay, up to a maximum of three (3) or four (4) workdays, based on the employee's individual collective bargaining agreement. These days may be taken in full-day or half-day increments, upon notification and approval of their supervisor. At the discretion of the Mayor, additional time may be allowed.

- 703.02 Immediate family is defined to include spouse or domestic partner, children, parents, stepparents, stepchildren, siblings, immediate in-laws, grandparents, grandchildren, or other person residing in the employee's household at the time of death.
- 703.03 If indicated in a collective bargaining agreement, four (4) hours bereavement with pay is given for a non-family member's death upon notification and approval of their supervisor. At the discretion of the Mayor, additional time may be allowed.
- 703.04 An employee who wishes to take bereavement leave must notify their supervisor immediately. The City reserves the right to ask for proof of death of immediate family member.

Refer to City Ordinance Chapter 11 Article III Division 3 Sec 11-94. Leave of absence, Subsections C and D.

704. JURY DUTY:

- 704.01 Employees who are called to jury duty at the federal or state level shall be granted time off to fulfill this responsibility.
- 704.02 Employees who receive a summons or other notice requiring that they report to jury duty must notify their supervisor immediately and submit a copy of the summons or other notice to the supervisor.
- 704.03 If required to serve on a jury, the employee must contact their supervisor daily to advise the supervisor of their status and the projected end of the jury duty. Depending on the circumstances, the City of East Providence may require that an employee who has been dismissed from jury duty early in the day to return to work.
- 704.04 At the conclusion of the jury duty, proof of juror service must be submitted to the supervisor and to the Human Resources Department.
- 704.05 Any employee called for jury duty will be excused from work for the duration of their jury service and will receive the difference between their regular pay and their jury pay. The employee must present an official statement of pay received. All benefits will continue to accrue during such absence.

Refer to City Ordinance Chapter 11 Article III Division 3 Sec 11-92. Jury Duty.

705. INCLEMENT WEATHER:

- 705.01 The Mayor has the discretionary authority to close any City department if storm conditions or weather predictions warrant such action for employees' safety. If the department is closed by order of the Mayor, all employees will be paid for that day and no vacation, sick and personal leave, or other paid leave will be charged.
- 705.02 Should the department remain open during inclement weather, employees who call out due to weather conditions will be charged either a personal or vacation day at the employee's option. Certain departments, such as the Highway and Parks Departments, may need to remain open during inclement weather to tend to City emergencies. Employees in those departments are expected to be available to work as a condition of their employment.

706. HOLIDAYS:

- 706.01 The City of East Providence observes the following holidays and half days for which employees are paid at their regular rate, provided they have worked their scheduled shift or regular workday immediately preceding and following the holiday, except, however, where they have received advanced authorization to be absent.
- 706.02 If any of the holidays listed below fall on a weekend, the holiday will be observed on either the Friday before or the Monday after the holiday. The Mayor will determine which day will apply.
- a. New Year's Day
 - b. Dr. Martin Luther King, Jr.'s Birthday

- c. Presidents' Day
- d. Memorial Day
- e. Good Friday (½ Day)
- f. Independence Day
- g. Victory Day
- h. Labor Day
- i. Columbus Day/Indigenous People's Day
- j. Election Day
- k. Veterans' Day
- l. Thanksgiving Day
- m. Christmas Eve (½ Day)
- n. Christmas Day
- o. New Year's Eve (½ Day)

706.03 An employee's collective bargaining agreement may differ from the preceding schedule, in which case, the terms of the collective bargaining agreement shall govern. In addition, employees will be required to work no more than one-half (1/2) day on Good Friday, the day before Christmas, and the day before New Year's if the holiday falls on a Tuesday, Wednesday, Thursday, or Friday.

706.04 Full-time or part-time employees who are in the process of completing their probationary period are eligible for paid holidays provided they meet the requirements of this section.

706.05 Part-time employees are eligible to receive holiday pay, pro-rated for the applicable part-time hours, in accordance with the above schedule.

706.06 With the approval of an employee's supervisor, or the Mayor, a full-time or part-time employee may work on a holiday, or either of the three (3) one-half (1/2) days mentioned above. All work performed by a non-exempt employee on one of the following legal holidays will be paid a rate of time and one half the employee's regular rate of pay: New Year's Day; Dr. Martin Luther King, Jr.'s Birthday; Memorial Day; July 4th; Victory Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving; and Christmas. Employees will not be subject to discipline for refusing to work on a legal holiday recognized by the State of Rhode Island.

Refer to City Ordinance Chapter 11 Article III Division 3 Sec 11-89. Holidays.

707. MILITARY LEAVE:

707.01 The City of East Providence supports the military obligations of all employees and grants unpaid leaves for uniformed service in accordance with applicable federal and state laws. Any full or part-time employee who needs time off for uniformed service, including active and inactive duty training, should immediately notify their supervisor. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible. Supporting documentation of military leave and duty is required and must be submitted to the Human Resources Department. Employees on military leave shall not accrue any paid leave (i.e. vacation or sick leave) during the period of their unpaid leave.

707.02 Under the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"), upon return from military leave, employees will be eligible for re-employment to the same position, pay and benefits as if they had worked continuously. To qualify for re-employment, the employee must have been honorably discharged from uniformed service, have given the City of East Providence advance notice of leave, not have exceeded five (5) years of absence, and re-apply or report for employment within the time limits provided under USERRA.

707.03 Exempt employees will be reimbursed for the difference between their pro-rated gross salaries and any compensation paid by the military upon presentation of the military pay record for up to two (2) weeks in any calendar year. Non-exempt employees will be reimbursed for the difference between their pro-rated gross hourly wages and any compensation paid by the military upon presentation of the military pay record for up to two (2) weeks in any calendar year. All benefits will continue to accrue during such absence. Employees on temporary or extended military leave may elect to use accrued vacation and personal leave during their absence.

Refer to City Ordinance Chapter 11 Article III Division 3 Sec 11-93. Military Duty.

708. FAMILY AND MEDICAL LEAVE ACT

708.01. General: Employees may be entitled to a leave of absence under the Family and Medical Leave Act (“FMLA”) and/or the Rhode Island Family Leave Act (“RIPFMLA”). This policy provides employees with information concerning FMLA and/or RIPFMLA entitlements and obligations employees may have during such leaves. Whenever permitted by law, the City of East Providence will run FMLA leave concurrently with RIPFMLA leave and any other leave provided under state or local law. If employees have any questions concerning FMLA and/or RIPFMLA leave, they should contact Human Resources.

708.02. Eligibility for FMLA: FMLA leave is available to “FMLA eligible employees.” To be an “FMLA eligible employee,” the employee must: 1) have been employed by the City of East Providence for at least twelve (12) months (which need not be consecutive); 2) have been employed by the City of East Providence for at least 1,250 hours of service during the twelve (12)-month period immediately preceding the commencement of their leave; and 3) be employed at a worksite where fifty (50) or more employees are located within seventy-five (75) miles of the worksite.

708.03. Eligibility for RIPFMLA: RIPFMLA leave is available to “RIPFMLA eligible employees.” To be a “RIPFMLA eligible employee,” the employee must: 1) be a full-time employee and have worked for the City of East Providence for an average of thirty (30) or more hours a week for twelve (12) consecutive months; and 2) be employed by an employer that has fifty (50) or more employees in Rhode Island.

708.04. Leave Entitlements: As described below, the FMLA and RIPFMLA provide eligible employees with a right to job-protected leave, health insurance benefits continuation, and, with some limited exceptions, job restoration.

- i. Basic FMLA and RIPFMLA Leave Entitlement: The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a twelve (12)-month period. The RIPFMLA provides eligible employees with up to thirteen (13) weeks of consecutive unpaid leave within any twenty-four (24) month period.
- ii. The twelve (12) month FMLA period and the twenty-four (24) month RIPFMLA period are determined on a rolling twelve (12)- or twenty-four (24)-month period measured backward from the date an employee uses their FMLA leave. It is the City of East Providence’s policy to provide the greater leave benefit provided under the FMLA or RIPFMLA and to run leave concurrently under the FMLA and RIPFMLA whenever possible.
- iii. Leave may be taken for any of the following reasons:
 - a. To care for the employee’s child after birth, or placement for adoption (of a child 16 years of age or younger - RIPFMLA) (or foster care - FMLA only);
 - b. To care for the employee's spouse, son, daughter, or parent (or parent-in-law - RIPFMLA only) who has a serious health condition (FMLA only) or serious illness (RIPFMLA only);
 - c. For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job (FMLA only) or serious illness (RIPFMLA only); and/or
 - d. Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of contingency operations or Regular Armed Forces for deployment to a foreign country (FMLA only).

Under the FMLA, a “serious health condition” is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of their job or prevents the qualified

family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Under the RIPFMLA, a “serious illness” is a disabling physical or mental illness, injury, impairment, or condition that involves inpatient care in a hospital, a nursing home or a hospice or outpatient care requiring continuing treatment or supervision by a health care provider.

“Qualifying exigencies” for FMLA leave may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

708.05. Additional Military Family Leave Entitlement (Injured Servicemember Leave) (FMLA only): In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to take up to twenty-six (26) weeks of leave during a single twelve (12)-month period to care for the servicemember with a serious injury or illness. FMLA leave to care for a servicemember shall only be available during a single twelve (12)-month period and, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks during the single twelve (12)-month period. The single twelve (12)-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. Covered servicemembers also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five (5) year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.” The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

708.06. Intermittent Leave and Reduced Leave Schedules: FMLA and/or RIPFMLA leave usually will be taken for a period of consecutive days, weeks, or months. However, employees also may be entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member, due to a qualifying exigency or the serious injury or illness of a covered servicemember.

708.07. No Work While on Leave: The taking of another job while on FMLA/RIPFMLA leave is grounds for immediate termination of employment with the City of East Providence.

708.08. Protection of Group Health Insurance Benefits during Leave: During leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work. Pre-payment of premiums may be required under RIPFMLA.

