



CITY OF WARWICK
OFFICE OF THE CITY CLERK
3275 POST ROAD
WARWICK, RHODE ISLAND 02886
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SCOTT AVEDISIAN
MAYOR
JUDY WILD
CITY CLERK

July 14, 2016

Roger Durand
rogerdurand@verizon.net

Dear Mr. Durand:

Thank you for your public records request of 6/13/16 submitted July 13, 2016.
Response compiled by James McLaughlin, Fire Chief
Major Robert Nelson, Police Department
Jane Jordan, Personnel Director

Request:

“Kindly provide the document that shows how much vacation time city workers receive based upon their length of employment. This request covers municipal, fire and police personnel.”

Response: Documentation is attached for each Department requested.

In accordance with RIGL 38-2-8, you may wish to appeal this decision to Mayor Scott Avedisian (3275 Post Road, Warwick, RI 02886). You may also wish to file a complaint with the Department of the Attorney General (150 South Main Street, Providence, RI 02903) or the Rhode Island Superior Court of the county where the record(s) are maintained. It is also my understanding that additional information concerning the Access to Public Records Act may be available through the Attorney General’s website at www.riag.ri.gov.

Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

/s/ Judy Wild
Judy Wild
Warwick City Clerk

FIRE

ARTICLE VI

SECTION 1. VACATIONS

All permanent and probationary members of the Fire Department who have been continuously in the employ of the City for at least one (1) year, as of July 1, shall be entitled to an annual vacation of twelve (12) working days with pay during each succeeding year of their employment. All members of the Fire Department who have been continuously in the employ of the City for five (5) years but less than ten (10) years, as of July 1, shall be entitled to an annual vacation of sixteen (16) working days with pay during each succeeding year of their employment. All members of the Fire Department who have been continuously in the employ of the City for ten (10) years but less than twenty (20) years, as of July 1, shall be entitled to an annual vacation of twenty (20) working days with pay during each succeeding year of their employment. All employees of the Fire Department, who have been continuously in the employ of the City of Warwick for twenty (20) years or more as of July 1, shall be entitled to an annual vacation of twenty-four (24) working days with pay during each succeeding year of their employment. All members who become employed by the Fire Department between January 1st and July 1st in any calendar year shall be entitled to a vacation of six (6) working days with pay during the calendar year. An employee who retires or resigns during any calendar year prior to his or her taking a vacation shall be entitled to vacation pay in accordance with the above schedule. In recognition of the fact that unusual or emergency situations may arise which might leave the Fire Department shorthanded during the vacation period, the parties hereto agree that the Chief of the Department shall have the right under such circumstances and emergencies to cancel an employee's vacation, but shall reschedule such vacation at some other time agreeable to the employee involved. No employee covered by this Agreement shall be entitled to more than twelve (12) days of his or her vacation during either the summer period, to wit, June, July, August and September, or Christmas week or vacation weeks for Warwick school children; provided, however, that in special circumstances, the Chief of the Fire Department may, in his or her discretion, grant to any employee, additional vacation time during the months of June, July, August and September, if there is sufficient manpower available to cover the Department.

A minimum of six (6) employees per platoon shall be allowed on vacation during July and August.

- 4. Dog clinics
 - 5. Assignment at Senior Citizens Homes on Halloween Night (October 31)
 - 6. Inaugural Ball
 - 7. The Chief may call back Community Service Officers of the Department in an emergency or special situation. Community Service Officers shall not be permitted to carry weapons, but may be called back to:
 - a) Perform functions not normally performed by a sworn police officer without limitation or restriction and to the extent deemed necessary by the Chief; and
 - b) As part of the Chief's emergency response plan Community Service Officers may be used when, in the Chief's opinion, it is necessary to utilize Community Service Officers in order to maintain two officers per car without calling in the off-duty platoon; provided however,
 - c) Community Service Officers shall not perform functions which are normally performed by sworn members of the Department when, under the emergency response standing plan, such duties could be performed by sworn members of the Department; and providing further that;
 - d) Nothing in this Section shall alter or abrogate the right of the Chief to develop and implement emergency response plans nor affect the right of the Chief to use Community Service Officers as set forth above.
- M) Community Service Officers shall be permitted to work only the following types of details.
- 1.) Road Construction
 - 2.) Traffic Control

VACATIONS

SECTION 3.

A. Any member employed by the department for less than one year shall receive one (1) vacation day for each full or partial calendar month of employment during that calendar year, not to exceed 11 days.

