

International Public Management Association for Human Resources
HR-CENTER

April 2006

Personnel Practices:
Residency Requirements



International Public Management Association

for Human Resources

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RESIDENCY REQUIREMENTS POLICIES

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As you develop your own plans and policies, please email information to gov@ipma-hr.org.

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Residency Requirements

By: Ryan Lowry

Many towns, cities, and counties have ordinances requiring public employees to live in that jurisdiction or within a certain distance from the work site. According to the IPMA/NASPE 2000-2001 benchmarking report nearly 40 percent of jurisdictions have a residency requirement.

Having a residency requirement can be controversial. In some cases employees may want to work in an area but not be able to afford to live there. This happens frequently in metropolitan areas where the cost of living can be very high. The reverse may also be true; the work location may have high crime rates and poor schools, making it an undesirable place to live. Or, an individual may simply be well-established in an area and not want to move to unfamiliar surroundings.

Some agencies do require employees to live in the jurisdiction where they work or within a specific radius of their occupation. Agencies may require employees to do this for particular reasons that might help that person to perform their job at a higher level.

If a person works for an emergency medical service, accessibility for emergencies is a big issue. As with other employees who may work on an on-call basis, such as those responsible for public utilities and in the health care field. Certain people have expertise that must be drawn upon whenever necessary. If these people must travel many miles to report to work, there may be public health and safety issues.

Other reasons for having a residency requirement are as follows:

- Enhance the quality of performance. Those who live in the community have more invested in the community, therefore making more conscious decisions
- Increase the likelihood of interacting with community officials and citizens
- Minimize absenteeism
- Minimize tardiness
- Potential economic benefits
- Tax exemption purposes

Agencies that have residency requirement policies in place usually give new hires six months to move into the specified location and require specific documentation to verify that they reside in the proper jurisdiction. For example, the City of York in Pennsylvania asks for employees to provide a certificate stating their name and home address from the City's Controller.

In cities like York, failure to file the proper paperwork within the specified timeframe, results in immediate termination or a probationary period. The probationary period gives the employee an extension in time to find a residence in case he or she incurs problems trying to finding a place to live.

Are agencies allowed to enforce such a policy and carry its consequences legally? Given Supreme Court decisions on the topic, residency requirements are legal as long as the policy does not discriminate or unfairly favor someone based on sex, race, religion, or sexual orientation.

For example, the United States Court of Appeals for the Third Circuit ruled that the Town of Harrison's policy of hiring only residents violated Title VII of the Civil Rights Act of 1964. Harrison is a small town adjacent to Essex County and "could very well be considered an extension of the City of Newark." The residency requirement resulted in a disparity between the pool of qualified black applicants and the actual black representation among employees. *Newark Branch, National Association for the Advancement of Colored People, et al., v. Town of Harrison, New Jersey*, Docket No. 90-5897, July 1991.

On the other hand, some states do not allow their local governments and municipalities to implement these policies. Rather, they require that employees live within a "reasonable distance" from their occupation.

In some agencies, residency requirements are only required of directors and supervisors. For example, the City of Roanoke in Virginia only requires department heads to live within the city limits.

For information on specific Residency Requirement policies, please see the same policies below. Please keep IPMA-HR informed of any unique policies your agency may have or questions that may arise.

**CITY OF DUBUQUE
ADMINISTRATIVE POLICY
720 Central Avenue
Dubuque, IA 52001**

PURPOSE

The purpose of this Administrative Policy (AP) is to put into AP format the City's policy regarding residency requirements for City Employees.

SCOPE

This AP covers all full-time and part-time employees under the administrative control of the City Manager.

RESPONSIBILITY

It shall be the responsibility of the City Manager or his/her designated representative to insure compliance with this AP.

POLICY

All persons hired on or appointed after August 31, 1980, to a position of: (a) department manager or assistant department manager, except Assistant Fire Chief and Assistant Police Chief; (b) division manager; or (c) member of the City Manager's staff shall have their principal residence within the corporate limits of the City of Dubuque within six (6) months of the date of hire. Persons presently occupying any of the above described positions who currently live within the corporate limits of the City of Dubuque shall maintain their principal residence within the corporate limits of the City of Dubuque during the term of their employment with the City.

All other persons hired after August 31, 1980, shall be, within six (6) months of the date of hire, residents of the State of Iowa and shall have their principal place of residence either within the corporate limits of the City of Dubuque or within 6.5 miles of the corporate limits of the City of Dubuque by the most direct street, road, or highway.

Exception: Employees assigned to the Municipal Airport or the Metropolitan Solid Waste Agency shall comply with the AP, or, at their option, reside within 6.5 miles of their assigned worksite by the most direct street, road, or highway. Thirteen (13) percent of the staff hours established to operate the emergency communications center may be filled by employees who reside within Dubuque County.