708.09. Restoration of Employment and Benefits: Subject to narrow exceptions, at the end of FMLA / RIPFMLA leave, employees have a right to return to the same or equivalent positions with equivalent pay, benefits, and other employment terms.

708.10. Notice of Eligibility for, and Designation of, FMLA and RIPFMLA Leave: Employees requesting FMLA leave are entitled to receive written notice from the City of East Providence telling them whether they are eligible for FMLA leave and, if not eligible, the reason(s) why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of 1) their rights and responsibilities in connection with such leave; 2) the City of East Providence’s designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City of East Providence may retroactively designate leave as FMLA and/or RIFFMLA leave with appropriate written notice to employees provided the City of East Providence's failure to designate leave as FMLA- or RIFFMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA and/or RIFFMLA protection, the City of East Providence and employee can mutually agree that leave be retroactively designated as FMLA and/or RIFFMLA leave.

708.11. Employee FMLA and/or RIFFMLA Leave Obligations:

- i. Provide Notice of the Need for Leave: Employees who wish to take FMLA and/or RIFFMLA leave must timely notify the City of East Providence of their need for FMLA and/or RIFFMLA leave. The following describes the content and timing of such employee notices.

To trigger FMLA and/or RIFFMLA leave protections, employees must inform Human Resources of the need for FMLA/RIFFMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA and/or RIFFMLA leave specifically or explaining the reasons for leave to allow the City of East Providence to determine that the leave is FMLA/RIFFMLA-qualifying. For example, employees might explain that:

- a. a condition renders them unable to perform the functions of their job or that they are under the continuing care of a health care provider;
- b. they are pregnant or have been hospitalized overnight;
- c. a covered family member (including parent-in-law under RIFFMLA) is under the continuing care of a health care provider or a condition renders the family member unable to perform daily activities;
- d. the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active-duty status to a foreign country (FMLA only); or
- e. a family member is a covered servicemember with a serious injury or illness (FMLA only).

Calling in "sick," without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the City of East Providence's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for leave, the leave may be denied. When employees seek leave due to FMLA/RIFFMLA-qualifying reasons for which the City of East Providence has previously provided FMLA/RIFFMLA-protected leave, employees must specifically reference the qualifying reason for the leave or the need for FMLA and/or RIFFMLA leave.

Employees must provide thirty (30) days' advance notice of the need to take FMLA and/or RIFFMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City of East Providence notice of the need for leave as soon as practicable under the facts and circumstances of the case. Employees who fail to give thirty (30) days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA and/or RIFFMLA notice obligations, may have leave delayed or denied, to the extent permitted by applicable law.

- ii. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules: When planning medical treatment, employees must consult with the City of East Providence and make a reasonable effort to schedule treatment so as not to unduly disrupt the City of East Providence's operations, subject to the approval of the employee's health care provider. The employee must consult with the City of East Providence prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City of East Providence and the employee, subject to the approval of the employee's health care provider. If the employee providing notice of the need to take leave on an intermittent basis for planned medical treatment neglects to fulfill this obligation, the City of East Providence may require the employee to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the City of East Providence may temporarily transfer the employee, during the period that the intermittent or reduced leave schedules are required, to an alternative position with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave, subject to applicable law.

When the employee seeks intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, the employee must advise the City of East Providence of the reason why such leave is medically necessary. In such instances, the City of East Providence and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City of East Providence's operations, subject to the approval of the employee's health care provider.

- iii. Submit Medical Certifications Supporting Need for Leave (Unrelated to Requests for Military Family Leave): Depending on the nature of leave sought, employees may be required to submit medical certifications supporting their need for FMLA/RIPFMLA-qualifying leave. As described below, there generally are three (3) types of medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the City of East Providence with timely, complete, and sufficient medical certifications. Whenever the City of East Providence requests employees to provide medical certifications, employees must provide the requested certifications within fifteen (15) calendar days after the City of East Providence's request, unless it is not practicable to do so despite the employee's diligent, good faith efforts. The City of East Providence will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven (7) calendar days to cure deficiencies. The City of East Providence will deny leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, subject to applicable law, the City of East Providence (through individuals other than the employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If the employee chooses not to provide the City of East Providence with authorization allowing it to clarify or authenticate the certification with their health care provider, the City of East Providence may deny leave if the medical certification is unclear, to the extent permitted by applicable law.

Whenever the City of East Providence deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient medical certifications.

Employees requesting leave because of their own, or a family member's serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family member or servicemember. If employees provide at least thirty (30) days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City of East Providence has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City of East Providence's expense, subject to applicable law. If the opinions of the initial and second health care providers differ, the City of East Providence may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City of East Providence and the employee.

Depending on the circumstances and duration of FMLA leave, subject to applicable law, the City of East Providence may require employees to provide recertification of medical conditions giving rise to

the need for leave. The City of East Providence will notify employees if recertification is required and will give employees at least fifteen (15) calendar days to provide medical recertification.

Unless notified that providing such certifications is not necessary, where permitted by law, the employee returning to work from leave that was taken because of their own serious health condition that made the employee unable to perform their job must provide the City of East Providence medical certification confirming the employee is able to return to work and the employee's ability to perform the essential functions of the employee's position, with or without reasonable accommodation. The City of East Providence may delay and/or deny job restoration until the employee provides a return to work/fitness for duty certification, subject to applicable law.

- iv. **Submit Certifications Supporting Need for Military Family Leave:** Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the City of East Providence may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active-duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active-duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City of East Providence may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the City of East Providence may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

708.11. Substitution of Paid Leave for Unpaid FMLA and RIFFMLA Leave: Employees must use any accrued paid time while taking unpaid FMLA and /or RIFFMLA leave. The substitution of paid time for unpaid FMLA and/or RIFFMLA leave time does not extend the length of FMLA and/or RIFFMLA leaves, and the paid time runs concurrently with the employee's FMLA and/or RIFFMLA entitlement.

During their leave, employees may be eligible for compensation, such as temporary disability benefits ("TDI"), or workers' compensation benefits. Any compensation or leave taken in connection with any other policy/plan shall run concurrently with any FMLA/RIFFMLA leave entitlement. Upon written request, the City of East Providence will allow employees to use accrued paid time to supplement any paid disability benefits.

708.12. Payment of Health Insurance Premiums: During FMLA/RIFFMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the City of East Providence notifies employees of other arrangements, whenever employees are receiving pay from the City of East Providence during leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If leave is unpaid, employees must pay their portion of the group health premium through a "pay-as-you-go" method.

The City of East Providence's obligation to maintain health care coverage ceases if the employee's premium payment is more than thirty (30) days late. If the employee's payment is more than fifteen (15) days late, the City of East Providence will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within thirty (30) calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the City of East Providence for the cost of the premiums the City paid for maintaining coverage during their unpaid FMLA leave.

708.13. Coordination of FMLA/RIFFMLA Leave with Other Leave Policies: The FMLA and RIFFMLA do not affect any

federal, state, or local law prohibiting discrimination, or supersede any state or local law that provides greater family or medical leave rights. However, whenever permissible by law, the City of East Providence will run FMLA leave concurrently with RIFFMLA, and any other leave provided under state or local law. For additional information concerning leave entitlements and obligations that might arise when FMLA/RIFFMLA leave is either not available or exhausted, please consult the City of East Providence's other leave policies in this handbook or contact Human Resources.

708.14. Questions About FMLA / RIFFMLA Leave: If employees have questions regarding this FMLA / RIFFMLA policy, they should contact Human Resources. The City of East Providence is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA/RIFFMLA.

708.15. Non-Retaliation. The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their rights have been violated, they should contact Human Resources immediately. The City of East Providence will investigate any complaints and take prompt and appropriate remedial action to address and/or remedy any violation.

710. LEAVE OF ABSENCE WITHOUT PAY:

710.01 An employee may also request approval of a leave of absence without pay for up to three (3) months. This approved leave of absence may be renewable at the Mayor's discretion. An employee who is absent from work without authorization for either paid or unpaid leave may be considered to have abandoned their position and is subject to employment termination at the discretion of the Mayor. During an approved leave of absence, the employee shall be responsible for paying the entire cost of any health care benefits for which they are eligible.

SECTION 8: WORKPLACE SAFETY



801. WORKPLACE SAFETY:

Policy: The City of East Providence is committed to providing a safe and healthy workplace and promoting the health and well-being of its employees. The goal of workplace safety is to prevent any work-related accident, injury, or illness. The City has created definite plans that give direction in case of a mishap, fire, catastrophic event, or other crisis.

802. BUILDING SECURITY:

802.01 The doors to City Hall are kept unlocked Monday through Wednesday from 8:00 a.m. - 4:00 p.m., with extended hours as needed. On Thursdays, the City Hall will be open from 8:00 am – 6:00 pm. On Fridays, the hours of operation are 8:00 a.m. to 1:00 p.m. The Libraries as well as the City Garage may adjust their hours of operation to meet the needs of the City and its constituents.

802.02 All City of East Providence space is monitored by security cameras 24/7 and secured by electronic alarms requiring key scan card access to gain entry to all locations. The IT Department issues a key scan card to each employee upon hire to gain access to the facility. If an employee's key scan card is lost or stolen, it should be reported immediately to the IT Department for deactivation and reissue.

802.03 All doors leading to the City of East Providence Offices should remain closed and secured at all times, except during exit and entry.

