

ORDINANCE

Creating the Racial Justice & Equity in Central Falls Ordinance

Sponsored by Council President Maria Rivera

BE IT ORDAINED that the City of Central Falls amends Chapter 2 “Administration,” and Chapter 22 “Law Enforcement” as follows:

SECTION ONE: Chapter 2 “Administration” is hereby amended as follows:

Sec. 2-47. - Hiring preference to city residents.

(a) Legislative findings.

- (1) It is the policy of the city to provide high-quality city services to our community. Quality services are provided by professional, well-trained individuals working together. Selecting the best people to work in city government is essential to the make-up of city government and the fundamental aim of a recruiting program. A proactive, positive approach to recruiting is necessary to attract quality applicants representative of the demographics of the city.
 - (2) It is the policy of the city to identify and employ the best-qualified individuals to perform the tasks and functions of city government without regard to race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity or expression, socioeconomic status or mental, physical, developmental, or sensory disability. The city prohibits discrimination against any person in recruitment, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration for reasons of political or religious opinions, affiliations, or because of race, color, national origin, physical disability or age, except where specific age or physical requirements constitute a bonafide occupational qualification necessary to properly and efficiently perform the functions of the job.
 - (3) It is the policy of the city to actively encourage women, traditionally under-represented populations and minorities to apply for employment in all positions within city government. All persons should have equal opportunities in recruitment, selection, appointment, promotion, training, discipline and related areas.
- (b) Legal and actual residents of the city, who have established documented legal residency in the city for at least one year prior to application, shall be given preference in hiring when they are equally qualified, unless otherwise prohibited by law; provided, that the vacant positions be advertised in the classified section of the local newspapers or on various city websites or social media portals and that applications be submitted to the personnel department during the application period. Secondary preference shall be given to any person fluent in any second language as spoken by at least ten percent of city residents as determined by the United States Census Bureau. Secondary preference shall also be given to minority candidates; minority as defined in R.I.G.L § 37-14.1-3. At least one (1) minority candidate shall be interviewed for each vacant position.
- (c) The director of human resources shall promulgate rules and regulations to implement the provisions of this section.
- (d) The hiring process for police and fire personnel, outlined in chapters 20 and 22 are specifically excluded from the provisions of this section.

Sec. 2-48. - Appointment of department heads.

- (a) In making appointments of the heads of departments, the mayor shall give preference to persons who are qualified electors of and residents of the city. Secondary preference shall be given to any person fluent in any second language as spoken by at least ten percent of city residents as determined by the United States Census Bureau and also to minority candidates; minority as defined in R.I.G.L. § 37-14.1-3. If the department involves a function requiring technical or professional expertise, the mayor, with the approval of the city council, shall appoint persons especially qualified on the basis of their educational background and professional experience.
- (b) The mayor may appoint an acting head of a department for a period of no longer than 90 days.
- (c) *Exceptions.*
 - (1) Pursuant to section 3-201 of the Charter, this period may be extended if the approval of the appointment of the department head is pending before the city council.
 - (2) The mayor may request an extension of the 90-day period with approval of the city council.

SECTION TWO: Chapter 2 "Administration" is hereby amended as follows:

Sec. 2-78. - Affirmative action coordinator.

- (a) The human resources director will coordinate and be responsible for the implementation of the affirmative action plan and will be assigned the following duties and responsibilities:
 - (1) Assist management in resolving problems relative to any requirements or provisions of the affirmative action plan.
 - (2) Develop and implement audit and reporting system designed to:
 - a. Continually measure the effectiveness of the affirmative action plan.
 - b. Point out deficiencies and need for remedial action.
 - c. Determine degree to which goals and objectives are being reached.
 - d. Conduct periodic audits of hiring and promotion patterns and techniques to ensure that provisions of the plan are being carried out, and the goals and objectives are being met.
 - e. Make a periodic review of the affirmative action plan and submit recommendations for expansion, improvement or modification of the plan where applicable.
 - f. Serve as liaison between the city, minority organizations and community action groups.
 - g. Keep the mayor and city department management informed of the latest developments in the equal employment opportunity area.
 - h. Hold regular discussions with department heads, supervisors, and employees to ensure that the affirmative action policies are being followed.
 - i. Provide an analysis of all department activities to assure affirmative action.

- j. Report to the mayor on a regular basis as to progress in the implementation of the affirmative action plan, modification of the plan and degree to which goals and objectives are being reached.
 - k. Complete and submit reports as required by the federal equal employment opportunities commission.
 - l. Submit quarterly reports and present reports to the city council at the regularly scheduled council meeting following each of these dates: March 1, June 1, September 1 and December 1.
- (b) All discriminatory or unnecessary restrictions on age, sex, physical characteristics, education, and experience will be deleted from all recruiting announcements, and only bona fide requirements may be specified, particularly of age and sex. Job description and applications will be analyzed to ensure qualifications and questions are job related and that references to sex will be deleted wherever practicable with the approval of the city council.
 - (c) Communication will be made with organizations that serve the minority population so that employment needs are widely publicized to attract minority applicants.
 - (d) The coordinator will ensure that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) or due to breastfeeding in a public place, gender identity, marital status, political ideology, religion, sexual orientation, or military status or veteran status, as provided by SMC 14.04, 14.06 ad 14.10, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any city job, program or activity.