- B. All permanent and probationary members of the Department who have been continuously in the employ of the Department for at least one (1) year as of July 1, shall be entitled to an annual vacation of nineteen (19) days with pay, for each year of such year of employment up to and including the completion of the fifth (5th) year.
- C. All members of the Department who have been continuously in the employ of the Department for at least five (5) years, as of July 1, shall be entitled to an annual vacation of twenty-two (22) working days with pay, for each year beginning with the sixth (6th) year up to and including completion of ten (10) years.
- D. All members of the Department who have been continuously in the employ of the Department for at least ten (10) years, as of July 1, shall be entitled to an annual vacation of twenty-five (25) working days with pay, for each year beginning with the eleventh (11th) year up to and including the completion of fifteen (15) years.
- E. All members of the Department who have been continuously in the employ of the Department for at least fifteen (15) years, as of July 1, shall be entitled to an annual vacation of twenty-seven (27) working days with pay, for each year beginning with the sixteenth (16th) year and during each succeeding year of their employment.
- F. Any member of the Department who retires, or resigns, during any calendar year prior to his/her vacation period shall be entitled to vacation pay in accordance with the above schedule.
- G. In recognition of the fact that unusual or emergency situations may arise which may leave the Department shorthanded during vacation periods, the City and the Lodge agree that the Chief shall have the right under such circumstances and emergencies to cancel a Police Officer's vacation; but the Chief shall reschedule such vacation at a time agreeable to the Police Officer involved. In the event that the Department is short-handed as a result of a promotion or transfer, the Chief shall make reasonable efforts to avoid canceling an officer's vacation. In the event a vacation must be cancelled as a result of such a transfer, where more than one officer has scheduled vacation for the same time, the least senior vacation pick shall be the one cancelled.
- H. No member of the Department shall be obligated to take his/her period of vacation at one continuous time and such members of the Department may schedule their respective vacation periods at periodic intervals during the course of the year, and based on rights of seniority. Officers shall be allowed to schedule their vacations into three (3) separate periods. No more than twelve

(12) consecutive vacation days shall be taken by any member of the department without the approval of the Chief.

- I. Each member of the Department may take an unlimited number of vacation days, with their superior's permission. The days taken shall be one (1) at a time, which shall not be taken on holidays enumerated in Section 4. The days taken will be charged to the members annual vacation allowance.
- J. Each member of the Department may accumulate up to forty (40) vacation days; to be used at the option of said employee in subsequent years, or taken immediately prior to retirement, (i.e., to reduce effective retirement date), subject to the provisions of subsection (G) of this section. On January 1 of each year, a member's level of accumulated vacation time may rise by the amount of the member's annual vacation entitlement up to a maximum of twenty-seven (27) vacation days. This accumulation must be reduced to forty (40) vacation days by December 31 of that year or all vacation days in excess of forty (40) will be forfeited without compensation. In the event of separation from employment for any reason, the City will only compensate members up to a maximum of forty (40) days of accumulated but unused vacation. Vacation time in excess of forty (40) must be taken as vacation time each year or it is lost.
- K. Department seniority will be the determining factor in an individual's choice of vacation throughout the individual's career despite the rank that the individual may achieve.
- L. Vacation time may be taken in hours with a minimum of 4 hour increments.
- M. Notwithstanding the above, in the event that any member of the Department is suspended without pay for any single period of time consisting of sixty (60) or more consecutive calendar days, in the calendar year subsequent to the latter of: (a) the completion of said unpaid suspension period, and/or (b) the exhaustion of all legal challenges and appeals regarding said unpaid suspension period, said member's Vacation Day allotment shall be reduced on a pro-rata basis for said calendar year. That is, the member's Vacation Day allotment shall be reduced by dividing the number of applicable unpaid suspension days by 365 days, and multiplying that factor by the member's Vacation Day allotment. The final figure shall be the number of Vacation Days lost by said member.

FOR EXAMPLE: If a member with twenty (20) years of service is suspended for sixty (60) days without pay, his/her subsequent applicable calendar year Vacation Day allotment shall be reduced by 4.5 days – 60 divided by 365 times 27 allotted days equals 4.5 Vacation Days lost.



JANE JORDAN
PERSONNEL DIRECTOR

SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
DIVISION OF PERSONNEL
3275 POST ROAD – WARWICK, RHODE ISLAND 02886
TEL (401) 738-2000 · FAX (401) 732-7636
TD.D. (401) 739-9150

July 14, 2016

Roger Durand
Via rogerdurand@verizon.ntet
PRRF

The Personnel Department is in receipt, via e-mail, the Public Records Requests dated June 13, 2016, resubmission 7/13/2016.

- (a) Document that shows how much vacation time city workers receive based upon their length of employment. This request covers municipal, fire and police personnel.

In response to the Public Records Request stated above, for municipal employees attached is a copy of Article 18, Annual Leave from the 2015-2018 Municipal Contract.