- 802.04 For emergency situations only, all doors (internal and external) at the City Hall can be locked from the inside. All doors to common areas in the building (stairwells, elevator, lobby closets, restrooms, etc.) are not lockable.
- 802.05 The City of East Providence's normal business hours are 8:00 a.m. to 4:00 p.m. with the exception of City Hall hours as outlined in section 802.01 above. This schedule may change from time to time to better serve the citizens of East Providence. Outside normal City Hall business hours, the alarm will be set. Each City of East Providence employee sets their own personal PIN to be used for the alarm system through the IT Department. Further information on how to activate and deactivate the alarm system can be found in the internal building alarm system instructions document.
- 802.06 Office Operations issues keys to the building, offices, file cabinets, etc. If any employee's keys are lost or stolen, they should report it immediately to Office Operations and obtain replacements.
- 802.07 Upon separation from employment, employees are required to return their key scan card and keys to the Human Resources Department. It is the supervisor's responsibility to ensure the employee's key scan card and keys are returned before the employee leaves the City of East Providence's employment.
- 802.08 The key scan card and keys are the property of the City of East Providence and may be revoked for any inappropriate use. The key scan card and keys may be used only by the employee to whom they were issued.
- 802.09 Visitors: It is the policy of the City of East Providence to ensure that the security of the City of East Providence is maintained through consistent compliance.
- 802.10 It is the responsibility of the reception area staff to ascertain from all visitors the purpose of their business.

803. EMERGENCY PROCEDURES:

- 803.01 The City of East Providence has posted an Emergency Response Plan detailing the procedure for handling emergencies.
- 803.02 Should there be an emergency or situation that poses an imminent threat, the receptionist on duty, or any other available staff member, will press the panic button at the reception desk (located at the end of the workstation on the right-hand side). The panic button alerts the central station of our security vendor who will alert the Police and Fire Departments and dispatch emergency personnel to our location. If the panic button is inaccessible, the receptionist on duty, or any other available staff member, will immediately contact 911 and then notify a supervisor or department head.
- 803.03 Emergency defibrillators are located on each floor of City Hall between the corridors and in each City building by the main entrances.
- 803.04 First aid kits are available in various areas throughout the building. Employees should consult with their immediate supervisor for locations.
- 803.05 Multiple fire extinguishers are accessible throughout the facility.
- 803.06 Refer to the City of East Providence's Emergency Response Plan for details on what to do in all types of emergency situations (medical, fire, severe weather, and threats of violence).

804. FIRE SAFETY/EVACUATION PLAN:

- 804.01 Purpose: To ensure the safety of all employees and visitors during a fire/ evacuation emergency, it is the policy of the City of East Providence to take measures to safeguard the lives of employees and visitors in case of a fire and or evacuation emergency in City-owned buildings.
- 804.02 Training:

- a. All new employees will be trained on their department's evacuation plan upon arriving in their respective departments on their first day of work. This will be done as part of their new employee orientation by their immediate supervisor.
- b. All employees will be trained annually on their evacuation procedures. Each department Director and or supervisor shall record that the training took place and who attended the training. Such record shall be submitted to the HR Department upon completion.
- c. All City employees will be involved in periodic fire drills/evacuations annually in their respective buildings where they work.
- d. The Human Resources Department will coordinate the planning and execution of such training drills with the City's Fire Prevention Department and Fire Chief.
- e. The Mayor's office will be notified of the drill times and dates.
- f. Emergency egress and relocation drills, where required by Chapters 11 through 43 of the Fire Prevention Code, or the authority having jurisdiction, shall be held to familiarize occupants with the drill procedures and to establish conduct of the drill as a matter of routine. Drills shall include suitable procedures to ensure that all persons subject to the drill participate.
- g. When conducting drills, emphasis shall be placed on orderly evacuation rather than on speed of the evacuation.
- h. Extinguisher Training: Designated employees of business occupancies shall be periodically instructed in the use of portable fire extinguishers.

804.03 Guidelines:

- 804.03.01 Relocation Area: Drill participants shall relocate to a predetermined location and remain at such location until a recall or dismissal signal is given.
- 804.03.02 A written record of each drill shall be completed by the person responsible for conducting the drill and maintained in the Human Resources Department as well as the Fire Prevention Office. The record shall consist of Time, Place of drill and observations of the execution of the drill. Employees will be asked for feedback on the execution of the drill to examine their training. Their feedback will be part of the evaluation report.
- 804.03.03 Drills shall be held at expected and unexpected times and under varying conditions to simulate the unusual conditions that can occur in an actual emergency.
- 804.03.04 Each department/work area shall maintain a written list of their current employees' names on a folder or clip board marked "Emergency Evacuation Attendance Roster", where the designated Supervisor of the department shall take with them in case of an evacuation, to the relocation site, to make sure that all staff is in attendance and have been evacuated. A secondary person shall be assigned to execute such an evacuation should the primary designee be absent. The Human Resources Department will maintain a listing of all Department's primary and secondary designees.
- 804.03.05 Employees will be notified by their respective supervisor as to the locations of their relocation site.
- 804.03.06 New employees must have an emergency evacuation presentation by their immediate supervisor, at their respective departments, upon arriving on their first day of work. The presentation/training shall include their means of egress and relocation site. New employees' names will be added to the attendance roster of their respective department, on the first day of hire.
- 804.03.07 Each department and hallway shall post a diagram/floor plan of that area with directions to their means of egress.
- 804.03.08 The supervisor whose department is closest to the restroom of that area shall inspect the restrooms prior to evacuating the building.

- 804.03.09 Pulling a false alarm is a federal crime. Any employee who commits such a crime will be discharged and presented to the Police for processing.
- 804.03.10 Fire drills shall be taken seriously. Any employee not evacuating during a fire drill or any other type of announced emergency, will be subject to disciplinary action which may include termination of employment.
- 804.03.11 Fire extinguishers shall be inspected periodically (minimal annually). The Buildings and Maintenance Department is responsible for the execution of this task.
- 804.03.12 City building's sprinkler system shall be inspected annually. The Buildings and Maintenance Department is responsible for the execution of this task.

804.04 Emergency Action Plan

- 804.04.01 The City will maintain an Emergency Action Plan (EAP) that shall be kept in the Human Resources Department and the offices of Fire Chief and Fire Prevention.
- 804.04.02 An EAP shall be submitted to the Fire Chief and Fire Prevention Officer for review prior to implementation.
- 804.04.03 Emergency action plans shall be reviewed annually including an inspection of the City's buildings to make sure that any means of egress have not been altered.
- 804.04.04 The Emergency Action Plan shall include the following:
 - a. Procedures for reporting of emergencies;
 - b. Occupant and staff response to emergencies;
 - c. Evacuation, relocation, and shelter-in-place procedures appropriate to the building, its occupancy, emergencies, and hazards;
 - d. Appropriateness of the use of elevators;
 - e. Design and conduct of fire drills;
 - f. Type and coverage of building fire protection systems;
 - g. Other items required by the authority having jurisdiction.

805. ELECTRICAL DEVICES IN WORK AREAS:

- 805.01 The City of East Providence believes that the personal comfort of its employees at work is important and essential to productivity. Because it is impossible to regulate office temperature to satisfy all employees, the City of East Providence allows electrical devices to be used at the employees' own expense.
- 805.02 The City of East Providence recognizes that electrical devices such as space heaters, fans, and humidifiers can cause a safety hazard, so employees shall adhere to the following usage guidelines.
- 805.03 All Appliances:
 - a. Must be approved by the City of East Providence's Facilities Department;
 - b. Must be UL (Underwriters Laboratories) or ETL (Electrical Testing Laboratories) listed;
 - c. Must be in proper operating condition (power cord, shielding, thermostat functioning, etc.);
 - d. Must be connected directly into a wall outlet (cannot be connected to an extension cord or multi-occupied power strip); and
 - e. Must be unplugged at the end of each day.

805.04 Space Heaters:

- a. Must be 1500 watts or less;
- b. Must have automatic shutdown feature (tip-overs, overheating); and

- c. Must be turned off when space being heated is unoccupied for more than five (5) minutes (meetings, copier retrieval, breaks).

805.05 Failure to comply with these established usage guidelines will result in the removal of the appliance.

806. SMOKING AND VAPING:

806.01 Every employee of the City of East Providence has the right to work in a smoke-free environment. This right is protected by the Public Health and Workplace Safety Law of 2005 which absolutely prohibits smoking or vaping in any workplace or public building, including every building of the City of East Providence. It shall, therefore, be the policy of the City of East Providence to prohibit smoking or vaping within any building and/or grounds it owns or leases. There are no exceptions to this policy.

806.02 Entrances to all buildings will be clearly posted with “NO-SMOKING AREA” signs.

806.03 Rules and regulations promulgated by the Rhode Island Department of Health may be found on the Department of Health website at www.health.state.ri.us.

806.04 Enforcement of this policy is the responsibility of each employee. Any employee that violates this policy is subject to disciplinary action.

806.05 Unresolved complaints or problems related to the implementation or enforcement of this policy should be referred to the appropriate building manager or department head.

806.06 Information on smoking cessation programs and policies will be available to all employees through Coastline EAP <https://www.coastlineap.com/>

807. DRUG AND ALCOHOL USE AND ABUSE:

807.01 It is the purpose of this policy to eliminate substance abuse and its effects in the workplace and to ensure that all employees, elected or appointed officials, members of boards and commissions, and volunteers are in a condition to perform their duties safely and efficiently, in the interest of their co-workers and members of the public while working or representing the City of East Providence in their assigned capacity.

807.02 Employees shall not be involved with the unlawful use, possession, sale, or transfer of drugs or narcotics in any manner that may impair their ability to perform assigned duties or otherwise adversely affect the City of East Providence’s operations. Further, employees shall not possess alcoholic beverages in the workplace or consume alcoholic beverages during working hours or at the workplace, except as the Mayor may explicitly authorize. Off-the-job illegal drug activity will not be tolerated.

807.03 The use, sale, or personal possession of illegal drugs on or around the City of East Providence property is considered an offense for which an employee may be discharged immediately and prosecuted criminally. Employees that are impaired by drugs or alcohol while at work are subject to disciplinary action up to and including termination.

807.04 The use, sale, or possession of alcohol on or around the City of East Providence property, unless said alcohol is in an unopened container packaged for transport off the premises, is an offense for which an employee may be discharged immediately.

807.05 Under some circumstances, alcoholism and drug addiction may be considered covered disabilities under the Americans with Disabilities Act (“ADA”).