In the event any current City Employee, prior to September 1, 1980, resided outside the State of Iowa or resided in Iowa but lived more than 6.5 miles outside the corporate limits of the City of Dubuque changes his/her place of principal residence on the first relocation so as to be fifty (50) percent closer to the 6.5-mile limit set in this AP, and on the second change of residence must relocate within the 6.5-mile limit of this AP.

In the event any current City employee, prior to September 1, 1980, resided within the corporate limits of the City of Dubuque or within 6.5 miles outside the corporate limits of the City of Dubuque, such employee shall maintain such residence either within the corporate limits of the City of Dubuque or within 6.5 miles of the corporate limits of the City of Dubuque during the term of their employment with the City.

Principal place of residence is defined as that place which the employee declares his/her home for voting purposes or with the intent to remain there permanently for a definite, indefinite or undetermined length of time.

All City employees shall report changes of principal addresses to their respective department/division managers within five (5) working days from the date of change of address.

All City employees shall comply with the provisions of this AP during the term of their employment with the City. Failure to comply with the provisions of this AP will be grounds for termination.

**City of Glen Cove
Civil Service Commission
9 Glen Street, Glen Cove, NY 11542**

Residency Requirements

Our Local Civil Service Rules set the default residency requirements for competitive examinations. Unless otherwise stated on exam postings, applicants must be residents of Glen Cove or contiguous villages for at least 12 months prior to the date of the exam. If any question of residency arises, it is the responsibility of the applicant to prove that they meet the residency requirements.

Residency requirements may be waived or expanded in instances where the Commission determines use of our residency requirements would be disadvantageous. Recently, the Commission decided to open many (non-entry level) exams to residents of Nassau County. The decision to reduce the residency requirements for these exams were based on the Commission's need to reduce the number of provisional employees. The various appointing authorities can determine that City of Glen Cove residents may take preference in certification in accordance with Civil Service Law.



City of Waterloo
Policy Regarding Residency of Critical
Municipal Employees and City Department
Heads

715 Mulberry Street
Waterloo, IA 50703

Application:

This policy applies to all City of Waterloo employees deemed to be critical municipal employees and to all City of Waterloo Department Heads.

Policy:

The City of Waterloo recognizes the need to have certain critical municipal employees able and available to respond on an emergency call basis. Those employees deemed to be critical municipal employees include: all ranks of sworn Police Officers and Fire Fighters; Fire Mechanic; all Street Department personnel except clerical staff; Forestry personnel; Airport Maintenance Workers; Garage Mechanics; Waste Water Operators; Treatment Operations Foreman; Sewer Maintenance Workers; Collection Systems Foreman; Maintenance Mechanics; Maintenance Foreman; Instrumentation Control Technicians; Instrumentation Control Foreman; all Traffic Operations personnel except clerical staff; Parking Maintenance personnel; and all Building Maintenance personnel.

If called in the event of an emergency, the City's critical municipal employees are expected to promptly report, prepared and ready for work. To ensure that these employees are able to report on a timely basis, it is the City of Waterloo's policy that all critical municipal employees who move their location of residence or who are hired after April 7, 2003, must physically reside within a radius of twenty (20) miles from Waterloo's City Hall.

City of Waterloo Department Heads who move their location of residence or who are hired after April 7, 2003, must physically reside within the city limits of Waterloo.

Provisions:

1. This residency policy is in accordance with Section 400.17 of the Code of Iowa which permits cities to set reasonable maximum distances outside of the corporate limits of the city that police officers, fire fighters and other critical municipal employees may live.

2. New critical municipal employees will be provided a reasonable period of time in which to meet the residency requirements of this policy. As the time period may vary depending upon the type of position held, each Department Head with critical municipal employees shall adopt and enforce its own departmental policy specifying the deadline by which a new departmental employee must comply with the City of Waterloo's residency requirement.
3. Maintaining a post office box within the 20-mile radius from City Hall shall not satisfy the requirements of this policy; employees must maintain their physical place of residence within the specified distance. Any critical municipal employee or City Department Head who fails to comply with this Policy shall be subject to immediate termination of employment, except as hereinafter provided in numbered paragraphs 4 and 6.
4. City of Waterloo critical municipal employees and Department Heads who physically reside outside of a 20-mile radius of City Hall and are residing at such address as of April 7, 2003, shall not be required to comply with the provisions of this policy unless and until they move their location of physical residence.
5. The Police Chief, Fire Chief, and Department Heads shall be responsible for enforcing this policy with respect to the critical municipal employees within their departments. An area map showing a 20-mile radius from Waterloo's City Hall shall be made available by the Engineering Department to assist in this effort.
6. This policy shall be approved by City Council and become effective on April 7, 2003. This policy shall replace any previous residency policies or Council resolutions and shall remain in effect until replaced by subsequent Council resolution. Any exceptions to this policy regarding the residency of City of Waterloo critical municipal employees and Department Heads must be approved by a majority vote of the Waterloo City Council members.