Sec. 2-79. - Selection process.

- (a) The council and affirmative action coordinator shall continually review the city's selection process to ensure that the appointment process does not discriminate against any applicant on the basis of race, color, religion, sex, age, national origin, ~~or handicap~~ disability, ~~or due to breastfeeding in a public place, gender identity, marital status, political ideology, religion, sexual orientation, or military status or veteran status.~~
- (b) Requirements involving records and other factors which may cause a disadvantage to minority groups will be examined for each class of position by the affirmative action coordinator. Only realistic requirements will be applied.
- (c) Application forms will be revised to eliminate questions which may be racially, ethnically, religiously, or sexually biased.
- (d) Interviewers shall not ask questions which may be interpreted to be discriminatory nor will sex or minority status be considered a factor in selecting the most qualified applicants.
- (e) Selection will be based upon the possession of those skills and qualifications outlined in the position classification plan.

Sec. 2-80. - Testing.

Testing will be an area of immediate concern. All tests which are used for hiring or promotion will be professionally evaluated for their validity and significance as an indicator for effective job performance.

Sec. 2-81. - Training.

All formalized training which is developed or any educational program provided will be made available on an objective and nondiscriminatory manner.

Sec. 2-82. - Promotions.

- (a) Promotional opportunities will be publicized within all city departments.
- (b) Programs will be established to provide for the following:
 - (1) Listing of job vacancies.
 - (2) Equal opportunity for all employees to apply for promotion.
 - (3) Fair and equal selection standards.
 - (4) Pointing out deficiencies and need for remedial action.
- (c) Exceptional vocational achievements will be publicized in local news media.
- (d) All employees, especially minorities and women, will be encouraged to seek promotional opportunities.

Sec. 2-83. - Contractor-vendor relations.

(a) Pursuant to federal regulations, affirmative action is required of employers holding federal contracts. A written affirmative action program is required of all large nonconstruction contractors and subcontractors. As a prime contractor, the city has to inform all contractors and subcontractors of its policy of nondiscrimination and affirmative action. The affirmative action coordinator, in coordination with the city's purchasing agent, shall immediately:

- (1) Identify and list all contractors and vendors doing business with the city.
- (2) Ensure that all contractual provisions are nondiscriminatory.
- (3) Incorporate the equal opportunity clause in all purchase orders, contracts, leases, etc.
- (4) Send written notification to all contractors, vendors and suppliers to inform them of the city's affirmative action policy and requesting compliance on their part.
- (5) Develop a system of monitoring the city's contractors, vendors and suppliers to ensure that appropriate sanctions are taken when warranted.
- (6) Meet with minority and female contractors, vendors and suppliers to inform them of the city's affirmative action policy and posture.

(b) Minority business enterprises shall be included in all procurements and construction projects and shall be awarded a minimum of twenty-five percent (25%) of the dollar value of the entire procurement or project. All procurements shall contain a form and affidavit that detail the minority business enterprise involvement as promulgated by the purchasing agent. A bid or procurement application that does not include this form and affidavit shall be deemed incomplete and void. Any minority business enterprise currently certified by the State of Rhode Island or the U.S. Small Business Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified as a minority business enterprise and shall only be required to submit evidence of federal certification of good standing. The purchasing agent is further authorized to establish by rules and regulation the certification process and formulas for giving minority business enterprises a preference in contract and subcontract awards.

(c) The purchasing agent shall have the power to impose sanctions upon vendors not in compliance with this section and shall include but not be limited to:

(1) Suspension of payments;

(2) Termination of the contract;

(3) Recovery by the city of twenty-five percent (25%) of the contract award price as liquidated damages; and

(4) Denial of right to participate in future projects for up to three (3) years.

Sec. 2-84. - Compensation.

- (a) The city will ensure equal pay for equal work regardless of sex, race, creed, national origin or handicap.
- (b) A continuing review of jobs will be conducted to ensure that compensation for work performed will not be discriminatory.
- (c) Fringe benefits will be afforded on an equal basis for all employees.
- (d) All job classifications will be reviewed on an annual basis to ensure adequate compensation for work performed.

Sec. 2-85. - Long range plan.

The affirmative action officer, in coordination with the purchasing agent, will initiate steps with other departments to develop common guidelines and procedures and take joint action in implementing affirmative action relationships with respect to contractors, vendors and suppliers to impact change more effectively.

Sec. 2-86. - Dissemination of policy, plan and program.