807.05. 01. An alcoholic is a person with a disability and may be entitled to consideration of a reasonable accommodation if they are qualified to perform the essential functions of their job for the City of East Providence. However, an employee whose use of alcohol adversely affects their job performance or conduct to the extent that they are no longer “qualified” for their job may be disciplined or discharged.

807.05.02. Current use of illegal drugs is not protected by the ADA. However, employees who are in recovery and who are no longer engaging in the current illegal use of drugs may be entitled to reasonable accommodation.

807.05.03. Reasonable accommodation of an employee with alcoholism or drug addiction may take forms, including scheduling flexibility to seek treatment, job restructuring, modified break schedules, or even a leave of absence from work (which, if the employee is eligible, may be job-protected under the FMLA and the RIPFMLA). Employees should consult the City of East Providence's Family and Medical Leave policy for more information about availability of leave under the FMLA and the RIPFMLA.

807.07 Employee Responsibilities:

807.07.01 Refrain from the use of, or possession of, illegal drugs or narcotics while on duty;

807.07.02 Do not report to work while their ability to perform job duties are impaired due to alcohol or drug use;

807.07.03 Not to possess or use alcohol or impairing drugs and prescription drugs (without a prescription) during working hours, when on breaks, during meal periods or at any time while on City property.

807.07.04 Not directly or through a third party sell or provide illegal drugs to any person, including any employee, while either employee or both employees are on duty.

807.07.05 Notify their supervisor, before beginning work, when having consumed alcohol or when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of equipment.

807.07.06 Provide within twenty-four (24) hours of request a bona fide verification of a current valid prescription for any potentially impairing drug or medication.

807.07.07 Any employee convicted of violating criminal statutes pertaining to controlled substances and/or alcohol occurring at any time must (no later than 5 days from the date of conviction) report the conviction to their supervisor and Human Resources Department or be subject to disciplinary action. Conviction means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes.

807.07.08 Documentation of conviction will include the date, time, place, description of incident and statements of witnesses or any other evidence such as drugs, drug paraphernalia, containers, etc., which was collected.

807.07.09 Employees who believe they may have an alcohol or drug usage problem are urged to voluntarily seek confidential help from the EAP or other resources available in the community. While the City will be supportive of those who seek help voluntarily, the City reserves the right to discipline or discharge an employee whose current use of alcohol or illegal drugs adversely affects their job performance or conduct.

807.08. Employee Use of Cannabis

807.08.01 The purpose of this policy is to address the use and possession of cannabis, both for recreational and medical purposes, of the employees of the City of East Providence. This policy was established in response to Rhode Island Cannabis Act (21-28.11) enacted on May 25, 2022, which legalized and regulates the use of cannabis in Rhode Island.

- 807.08.02 This policy shall apply to all City of East Providence employees in all departments.
- 807.08.03 The use of cannabis by a City of East Providence employee while the employee is at his or her place of work or while the employee is working for City of East Providence in any other location, including remote work, is strictly prohibited. This prohibition applies to both the medical and recreational use of cannabis. The use of cannabis includes, but is not limited to, smoking, vaporizing (vaping), or otherwise ingesting cannabis or any product that contains cannabis.
- 807.08.04 It is strictly prohibited for a City of East Providence employee to be under the influence of cannabis while the employee is at his or her place of work or while the employee is working for the City of East Providence in any other location, including remote work. This prohibition applies regardless of whether the employee uses cannabis recreationally or for medical purposes. An employee shall be considered under the influence of cannabis if the use of cannabis has resulted in an impairment of the employee's cognitive or psychomotor skills, regardless of whether the use of cannabis by the employee occurred prior to the employee reporting to the workplace or commencing work. An employee shall not be considered under the influence of cannabis solely for having cannabis metabolites in his or her system.
- 807.08.05 Possession of cannabis by a City of East Providence employee while the employee is at his or her place of work is prohibited. The City may make reasonable accommodations with regard to this prohibition for medical purposes, if the employee adequately demonstrates that he or she must have quick access to cannabis due to medical reasons. Such accommodation shall not excuse the employee from compliance with the prohibition on being under the influence of cannabis while working or in the workplace or using cannabis while working or in the workplace.
- 807.08.06 The following City of East Providence employees shall be prohibited from using or consuming cannabis within the twenty-four (24) hour period prior to a scheduled work shift or assignment:
- Any employee who, within the scope of his or her employment, may be required to operate an aircraft, watercraft, heavy equipment, heavy machinery; or any employee who, within the scope of his or her employment, may be required to use of explosives; or
- Any employee who is a Central Communication Dispatcher or public-safety first responder, which shall include all sworn Police Officers employed in the East Providence Police Department and all sworn Firefighters employed in the East Providence Fire Department.
- Employees who hold a commercial driver's license, and who operate a commercial vehicle for the City, are governed by the US Department of Transportation, Federal Motor Carrier Safety Administration Regulations, 49 CFR Parts 382 et seq., as originally published and subsequently amended. Accordingly, these employees are subject to random drug and alcohol tests, return to work tests, and reasonable suspicion tests, and are subject to adverse employment actions, including termination, if THC is detected, regardless of when it was consumed, or if for recreational or medicinal purposes.
- 807.08.01 Unless otherwise prohibited by any other section of this policy, no City employee shall be disciplined solely for the employee's private, lawful use or possession of cannabis outside the workplace that does not result in the employee reporting to the workplace under the influence of cannabis or working under the influence of cannabis.
- 807.08.01 Any violation of this policy may result in discipline, up to and including termination of q employment.

807.09 Supervisor Responsibilities and Guidelines:

- 807.09.01 Supervisors are responsible for the administration of discipline as deemed appropriate.
- 807.09.02 Supervisors may request that an employee submit to a drug and/or alcohol test when a supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or when reporting to work. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform their job safely is reduced.
- For example, any of the following, alone or in combination, may constitute reasonable suspicion:
- a. Slurred speech
 - b. Odor of an alcoholic beverage on breath
 - c. Odor of marijuana on clothing
 - d. Unsteady walking and movement
 - e. An accident involving the employee and/or equipment or property where the cause may be symptomatic of suspected use.
 - f. Physical altercation
 - g. Verbal altercation
 - h. Unusual behavior where the cause may be symptomatic of suspected use
 - i. Possession of alcohol or drugs
- 807.09.03 Any supervisor requesting an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- 807.09.04 A supervisor must first document the incident and then contact the department head or Director of Human Resources. If the department head or HR Director determines that drug/alcohol testing is appropriate, then the manager or supervisor will subsequently order the employee to submit to a drug/alcohol test.
- 807.09.05 Any supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis shall remind the employee that failure to comply is insubordination and may result in disciplinary action, up to and including termination of employment. Where there is reasonable suspicion that the employee is under the influence of alcohol and/or drugs, the supervisor shall, for safety purposes, offer the employee transportation from the work site.
- 807.09.06 Supervisors shall not physically search the personal possessions of employees without the consent of the employee.

808. WEAPON FREE WORKPLACE:

- 808.01 To ensure that the City of East Providence maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on company property including all City-owned or leased vehicles. Exceptions to this policy only include any East Providence Police Officer carrying a handgun as part of their normal operations while on duty.
- 808.02 Dangerous weapons include firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.
- 808.03 All workers are subject to this provision, including contract workers and temporary employees as well as visitors and members on company property. A license to carry the weapon on City property does not supersede company policy. Any employee in violation of this policy will be subject to disciplinary action up to and including termination.

809. VIOLENCE IN THE WORKPLACE:

- 809.02 Conduct that threatens, intimidates, or coerces another employee or visitor will not be tolerated. The City of East Providence's resources may not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. The City of East Providence treats threats coming from an abusive personal relationship as it does other forms of violence.
- 809.03 Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor or the department head. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.
- 809.04 The City of East Providence will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will remain confidential to the extent possible. The City of East Providence will not retaliate against employees making good-faith reports of violence, threats, or other suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the City of East Providence may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.
- 809.05 Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.
- 809.06 Employees should promptly inform Human Resources of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns regarding domestic violence. The City of East Providence is committed to supporting victims of domestic violence by providing referrals to the City of East Providence's EAP and community resources and providing time off for reasons related to domestic violence.

810. ACTIVE SHOOTER – STANDARD OPERATING PROCEDURES (SOP):

- 810.01 Policy: To preserve life and address the reality of an active shooter event, these guidelines have been established to guide our response to this event to maximize survivability. Most importantly, quickly determine the most reasonable way to protect your own life.
- 810.02 Planning for an active shooter incident includes these phases: Prevention – Response – Recovery.
- 810.03 Definitions:
- a. Active Shooter –defined as “an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims.
 - b. ALICE – ALICE is an Active Shooter Response Training (Alert, Lockdown, Inform, Counter, Evacuate) teaches people to make good survival decisions should an attack or incident occur.
 - c. Threats – Violent behavior, loud voice, verbalizing threats.
- 810.04 Preparing for and preventing an active shooter incident: The intent of most active shooters is to kill as many people as quickly as possible. To save lives, the law enforcement agency having jurisdiction will initiate an immediate response. Active shooter situations often occur unexpectedly and often play out in less than 10 to 15 minutes. Active shooters usually have some familiarity with the building/location where they intend to act and may have engaged in some pre-incident surveillance activity. Planning for active shooter incidents cannot eliminate all risk. The goal is to minimize and mitigate risk where possible.
- 810.05 Active shooter training will be conducted every two (2) years. This training will consist of a presentation, practical work, and a workplace assessment. This training will be instrumental in forming the employee's individual safety plan.
- 810.06 Being sensitive to and aware of behaviors generally associated with those individuals who may become an active shooter so that, if possible, preventive assistance may be provided to those persons. There will be a threat

assessment team to deal with reports of concerning behavior. This team will define prohibited behavior, reporting methods, and determine the threshold for organizational intervention. There will be a recognized method for employees, or anyone, to report concerning behavior or warning signs to a supervisor.

810.07 Self-defense armament/equipment/pepper spray is not allowed to be brought into the workplace unless authorized as part of the employee's normal duties such as a police officer.