<http://www.warwickri.gov/personnel-department/files/current-municipal-contract-1>

This completes the City's response to your APPA. In accordance with RIGL 38-2-8, you may wish to appeal this decision to Mayor Scott Avedisian (3275 Post Road, Warwick, RI 02886). You may also wish to file a complaint with the Department of Attorney General (150 South Main Street, Providence, RI 02903) or the Rhode Island Superior Court of the county where the record(s) are maintained. It is also my understanding that additional information concerning the Access to Public Records may be available through the Attorney General's website at www.riag.ri.gov. Thank you for your interest in keeping government open and accountable to the public.

Sincerely,

/s/Jane Jordan
Personnel Director

cc: Judy Wild, City Clerks

Attachment

**ARTICLE 18
ANNUAL LEAVE**

18.1 Definitions:

- (a) Service shall mean any period of time for which an employee received wages commencing with his/her latest date of employment or re-employment except as expressly provided otherwise in this Agreement.
- (b) An annual leave day shall mean a period of time equal to the normal number of hours worked by an employee during a regularly scheduled workday.
- (c) For purposes of this Agreement "Annual Leave" and "Vacation" mean the same.

18.2 Annual Leave Allowance for Employees with less than three (3) years of service as of July 1st.

- (a) An employee with less than three (3) years of service as of July 1st shall earn one (1) workday of annual leave for each calendar month of service to a maximum of twelve (12) workdays per year.
- (b) Employees who work twelve (12) or more days in any calendar month shall earn annual leave credit for that month.
- (c) Probationary employees who receive permanent employment status after completing six (6) months of continuous service shall be eligible to receive six (6) days of annual leave.
- (d) Vacation allowance granted will be based on the number of months of service completed as of the first of the fiscal year as follows: (Minus any annual leave used under Article 18.2, paragraph "C").

Completed Months of Service	Allowance
12 months	12 days
11 months	11 days
10 months	10 days
9 months	9 days
8 months	8 days
7 months	7 days
6 months	6 days

18.3 Vacation allowance for employees with more than three (3) years of service as of July 1st:

- (a) Completed Years of Service as of July 1st

Three (3) to Four (4) Years	12 days
Five (5) to Ten (10) Years	18 days
Eleven (11) to Fifteen (15) Years	21 days
Sixteen (16) to Nineteen (19) Years	24 days
Twenty (20) and Over	28 days

- (b) All employees covered by this Agreement with over six completed years of service as of July 1, shall be allowed to carry over accumulated vacation leave from one contract year to the next contract year according to the following basis:

Years of Service as of July 1	Allowance
Six (6) to Ten (10) Years	6 vacation days
Eleven (11) to Fifteen (15) Years	7 vacation days

Years of Service as of July 1	Allowance
Sixteen (16) to Nineteen (19) Years	8 vacation days
Twenty (20) to Twenty-nine (29) Years	9 vacation days
Thirty (30) and Over	12 vacation days

18.4 Annual Leave Allowance - other employees

Employees who regularly work less than the standard workday or workweek for their classification shall receive annual leave allowance in equivalent ratios to the full time employee's allowance.

**18.5 Department Heads shall be responsible for the approval of annual leave for employees under their jurisdiction in accordance with the principle and concept of seniority as contained in this agreement and subject to the demands of service of their department.
No more than two (2) weeks of continuous vacation shall be taken consecutively unless the Department Head shall determine that the taking of such third or fourth consecutive weeks will not interfere with the operation of the department.**

18.6 The City will make every effort to ensure that an employee shall not be required to work the two (2) days prior to or two (2) days after an authorized vacation.

#267

THE CITY OF WARWICK
PUBLIC RECORDS REQUEST FORM
RIGL 38-2-3 (d)

Roger Durand

Name: (optional) _____
60 Black Creek Lane

Address: (optional) _____

City: _____ Warwick _____ State: _____ RI _____ Zip Code: _____

Phone: (optional) _____ E-mail address:
(optional) _____ rogerdurand@verizon.net _____

Date: _____ ^{7/13/16}
~~6/13/16~~ _____

Record(s) Requested: Kindly provide the document that shows how much vacation time city workers receive based upon their length of employment. This request covers municipal, fire and police personnel.

Time period request covers:

Please Note: Per section 38-2-3 (d) the policy of the City of Warwick is that this form be filed with the office of the City Clerk. The Clerk's office will then forward the request to the appropriate department for response. Per section 38-2-4 of the Rhode Island General Laws, the City will charge a fee of .15 per page for copies of public documents, unless such documents have a fee structure which is prescribed by state statute. Additionally, if the requested information requires research on the part of City personnel, the City will charge a research fee of \$15.00 per hour and/or the cost of retrieving records from storage where the public body is assessed a retrieval fee. The first hour (1 hour) of research, however, will be provided at no charge. If after review of your request the department determines that the requested records are exempt from disclosure for a reason set forth in RIGL 38-2-2(4)(i)(A) through (Y), the City reserves its right to claim such exemption.

(FOR CITY USE ONLY) Request taken by: _____
Date: _____ Time: _____