DC Office of Personnel
441 4th Street, NW, Suite 300S
Washington, DC 20001
(202) 442-9700

301 Residency Preferences

301.1 A person who applies for employment in the Career Service or the Management Supervisory Service and who is a bona fide resident of the District of Columbia may claim a residency preference at the time of application.

301.2 An employee who applies for a competitive promotion in the Career Service or the Management Supervisory Service and who is a bona fide resident of the District of Columbia may claim a residency preference at the time of application.

301.3 When residency preference is claimed pursuant to § 301.1 or 301.2, proof of bona fide residency shall be submitted upon selection for the position.

301.4 Except as provided in § 301.14, an applicant for a position in the Career Service or the Management Supervisory Service who claims a residency preference and is selected for the position shall agree in writing at the time of appointment to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment.

301.5 Except as provided in § 301.14, an employee who claims a residency preference in applying for a competitive promotion and is selected for the position shall agree in writing no later than the day before the effective date of appointment to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment.

301.6 The requirement to maintain bona fide District residency as provided in §§ 301.4 and 301.5 shall be applicable to any applicant or employee who claims a residency preference and is selected for the position on or after March 16, 1989.

301.7 Failure to maintain bona fide District residency as provided in § 301.4, 301.5, or 301.6 shall result in forfeiture of employment.

301.8 Except as provided in § 301.9, residency preference shall be given by adding five (5) points to the rating and ranking score of each qualified applicant claiming or entitled to residency preference.

301.9 When all applicants are employees of the District government or when there are no qualified outside candidates who claim preference, no points shall be afforded to any qualified applicant who claims or is entitled to preference.

301.10 To fill a position in the Career Service or the Management Supervisory Service where two (2) or more applicants are equally qualified, the applicant with residency preference shall be listed and selected ahead of the non-preference candidate, with the determination as to equal qualifications made as follows:

(a) For an unassembled examining procedure, all applicants with the same categorical ranking; and

(b) For an assembled examining procedure, all applicants with the same numerical rating.

301.11 Each applicant for a position in the Career Service or the Management Supervisory Service shall be informed in writing by the personnel authority of the provisions of §§ 301.1 through 301.10.

301.12 Each person who claims a residency preference and who is selected for a position in the Career Service or the Management Supervisory Service shall be informed, in writing, by the personnel authority, no later than the effective date of the appointment, of the requirement to maintain bona fide District residency for a period of five (5) consecutive years from the effective date of appointment and that failure to do so shall result in forfeiture of employment.

301.13 For the purpose of this section, in order to be a bona fide resident of the District of Columbia, a person must maintain a place of abode in the District of Columbia as his or her actual, regular, and principal place of residence and must have the intent to remain in the District for a minimum of five (5) consecutive years from the date of appointment.

301.14 Notwithstanding any other provision of this chapter, any person who meets either of the following criteria shall be granted a residency preference, as provided in § 301.15, upon application for a competitive promotion in the Career Service or the Management Supervisory Service:

(a) Any person who was employed by the District of Columbia government on December 31, 1979, and who is still employed by the District of Columbia government without having had a break in service of one (1) workday or more since that date; or

(b) Pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (P.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)) (P.L. 98-621), any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has not had a break in service since that date.

301.15 The entitlement to a residency preference pursuant to § 301.14 shall be granted if at least one (1) of the qualified applicants for the position has claimed a residency preference.

301.16 Each applicant for appointment or promotion shall be required to indicate at the time of application his or her claim or entitlement to residency preference in a manner prescribed by the Mayor.

301.17 The provisions of this section shall apply to Legal Service attorneys who are appointed competitively and who claim a residency preference at the time of application for positions in the Legal Service other than the Senior Executive Attorney Service.

City of York
50 W King Street
York, PA 17405

165.07 RESIDENCY REQUIREMENTS.

(a) "Employee" means any person appointed to any position of employment by the City, whether such employment be full or part-time provided such person receives financial compensation from the City subject to withholding taxes by the State or Federal government.

(b) "Residence" means the actual domicile where the employee normally eats and sleeps and maintains a normal household.

(c) All persons who shall become employed by the City (other than department heads who remain subject to the provisions of Section 121.03(b)) on or after the effective date of this section shall be or become residents of the City within six months from the first date the employee achieves permanent employment status.

(d) All new employees, once their residence in the City is established, shall be required to maintain residence within the City during their employment. Failure to do so shall be determined to be a forfeiture of employment.

(e) Effective February 1, 1994, and thereafter annually, every employee of the City shall file, with the City Controller, a certificate stating the employee's name and place of residence. Such a residence certificate shall be signed under penalty of perjury. The City Controller may also, from time to time, require proof of the bona fide residence of any employee of the City, to determine such employee's eligibility to receive financial compensation from the City.

(f) Officials and employees of the City shall be subject to such residency requirement as may now or in the future be imposed by the laws of the Commonwealth of Pennsylvania or by any contract or agreement resulting from the collective bargaining process. (Ord. 3-1994 §1. Passed 2-1-94.)