810.08 Threats by employees will not be tolerated and employees will be subject to disciplinary action up to and including termination of employment.

810.09 Responding to an active shooter incident: Upon discovery of an active shooter situation, as soon as possible, and when safe to do so, notify law enforcement by dialing 911 and provide overhead announcement of an "active shooter" and location. Avoid using codes and give information using plain, understandable language. All desktop phones will have this capability.

- a. The phone call to 911 (from the area where they are safely concealed) should provide the following information:
 - i. Description of suspect and possible location
 - ii. Number and types of weapons
 - iii. Suspect's direction of travel
 - iv. Location and condition of any victims
- b. If an employee feels that a visitor or another employee looks suspicious or their behavior/conduct is concerning, they must notify their supervisor immediately. If a supervisor is not available, they should call 911.
- c. Supervisors who have had incidents of this nature reported to them, must call the police, Human Resources Department, and the Mayor's office, immediately.

810.10 Techniques:

- a. Alert – How did you become aware of the incident? What did you see and what did you hear? This will assist in determining your response; evacuation, lockdown, or counter.
- b. Evacuate – (First preference and priority) If there is an accessible escape path, attempt to evacuate the premises. Be sure to:
 - i. Have an escape route and plan in mind
 - ii. Evacuate regardless of whether others agree to follow
 - iii. Leave your belongings behind
 - iv. Help others escape, if possible
 - v. Prevent individuals from entering an area where the active shooter may be
 - vi. Keep your hands visible
 - vii. Follow the instructions of any police officers
 - viii. Do not attempt to move wounded people
 - ix. Call 911 when you are safe
- c. Lockdown – (Second preference and priority) If evacuation is not possible, find a place to hide where the active shooter is less likely to gain access to you. Attempt to put a secure door between you and the shooter.
 - i. Get to or direct personnel into rooms, close the door and attempt to barricade the door with heavy furniture
 - ii. Stay out of the active shooter's view
 - iii. Seek protection if shots are fired in your direction (i.e., create a barricade, lock the door, stay as low to floor as possible and remain quiet and still)
 - iv. Avoid trapping yourself or restricting your options for movement
 - v. Silence your cell phone and or pager

- vi. Hide behind large items (i.e., cabinets, desks)
 - vii. Remain quiet
- d. Counter – (Final preference and priority) take action against the active shooter – as a last resort, and only when your life is in imminent danger, attempt to:
- i. Disrupt and/or incapacitate the active shooter by:
 - ii. Acting as aggressively as possible against him/her
 - iii. Throwing items and improving weapons
 - iv. Yelling
 - v. Committing to your actions
 - vi. Working with others to counter the attack
- e. Inform – Once you have evacuated or have secured location:
- i. Attempt to remain calm
 - ii. Dial 911, if possible, to alert police to the active shooter’s location
 - iii. If you cannot speak, leave the line open and allow the dispatcher to listen

810.11 Law Enforcement: When law enforcement arrives:

- a. Remain calm and follow instructions
- b. Put down an item in your hands (i.e., bags, jackets)
- c. Raise hands and spread fingers
- d. Always keep hands visible
- e. Avoid quick movements towards officers such as holding on to them for safety
- f. Avoid pointing, screaming, or yelling
- g. Do not stop to ask officers for help or direction when evacuating

810.12 Recovering From an Active Shooter Incident: Share Information with Employees – The health and wellbeing of our residents and employees is critical. As soon as possible after law enforcement has relinquished command and control of the scene, the facility administrator and social worker will develop information strategies to address resident, employee, and family questions related to the event.

810.13 Handle Critical Sites with Care, this is a Crime Scene – Initially, the site of a violent incident will be secured as a crime scene. After the authorities have completed their investigation and have released the crime scene, management will need to have the facility appropriately cleaned and sanitized. Cleanup for the safe removal of bio-hazardous substances including blood borne pathogens must take place, yet must be sensitive, compassionate, and caring for the deceased.

810.14 Post-Event Stresses – Effective coordination with the media and timely dissemination of information can help reduce media pressure on those who are the most vulnerable. Assistance with employee benefits and other administrative issues can reduce the burden on victims and families. The administrator or a representative will be designated as the Public Information Officer who is authorized to speak on behalf of the facility to the media.

810.15 Bring in Crisis Response Professionals – Before an incident ever occurs, the planning group will identify trained mental health professionals in the agency who would be available to respond in the event of an incident. When an incident occurs, these emergency mental health consultants will as soon as possible, provide any necessary physical, emotional, and psychological support.

810.16 Support Care – Keep work groups together as much as possible and try not to isolate employees from their normal support groups at work. Show respect and support from employees’ efforts to care for one another.

810.17 Threat Assessment Team – The Threat Assessment Team (TAT) will meet annually for training (including all department heads and supervisors. Any reported behavior concerns will be addressed and investigated immediately by the team affected. The TAT member who either observed the concerned behavior or who the behavior was reported to, shall convene the TAT team within 24 hours for a briefing.

SECTION 9: COMMERCIAL MOTOR VEHICLE DRIVERS



901. EMPLOYEE COMMERCIAL VEHICLE DRIVERS:

901.01 Policy: The City of East Providence is required by the U.S. Department of

Transportation, Federal Motor Carrier Safety Administration to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

- a. The City values its employees and recognizes each employee's need for a safe and healthy work environment and is committed to maintaining a safe workplace for its drivers and other users of the roadways that is free from illegal controlled substance use and the misuse of alcohol; and
- b. The City recognizes employees who use illegal controlled substances and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to absenteeism, all of which potentially will result in increased accidents, costs, and risk to the Employer, its employees, and the public.

Accordingly, the City of East Providence has amended its "Controlled Substance and Alcohol Testing Policy" in compliance with the following laws and regulations.

901.02 Regulatory References:

U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration Regulations (FMCSA), 49 CFR Parts 382 et al. as originally published February 15, 1994, Revised December 5, 2016, and including any subsequent amendments.

U.S. Department of Transportation's published 49 CFR Part 40 as originally published December 1, 1989, revised August 8, 2016, and including any subsequent amendments.

901.03 Preemption of State and Local Laws: Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that:

- a. Compliance with both the State or local requirement is not possible; or
- b. Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part

This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the public.

902. OTHER REQUIREMENTS IMPOSED BY EMPLOYERS:

902.01 Except as expressly provided in this part, nothing in this part shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

902.02 Applicability: The drivers subject to drug and alcohol testing under this Policy are those drivers required to have a Commercial Driver's License (CDL), and who operate a Commercial Motor Vehicle (CMV). A CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- a. Has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;
- b. Is designed to transport sixteen (16) or more passengers, including the driver; or
- c. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C.5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F)
(Includes the Licencia Federal de Conductor (Mexico) requirements and the commercial driver license requirements of the Canadian National Safety Code.)

902.03 Exceptions: 49 CFR part 382 shall not apply to employers and their drivers: (1) required to comply with the alcohol and/or controlled substances testing requirements of 49 CFR part 655 (Federal Transit Administration alcohol and controlled substances testing regulations); or (2) the State must waive from the requirements of 49 CFR part 383. These individuals include active-duty military personnel, members of the reserves and members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training and national guard military technicians (civilians who are required to wear military uniforms), and active-duty U.S. Coast Guard personnel; or (3) Who a State has, at its discretion, exempted from the requirements of 49 CFR part 383.

902.04 Definitions: The following terms and abbreviations used in this program are further defined below:

- a. BAT Breath Alcohol Technician
- b. CDL Commercial Driver's License
- c. CFR Code of Federal Regulations
- d. CMV Commercial Motor Vehicle
- e. DER Designated Employer Representative
- f. DHHS Department of Health & Human Services
- g. DOT Department of Transportation
- h. EBT Evidential Breath Testing Device
- i. FMCSA Federal Motor Carriers Safety Administration
- j. MRO Medical Review Officer
- k. SAP Substance Abuse Professional
- l. STT Screening Test Technician

For purposes of this program, the following definitions are adopted.

- a. ACCIDENT means an occurrence involving a commercial motor vehicle operating on a public road in commerce, which results in:
 1. The loss of human life;
 2. The operator receiving a citation under State, or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i. Bodily injury to any person, who, because of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii. One or more motor vehicles incur disabling damage because of the accident.
- b. ADULTERATED SPECIMEN means a specimen that has been altered, as evidenced by the test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- c. ALCOHOL means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
- d. ALCOHOL CONCENTRATION (OR CONTENT) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.
- e. BREATH ALCOHOL TECHNICIAN (BAT) means a trained and certified individual who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
- f. CANCELED TEST means a drug or alcohol that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor negative test.
- g. CHAIN OF CUSTODY means the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.
- h. CFR means the Code of Federal Regulations.
- i. COLLECTION SITE means a place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test and/or a breath specimen for an alcohol test.
- j. COMMERCE means any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
- k. COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE (or just CLEARINGHOUSE) means the FMCSA database that subpart G of 49 CFR Part 382.701-727 requires employers and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations.

Effective January 6, 2020, the FMCSA will establish a mandatory database and the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- i. A verified positive, adulterated, or substituted drug test result;
 - ii. An alcohol confirmation test with a concentration of 0.04 or higher;
 - iii. A refusal to submit to any test required by subpart C of this part;
 - iv. An employer's report of actual knowledge, as defined at § 382.107;
 - v. On duty alcohol use pursuant to § 382.205;
 - vi. Pre-duty alcohol use pursuant to § 382.207;
 - vii. Alcohol use following an accident pursuant to § 382.209; and
 - viii. Controlled substance use pursuant to § 382.213;
 - ix. A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
 - x. A negative return-to-duty test; and
 - xi. An employer's report of completion of follow-up testing.
- I. COMMERCIAL MOTOR VEHICLE means a motor vehicle or combination of motor

vehicles used in commerce to transport passengers or property if the vehicle:

- i. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
 - ii. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
 - iii. Is designed to transport 16 or more passengers, including the driver; or
 - iv. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- m. CONFIRMATION (OR CONFIRMATORY) DRUG TEST means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
- n. CONFIRMATION (OR CONFIRMATORY) VALIDITY TEST means a second test performed on a urine specimen to further support a validity test result.
- o. COUNSELING, TREATMENT, OR REHABILITATION PROGRAM is determined by a Substance Abuse Professional (SAP) knowledgeable in substance abuse disorders based upon, but not limited to, an evaluation of the nature and extent of an individual's substance abuse, use, or problem, and includes a recommended treatment program, if applicable.
- p. DESIGNATED EMPLOYER REPRESENTATIVE (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.
- q. DHHS is the Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.
- r. DILUTE SPECIMEN means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
- s. DISABLING DAMAGE means damage which precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs. This includes damage to motor vehicles that could have been driven but would have been further damaged if so driven.