- (a) *Internal.* Each employee shall be fully informed of the city's affirmative action policy, plans and commitments, as well as their own responsibilities to ensure an on-going program with positive results. This shall be accomplished by the following:
 - (1) Written communication from the council president. Initially, this will be sent to all employees and department heads.
 - (2) Each city department will be provided with a complete copy of the city's affirmative action plan; additionally each department head will have a copy readily available for reference and employee inquiries.
 - (3) Special meetings, during initial stages, will be held regularly to discuss program responsibility and to review progress.
- (b) *External.* Copies of the city's affirmative action program shall be placed in the secretary of states' office, available on a noncirculatory basis to employees and general public. Additionally, the affirmative action coordinator will:
 - (1) Initially, forward a letter to all regular recruitment sources, along with a copy of the council's resolution of affirmative action, advising them of the city's policy and that legally the city cannot continue to use their services unless applicant referrals are made on a nondiscriminatory basis. This shall include:
 - a. Public and private employment agencies.

- b. Appropriate media.
 - c. Educational institutions.
 - d. Minority and female organizations.
 - e. Community groups.
- (2) Meet periodically with department heads to explain and to review progress of the city's affirmative action policies and programs.
 - (3) Notify all contractors, subcontractors, vendors and suppliers in writing of the city's affirmative action policy and program, requesting appropriate supportive action on their part by means of written acknowledgement or receipt of the city's policy.
- (c) *Insertion of equal opportunity clause into documents; revocation clause for noncompliance.* The affirmative action coordinator will ensure that an equal opportunity clause is included in all purchase orders, contracts, leases, etc., with revocation clauses for noncompliance.

Sec. 2-87. - Records and reports.

- (a) Personnel records will be established and maintained to permit assessment of the city's effort towards affirmative action and equal employment opportunity.
- (b) The affirmative action coordinator will monitor records of referrals, placements, transfers, promotions and terminations at all levels of city government to ensure that the goals of the affirmative action plan are met.
- (c) All department heads will require reports as requested from supervisory personnel.

Sec. 2-88. - Program evaluation.

- (a) The major objectives of affirmative action program evaluations are to:
 - (1) Assess the effectiveness of management in:
 - a. Identifying the factors and problems that have bearing on equal employment opportunity.
 - b. Developing and implementing action programs to meet and overcome any obstacles to full equality of opportunity.
 - (2) Provide management with a date upon which to base recommendations or directions for future remedial action.
 - (3) Assure that action has been taken on prior recommendations and directions.
- (b) The evaluation will be directed toward accomplished results rather than just efforts made.
- (c) The evaluation will focus attention on assessing the adequacy of problem identification in the affirmative action program and the extent to which the specific action steps in the plan provide solutions, rather than mere identification of a remaining problem and recommendations for their solution.
- (d) The evaluation should determine that there is motivation for improvement and a willingness at all organizational levels to follow through on problem resolution.
- (e) The affirmative action coordinator shall make an annual report to the city council detailing the overall status of the program, results achieved toward established objectives,

identification of any particular problems encountered and recommendations for corrective actions needed.

- (f) The affirmative action plan shall be reviewed at least annually and revised as necessary with new objectives and timetables established for the ensuing year. The affirmative action coordinator shall make available to the city council any reports detailing:
- (1) Annual statistical report (current employment).
 - (2) Applicant referrals.
 - (3) Promotions and transfers.
 - (4) Hires (appointments).
 - (5) Separations.
 - (6) Promotable employees.
 - (7) Training summary.
 - (8) Annual narrative summary.

Sec. 2-89. - Freedom of information.

- (a) All records of the city pertaining to the affirmative action program will be open to any and all persons.
- (b) With the exception of federal auditors from the federal or state equal employment opportunity agencies, a request, in writing, will be required from an individual or organization wishing to examine the files.
- (c) No person or organization will be permitted to review or examine any part of the affirmative action files pertaining to disciplinary action against an employee without a duly signed and notarized document of release executed by the employee to whom the records pertain.

Sec. 2-90. – Employee Trainings.

The human resources director shall ensure that all city employees and members of boards and commissions receive a training on discrimination, cultural sensitivity, sexual harassment before starting their employment and/or appointment. All employees and members shall receive, at a minimum, an annual training on these same matters thereafter.

SECTION THREE: Chapter 2 “Administration” is hereby amended as follows:

Sec. 2-258. Board and Commission Membership.

(a) The city website shall contain a listing of all Boards and Commissions, current membership, current vacancies and a process for city residents to apply for a position on a Board or Commission.

(b) Unless otherwise required by federal, state or municipal law, all members of Boards and Commissions shall be residents of Central Falls. Preference shall be given to any person fluent in any second language as spoken by at least ten percent of city residents as determined by the

United States Census Bureau and also to minority candidates; minority as defined in R.I.G.L. § 37-14.1-3.

SECTION FOUR: Article 1, "In General," Chapter 22, "Law Enforcement" is hereby amended as follows:

Sec. 22-1 Use of Force. Chokeholds, strangleholds, carotid restraints, applying pressure on an individual's neck or throat while holding them on the ground or similar maneuvers that put pressure on a person's airway are prohibited from use by the members of the police division unless the use of lethal force is authorized. All members of the police division shall, when possible, deescalate situations, provide a verbal warning and exhaust "all other reasonable alternatives" before resorting to the use of force. All members of the police division are required to intervene to attempt to stop and report another officer's excessive force.

SECTION FIVE: This ordinance shall take effect upon passage.