Excludes:

- i. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - ii. Tire disablement without other damage even if no spare tire is available.
 - iii. Headlight or taillight damage.
 - iv. Damage to turn signals, horn, or windshield wipers, which make them inoperative.
- t. DRIVER means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors.
- u. EMPLOYER means the City of East Providence who employs one or more employees (including an individual who is self-employed) that is subject to DOT/FMCSA agency regulations requiring compliance with 49 CFR Part 40 and 382. As used in this Policy the term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the City of East Providence who take personnel actions resulting from violations of this program and any applicable DOT

agency regulations. “Employer” is used interchangeably with “Company” in this policy. Service agents are not employers for the purposes of DOT/FMCSA regulations.

- v. EVIDENTIAL BREATH TESTING DEVICE (EBT) means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for “Evidential Breath Measurement Devices” and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.
- w. LABORATORY means any U.S. testing laboratory certified by the Department of Health and Human Services under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.
- x. MEDICAL REVIEW OFFICER (MRO) means a person who is a licensed physician (doctor of medicine or osteopathy) and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.
- y. PERFORMING (A SAFETY SENSITIVE FUNCTION) means a driver is performing safety sensitive function during any period in which he or she is performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- z. POLICY means the initiative related to the Controlled Substance and Alcohol Testing Policy of the City of East Providence for drivers in compliance with U.S. Department of Transportation and Federal Motor Carrier Safety Administration regulations for drug and alcohol testing.
- aa. PRIMARY SPECIMEN (IN DRUG TESTING BOTTLE A) is the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in their system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.
- bb. REFUSE TO SUBMIT (TO AN ALCOHOL OR CONTROLLED SUBSTANCE TEST) means that a driver:
 - i. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
 - ii. Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
 - iii. Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
 - iv. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver’s provision of a specimen;
 - v. Fails to provide enough urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - vi. Fails or declines to take a second test the employer or collector has directed the driver to take;
 - vii. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of

- employment;
 - viii. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process) or;
 - ix. Is reported by the MRO as having a verified adulterated or substituted test result.
- cc. SAFETY SENSITIVE FUNCTION means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:
- i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
 - ii. All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - iii. All time spent at the driving controls of a commercial motor vehicle in operation;
 - iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of §393.76 of this subchapter);
 - v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- dd. SCREENING DRUG TEST (OR INITIAL DRUG TEST) means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
- ee. SERVICE AGENTS are all parties, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, Substance Abuse Professionals (SAP's), and C/TPAs.
- ff. SHY BLADDER means a donor is unable to provide enough urine for a drug test. When this occurs, the donor is offered up to 40 ounces of fluid over a three (3) hour period to try to obtain an adequate urine specimen for testing in one void. If the donor is still unable to provide enough urine, the donor must be evaluated by a physician, acceptable to the MRO, to determine if there is a medical explanation for the inability to provide the specimen.
- gg. SHY LUNG means an individual is unable to provide enough breath to perform an evidential breath test for alcohol. When this occurs, the donor must be evaluated by a physician, approved by the Employer, to determine if there is a medical explanation for the inability to provide sufficient breath.
- hh. SPLIT SPECIMEN (IN DRUG TESTING BOTTLE B) is a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory if the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- ii. STAND-DOWN means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.
- jj. SUBSTANCE ABUSE PROFESSIONAL (SAP) means a person who evaluates employees who have violated a DOT drug and/or alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. The SAP must be a licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified

social worker, psychologist, employee assistance professional, state-licensed or certified marriage and family therapist, or an alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse. SAPs must have knowledge of and clinical experience in the diagnosis and treatment of substances abuse-related disorders. The SAP is also required to have a working knowledge of DOT/FMCSA applicable to the employer for whom they evaluate employees who have engaged in a DOT drug or alcohol regulation violation.

- kk. **SUBSTITUTED SPECIMEN** means a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.
- ll. **SUPERVISOR** means all operational supervisors employed by The City of East Providence to supervise driver employment activities, and who have received 60 minutes of training on the specific and contemporaneous physical, behavioral, and performance indicators of probable drug use, and an additional 60 minutes of similar training of probable alcohol use/misuse. A supervisor does not have to be a supervisor by job description title.
- mm. **VALIDITY (CONFORMATORY) TESTING** means a second test performed on a different aliquot of the original urine specimen to further support a validity test result.
- nn. **VERIFIED TEST** means a drug test result or validity testing result from a DHHS-certified laboratory that has undergone review and final determination by the MRO.
- oo. **WORKPLACE** means a building, property or premise owned or utilized for official business, jobsites, and any type of vehicles owned and/or operated by an employee on behalf of the City of East Providence.

903. COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

903.01 Pursuant to subpart G of 49 CFR Part 382.701-727 employers and service agents will report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations. Effective January 6, 2020, the FMCSA mandatory database and the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- a. A verified positive, adulterated, or substituted drug test result;
- b. An alcohol confirmation test with a concentration of 0.04 or higher;
- c. A refusal to submit to any test required by subpart C of this part;
- d. An employer's report of actual knowledge, as defined at § 382.107;
- e. On duty alcohol use pursuant to § 382.205;
- f. Pre-duty alcohol use pursuant to § 382.207;
- g. Alcohol use following an accident pursuant to § 382.209;
- h. Controlled substance use pursuant to § 382.213;
- i. A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
- j. A negative return-to-duty test; and
- k. An employer's report of completion of follow-up testing.

903.02 **Prohibited Conduct:** In accordance with 49 CFR Part 382, subpart B, "Prohibitions" and the City of East Providence own authority, conduct listed in this section is prohibited. A driver in violation of the provisions in this section is subject to disciplinary action up to and including termination for gross and willful misconduct.

A driver is prohibited from performing, and the Employer is prohibited from using a driver to perform safety sensitive functions upon notification of a verified positive, substituted, or adulterated drug test result or an EBT alcohol test result indicating a measured alcohol concentration of 0.02 or greater, regardless of when the drug or alcohol was ingested and regardless of whether or not the driver is under the influence of alcohol or using drugs, as defined in federal, state or local law.

Refusal to Test (alcohol or controlled substance test). Refusal to test means that the driver:

- a. Fails to appear for any test (except a pre-employment test) within a reasonable time, as

- determined by the Employer, consistent with DOT/FMCSA regulations, after being directed to do so by the Employer;
- b. Fails to remain at the testing site until the testing process is complete. If the reason for the test is pre-employment, then a driver who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
- c. Fails to provide a urine specimen for any drug test required by Part 40 or FMCSA regulations. If the reason for the test is pre-employment, then a driver who does not provide a urine specimen because they have left the testing site before the testing process commences is not deemed to have refused to test;
- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
- e. Fails to provide enough urine when directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
- f. Fails or declines to take a second test the employer or collector has directed the driver to take;
- g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Employer under 49 CFR part 40.193. In the case of a pre-employment drug test, the driver is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- h. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or is reported by the MRO as having a verified adulterated or substituted test result.

903.03 Controlled Substances: The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer's property, in the workplace, on duty, or off duty when the conduct affects the driver's fitness for duty.

- a. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I.
- b. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- c. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- d. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.
- e. When a driver fails to provide an adequate urine sample, the Employer, after consulting with Medical Review Officer (MRO) shall direct the driver to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO. The referral physician must have expertise in the medical issues raised by the driver's failure to provide a sufficient specimen, to determine if a medical condition precluded the driver from providing a sufficient amount of urine. The referral, if other than the MRO, must provide a written report to the MRO. The MRO will seriously consider and assess the referral physician's recommendation in deciding the reason for the inability to provide an adequate specimen.
- f. If the MRO determines the failure to provide an adequate specimen was due to a medical condition, the test will be reported as cancelled to the Employer. A cancelled test will not

constitute a “refusal to test” and no disciplinary action will be taken. If the MRO determines the failure to provide an adequate specimen was not due to a medical condition, the MRO will report a “refusal to test” to the Employer.

- g. Leaving the scene of an accident without a valid reason, except to submit to a drug test or to receive or to obtain medical treatment, will create a rebuttable presumption of a refusal to test.
- h. Consuming any chemical substance within 32 hours after an accident unless a post-accident drug test has been performed.

903.04 Alcohol: The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer’s property, in the workplace, on duty, or when the conduct affects the driver’s fitness for duty.

- a. Use of alcohol, an alcohol concentration of 0.02 or greater, or under the influence of alcohol while performing safety-sensitive functions, operating, or having physical control of a vehicle, or within four (4) hours before going on duty operating or having physical control of a vehicle.
- b. Leaving the scene of an accident, except to submit to an alcohol test or to receive or obtain medical treatment or consuming any alcohol within eight (8) hours after an accident unless a post-accident alcohol test has been performed.
- c. Having ANY measured alcohol concentration or detected presence of alcohol while on duty, operating or in physical control of a vehicle (Ref: 49 CFR Part 392.5).
- d. Be on duty or operate a vehicle if, by the driver’s general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four (4) hours regardless of whether an EBT alcohol test has been performed.
- e. Report for duty, perform or continue to perform safety sensitive functions including driving a vehicle with an alcohol concentration level of 0.02 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- f. When a driver has a confirmed alcohol concentration level of 0.02 but less than 0.04 the driver will be immediately removed from performing any safety sensitive function until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action, under DOT/FMCSA, may be taken against a driver based solely on test results showing an alcohol concentration level less than 0.04. The Employer is not prohibited from acting, under its own authority, or as otherwise consistent with law. When a driver has a confirmed alcohol concentration level of 0.04 or greater the driver will be immediately removed from performing any safety sensitive function.
- g. Any driver whose appearance, conduct, or other substantiating evidence gives reasonable suspicion of alcohol use, and a test cannot be administered will be immediately removed from performing any safety sensitive function. Removal from duty for reasonable suspicion when unable to administer a test for alcohol does not require evaluation by a substance abuse professional.
- h. When a driver fails to provide an adequate breath sample, the driver will be referred to a licensed physician, approved by the Employer, for a medical evaluation to determine the reason for the inability to provide an adequate sample. If the physician determines the failure to provide an adequate specimen was due to a medical condition, it will not constitute a “refusal to test” and no disciplinary action will be taken. If the physician determines the failure to provide an adequate specimen was not due to a medical condition, it will constitute a “refusal to test.”

904. REQUIRED TESTING:

904.01 This Program provides for testing of applicants for employment and employee drivers for the use of controlled substances, including alcohol, for the following purposes:

- a. Pre-employment (Drug Test Only)

- b. Random
- c. Return to Duty and Follow Up, if applicable
- d. Reasonable Suspicion
- e. Post-Accident

Employees will be compensated for time expended to provide test samples only if testing is directed by the Employer. Applicants are not compensated for time expended to provide test samples.

905. PRE-EMPLOYMENT TESTING:

905.01 As condition of employment, all driver applicants are required to comply with the provisions of the City of East Providence “Controlled Substances and Alcohol Testing Policy” and the requirements of 49 CFR part 40, and 49 CFR part 382.

905.02 All driver applicants are subject to pre-employment drug testing unless otherwise exempted by regulation. Testing must be completed, and the Employer must receive a verified negative test result for the driver prior to the first time a driver performs a safety-sensitive function. The Employer is not required to administer a pre-employment controlled substances test if the driver meets the exceptions of 49 CFR part 382.301(b) as follows:

- a. Has participated in a controlled substance testing program that meets the requirements of 49 CFR part 382 within the previous thirty (30) days; and
- b. Has tested for controlled substances within the past six (6) months (from the date of application with the Employer), or participated in the random controlled substances testing program for the previous twelve (12) months (from the date of application with the Employer); and
- c. The Employer ensures that no prior employer of the driver has records of a violation of the MCSA regulations or the controlled substances use rule of another DOT agency within the previous six (6) months.

905.03 If the Employer exercises the exception to perform a pre-employment controlled substances test, the Employer must contact the controlled substances testing program(s) in which the driver participated and shall obtain and retain the following information:

Name(s) and address of the program(s).

- a. Verification that the driver participates or participated in the program(s) and the program conforms to Part 40.
- b. Verification that the driver is qualified under FMCSA regulations, including that the driver has not refused to be tested for controlled substances.
- c. The date the driver was last tested for controlled substances and the results of any tests taken within the previous six (6) months and any other violations of FMCSA regulations.

905.04 If the Employer uses but does not employ a driver more than once a year to operate a CMV, the information enumerated above in part must be obtained at least once every six (6) months.

905.05 Upon an offer of employment and as a condition of employment: (1) An applicant will be asked to disclose, under affidavit, whether they has had a positive drug or alcohol test result, or refusals to test on any pre-employment test administered by an employer to which the applicant applied for but did not obtain safety-sensitive transportation work covered by DOT during the past three (3) years. If the applicant admits that they had a positive or a refusal to test on a pre-employment test, the applicant must satisfy the requirements of V. A. 5.d (1)-(6) below to be considered for employment. (2) The applicant will also be required to sign a release authorizing the City of East Providence to obtain information on the applicant’s alcohol tests with a concentration result of 0.04 or greater, verified positive controlled substances test results, refusals to be tested, and other violations of DOT/FMCSA drug and alcohol testing regulations from DOT employers for whom the individual worked during the three (3) years prior to the date of application or transfer.

- 905.06 If feasible, the information required in V.A.5 above must be obtained from previous employers prior to the first time the applicant performs safety sensitive functions for the City of East Providence.
- 905.07 If not feasible, the information must be obtained and reviewed as soon as possible, but no later than 30 calendar days after the first time the applicant performs safety sensitive functions unless the Employer obtained or made and documented a good faith effort to obtain this information.
- 905.08 The Employer must retain this information (including documentation of a good faith effort to obtain) for three years from the date of the driver applicant's first performance of safety sensitive duties.
- 905.09 Upon receipt of the information described in V.A5., above, if the information states or if the driver applicant admits that they have had a verified positive drug or alcohol test, or refusal to be tested, the Employer is prohibited from using the driver applicant to perform safety-sensitive functions until and unless the applicant documents successful completion of the return-to-duty process by submitting evidence of:
- a. Evaluation by a substance abuse professional;
 - b. Completion of any treatment, counseling, rehabilitation, etc., recommended by the substance abuse professional;
 - c. Reevaluation by a substance abuse professional to determine the applicant has successfully and properly complied with the treatment, counseling, rehabilitation, etc.
 - d. Passed a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substances test with a verified negative result;
 - e. Completion of at least six follow up tests with negative results within 12 months after a return to duty; and
 - f. The applicant has been medically certified as qualified to drive. If the driver applicant refuses to provide written consent to authorize release of the drug and/or alcohol testing history, they will not be permitted to perform safety sensitive functions as a driver.
- 905.10 If the City of East Providence is the employer from whom information is requested, after reviewing a driver applicant's specific, written consent, the information must immediately be released to the employer making the inquiry. All information provided must be in writing, and a written, confidential record of the information, including the date, the party to whom it was released, and a summary of the information provided documented and maintained on file.

906. REASONABLE SUSPICION:

- 906.01 This policy provides for the testing of drivers for controlled substances, including alcohol, when the City of East Providence supervisor, who is trained in accordance with 49 CFR part 382.603, has reasonable suspicion the driver is unfit to perform their duties or has used or is using controlled substances and/or alcohol prohibited under this program.
- 906.02 Reasonable suspicion arises from an employer having reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
- 906.03 Drivers may be directed by the City of East Providence to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- 906.04 Determinations to test will be made immediately before, during or immediately after a driver is performing a safety sensitive function.

- 906.05 The supervisor who decides to test a driver for reasonable suspicion of drugs or alcohol shall not perform the specimen collection for the drug test or perform the EBT test for alcohol.
- 906.06 Reasonable suspicion alcohol tests will be performed within eight (8) hours of the determination that such testing is required.
- 906.07 A driver will be removed from performing safety sensitive functions until a test can be performed confirming an alcohol concentration less than 0.02; for a minimum of twenty-four (24) hours if an alcohol test is not performed.
- 906.08 Procedure - A driver directed to submit to a reasonable suspicion controlled substances and/or alcohol test will be transported to a collection/testing site by the Employer's designated representative for the collection of urine and/or a breath specimen.

907. RANDOM TESTING:

- 907.01 All covered employees are subject to random testing for drugs and alcohol. The selection of drivers for random alcohol and controlled substances testing is made by a scientifically valid method, using a computer based random number generator that is matched with the drivers' social security numbers, and is fully documented. Selections are spread reasonably throughout the calendar year, and each driver selected for testing must be tested during the selection period. Random selections are made to ensure testing for controlled substances and alcohol are conducted at not less than the minimum annual rates established by FMCSA. These rates are subject to change each year as determined by FMCSA.
- 907.02 Drivers selected for random testing will be notified and shall immediately report to the collection/testing site upon notification to be tested. If the driver is performing a safety sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Employer will ensure the driver ceases to perform the safety sensitive function and proceed to the testing site as soon as possible. Failure to immediately proceed to the collection/testing site may be deemed a refusal to test.
- 907.03 Random alcohol tests will be performed while the driver is performing or just before performing safety sensitive functions or just after the driver has ceased performing safety sensitive functions.
- 907.04 Random controlled substances testing will be conducted at any time the driver is working for the Employer.
- 907.05 When a driver is off work due to long term layoffs, illnesses, injuries, or vacation more than 30 days, the pre-employment controlled substances provisions apply prior to the driver performing safety sensitive functions.

908. POST ACCIDENT TESTING:

- 908.01 Drivers are subject to post accident testing for drugs and alcohol. Drivers will be provided with necessary post-accident information, procedures, and instructions so that testing can be performed.
- a. Post-accident drug and alcohol tests will be performed as soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce.
 - b. Drivers must remain readily available for testing, in the absence of receiving or obtaining medical treatment, and are prohibited from using any drugs or alcohol until testing has been completed. The administration of legal drugs determined to be medically necessary for treatment of injuries of the driver when prescribed by a licensed medical practitioner will not be delayed pending a drug test.
 - c. Post-accident controlled substance tests must be performed as soon as possible but within 32 hours after an accident. If the test is not administered within 32 hours following the accident, the supervisor shall cease any attempt to administer the test, under DOT authority, and document why it was not possible to perform it and maintain on file. Records must be submitted to the FMCSA upon request.
 - d. Post-accident EBT alcohol tests must be performed as soon as possible but within eight (8) hours after the accident. If an EBT test is not administered within two (2) hours

following the accident, the supervisor is required to document why it was not performed and maintain on file. Records must be submitted to the FMCSA upon request.

- e. If an EBT test is not administered within eight (8) hours following the accident, the supervisor shall cease any attempt to administer the test and document why it was not performed, and if it would have been possible to perform a blood alcohol test.
- f. Any “missed” tests, e.g., tests could not be performed, shall be reported to FMCSA, upon request.
- g. A breath or blood test for the use of alcohol and/or a urine test for the use of controlled substances conducted by federal, state, or local officials having independent authority for the test, shall be considered to satisfy the post-accident testing requirements, provided such tests conform to the applicable federal, state, or local testing requirements and that the results of the tests are obtained by the Employer.

908.02 The following table notes when post-accident drug and alcohol tests are required to be performed in accordance with DOT/FMCSA regulations.

- a. Type of accident
- b. Involved
- c. Citation issued to CMV driver
- d. Test must be performed by employer (Yes or No)
- e. Human fatality (Yes or No)
- f. Bodily injury with immediate medical treatment away from the scene (Yes or No)
- g. Disabling damage to any motor vehicle requiring tow away (Yes or No)

908.03 The driver must receive a citation within thirty-two (32) hours of the occurrence under state or local law for a moving traffic violation arising from the accident.

909. RETURN TO DUTY:

909.01 When a driver is in violation of the controlled substances or alcohol prohibitions in this Policy, before a driver returns to duty requiring the performance of safety sensitive functions, they must:

- a. Be evaluated by a Substance Abuse Professional (SAP);
- b. Complete the recommended treatment, counseling plan, etc.
- c. Be re-evaluated by the SAP to determine successful completion of treatment; and
- d. Submit to a return to duty test for drugs and/or alcohol
 - i. The result for a controlled substances test result must be negative and/or;
 - ii. The alcohol test result must confirm an alcohol concentration level less than 0.02.

910. FOLLOW-UP:

910.01 Upon a verified negative return to duty test(s), the driver is required to submit to at least six (6) follow up tests during the first 12 months following return to duty.

910.02 Follow up testing may be required for up to 60 months unless the Substance Abuse Professional decides testing is no longer warranted.

910.03 Follow up tests are unannounced and may include testing for drugs and/or alcohol.

910.04 Follow-up alcohol testing will be conducted only when the driver is performing or just before performing safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

911. SUBSTANCES TO BE TESTED:

911.01 Under this Program applicants and drivers will be routinely tested for the substances listed below:

- a. Marijuana metabolites;
- b. Cocaine metabolites;
- c. Amphetamines;
- d. Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
- e. Phencyclidine (PCP);
- f. Alcohol

911.02 The threshold levels (screening and confirmation) for the substances specifically listed above have been established by DHHS/SAMHSA regulations, 49 CFR part 40, and this program adopts, by reference, these threshold levels for testing purposes as published and including any subsequent amendments.

912. INDIVIDUAL RIGHTS:

912.01 The individual being tested will receive a copy of the *Chain of Custody* and *Control Form* upon completion of the specimen collection process for a urine drug test.

912.02 A copy of the Alcohol Test Form, which includes the test result, will be given to the individual tested for alcohol when performed using an EBT.

913. GENERAL PROVISIONS:

913.01 If a driver is using a legally obtained prescription or over the counter drug which has actual mind or performance altering effects, they must show the medication and/or prescription to the DER at the beginning of the work period.

913.02 Depending upon the nature of the drug and the driver's job duties, the DER may refuse to allow the driver to perform safety sensitive functions unless they refrain from taking the medicine/drug:

- a. Until such time as the effects will not be experienced during the driver's on duty time; or
- b. Upon presenting a note from the prescribing licensed medical practitioner stating there are no adverse side effects from taking the prescription which would impair the driver's ability to safely perform safety sensitive functions.

913.03 Urine specimen collections performed under direct observation shall or may be required when:

- a. A donor alters or attempts to alter, substitute, or contaminate a urine specimen.
- b. A donor attempts to obstruct the testing process.
- c. The temperature of the urine specimen is outside of the established temperature range 98-100 degrees °F.
- d. A previous drug test report indicated an adulterated or substituted specimen.
- e. The test is a follow-up or return to duty test.

913.04 Drivers shall notify the Designated Employer Representative (DER) of any conviction of a violation, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control (other than a parking violation) but including a criminal drug or alcohol statute conviction. Drivers are also required to notify the DER if their driver's license is suspended, revoked, or canceled by a state or jurisdiction; who loses the right to operate a CMV for any period; or who is disqualified from operating a CMV. The notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

913.05 Legally prescribed medications must be written ONLY for the driver. Any driver taking a medication prescribed for another person (including a spouse) will be considered to be taking an illegal substance. Medications and any food substance containing alcohol are prohibited for drivers on duty and while performing safety sensitive functions. Ingestion of hemp foods or products is not a legal medical explanation as a defense to a positive drug test under DOT.

913.06 The Employer reserves the right to implement a policy, in accordance with 49 CFR Parts 40.155(c) and 40.197, that requires an employee to immediately take another drug test upon the receipt of a “negative dilute” test result from the MRO. When an employee is directed to take another test (but not under direct observation), the result of the second test becomes the test of record. The employer is not permitted to make the employee take a third test because the second test was also “negative dilute.” If an employee does not take a second test, it becomes a refusal to test, and the employee will be subject to the same disciplinary action as provided herein on a refusal to test.

914. CONSEQUENCES OF PROGRAM VIOLATION(S):

914.01 Except as otherwise provided in this policy, no driver shall perform safety sensitive functions, including driving a CMV, if the driver has engaged in conduct prohibited by this policy or an alcohol or controlled substances rule of another U.S. Department of Transportation agency. For purposes of this section, “CMV” means a commercial motor vehicle in commerce as defined herein and a CMV in interstate commerce as defined in 49 CFR part 390.

914.02 No driver who has engaged in conduct prohibited by this Policy shall perform safety sensitive functions, including driving a CMV, unless the driver has successfully completed the referral, evaluation, and treatment listed in this Policy.

914.03 No driver tested under the alcohol testing requirements of the DOT/FMCSA listed in this Policy who is found to have an alcohol concentration of 0.02 but less than 0.04 shall perform or continue to perform safety sensitive functions for the City of East Providence including driving a CMV, until the start of the driver’s next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.

914.04 Drivers who have engaged in conduct prohibited by this policy will be advised by the City of East Providence of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

914.05 Drivers who have engaged in conduct prohibited by this policy will be evaluated by a SAP who will determine what assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

914.06 In the event a driver is returned to duty requiring the performance of safety sensitive functions after engaging in conduct prohibited by this Policy, and after successfully completing the return-to-duty requirements, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and/or a controlled substances test with a verified negative result and be subject to the follow-up testing requirements.

914.07 The requirements of this policy with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment controlled substances test or who have a pre-employment controlled substances test with a verified positive, substituted, or adulterated test result.

914.08 An employee cannot voluntarily self-identify that they need assistance to avoid testing or disciplinary action related to a violation of this policy.

915. AVAILABLE ASSISTANCE:

915.01 A list of names, addresses, and telephone numbers of counseling, treatment and rehabilitation providers is available through the Human Resources Department. The Employer does not imply any endorsement of these services in furnishing such a list.

915.02 An employee may contact the Employer’s Designated Representative to identify additional resources for treatment.

915.03 Periodically the Employer will disseminate drug abuse and alcohol misuse information to drivers.

915.04 A driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use must:

- a. Be evaluated by a Substance Abuse Professional (SAP);
- b. Complete the recommended treatment, counseling plan, etc.
- c. Be re-evaluated by the SAP to determine successful completion of treatment; and
- d. Submit to a return to duty test for drugs and/or alcohol

915.05 After passing a return to duty test, the driver is required to submit to at least six (6) follow up tests during the first twelve (12) months following return to duty.

915.06 Follow up testing may be required for up to sixty (60) months unless the substance abuse professional decides testing is no longer warranted.

915.07 Follow up tests are unannounced and may include testing for drugs and/or alcohol.

915.08 Follow-up alcohol testing will be conducted only when the driver is performing or just before safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

916. NOTIFICATION OF PROGRAM:

916.01 Applicants for driver positions may be notified of this policy by letter, by posting the Policy or a notice there of prominently in the applicant processing area or by including such notice on the application for employment.

916.02 All incumbent employee drivers were notified of the policy prior to implementation and will receive notice of any amendments to this policy. Copies of the policy are available for inspection during regular business hours in the Employer's business office.

916.03 Questions regarding this program may be directed to the Employer's Designated Representative.

917. CONSENT TO TESTING:

917.01 Applicants and employee drivers are required to complete and sign a form that includes, but is not limited to, the information listed below. The form will be executed and maintained as part of the pre-placement/employment procedures. As such, the requirements for confidentiality are the same as any other record. The form:

- a. Acknowledges that notice of this Policy, 49 CFR part 382, U.S. Department of Transportation/Federal Motor Carrier Safety Administration regulations and testing procedures required in 49 CFR part 40 has been provided.
- b. Acknowledges consent by the applicant or employee to be tested for chemical substances, as defined herein, and comply with the provisions of the Policy.
- c. Authorizes the Employer's Medical Review Officer and a breath alcohol technician, when an EBT test is performed or STT when a saliva/breath screening alcohol test is performed, to release results to the DER.
- d. Acknowledges that no applicant or employee can be forced to submit to a chemical substance screening test, but that failure to submit constitutes a refusal to test and shall create a rebuttable presumption that a chemical substance was present.

918. DISCLAIMER - SEPARABILITY AND SAVINGS:

918.01 Federal regulations shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the public.

918.02 This policy does not imply any contractual employment relationship and the Employer explicitly reserves the right to "employment at will."

- 918.03 If any portion of this policy or any amendments hereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any portions should be restrained by such tribunal pending a final determination as to its validity, the remainder of this program and amendments, or the application of such portion to persons or circumstances other than those to which it has been held invalid or as to which compliance with or enforcement of has been restrained shall not be affected.
- 918.04 This policy is not intended to and shall not constitute any waiver of any rights possessed by the Employer from any source whatsoever. Nothing in this policy shall be construed as limiting the Employer's right to take disciplinary action up to and including termination for willful misconduct due to involvement with drugs or alcohol not specifically addressed herein.
- 918.05 This policy may be amended as required by federal, state, or local laws and regulations affecting drug and alcohol testing programs in the workplace.