



Residency Ordinance

AMENDING TITLE 3, OF THE REVISED ORDINANCES OF THE COITY OF SPRINGFIELD, 1986, AS AMENDED IS HEREBY FURTHER AMENDED BY DELETING CHAPTER 3.08 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 3.08 THERETO: RESIDENCY REQUIREMENTS.

Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, hereby further amended by deleting chapter 3.08 its entirety and inserting in its place a new chapter 3.08 thereto as follow:

Chapter 3.08

RESIDENCY REQUIREMENTS

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SECTIONS:

- 3.08.010 Condition of Employment.
- 3.08.020 Condition of promotion.
- 3.08.030 Certificate of residence.
- 3.08.040 Conflict with collective bargaining agreements and general laws.
- 3.08.050 Boards and commission members.
- 3.08.060 Waivers.
- 3.08.070 Actual principal residence.
- 3.08.080 Residency compliance commission.
- 3.08.090 Residency compliance unit.
- 3.08.100 Residency for formers positions or titles.
- 3.08.110 Fine for paying person in violation of ordinance.
- 3.08.120 Suspension for person in violation of ordinance.
- 3.08.130 Severability.

3.08.010 Condition of employment. A. Except as provided for in Chapter 3.08, every person first employed by the city of Springfield on or after March 17, 1995, shall be a resident of the city of Springfield and shall not cease to be a resident during his employment by the city.

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B. For the purpose of this ordinance, an employee shall be any person receiving monies from the city or any city department subject to withholding taxes by the state or federal government.

C. Notwithstanding the provisions of Chapter 3.08, all employees employed by the city of Springfield on March 17, 1995 shall be considered to have fully complied with the residency provisions of this ordinance.

3.08.020 Condition of promotion. Except as provided for in Chapter 3.08, all persons promoted by the City on or after March 17, 1995, shall be, or within one (1) year of such promotion become, a resident of the city as defined herein. Failure to do so shall be determined to be voluntary termination of employment.

3.08.030 Certificate of residence. A. Upon taking employment with the city, and annually on February first thereafter, every person subject to this section shall file with his or her department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name and place of residency. A copy of every such certificate shall be transmitted by the department head or like officer to the Residency Compliance Officer with five (5) business days of filing.

B. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer shall forthwith strike the name of the employee from the payroll, the department head or like officer shall give notice of his or her action to the city clerk, who shall transmit the same to the city council, mayor and collector/treasurer. This section shall not apply to employees exempted from the residency ordinance or subject to a two (2) week suspension as provided for in Chapter 3.08

C. Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter, but failure to receive a copy or notice shall not be held to excuse any violation.

3.08.040 Conflict with collective bargaining agreements and general laws. A. To the extent permissible by law, no collective bargaining agreement hereafter entered into by the city of Springfield shall contain any provision contrary to the provisions hereof, nor shall the absence of any provision with

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respect to the residency of any person hired after the date of such contract be deemed to prevent enforcement of this section.

B. To the extent permissible by chapter thirty-one of the General Laws, every examination held to establish a civil service list for employment by the city of Springfield shall be restricted to the city of Springfield residence. In the event this section shall be deemed to be in conflict with a provision of any general or special law shall govern, and shall not defeat the application of this ordinance with respect to any position not governed by that law.

3.08.50 Board members and commission members. A. All persons appointed to membership on boards and commissions of the city shall be residents of the city during the terms for which they are appointed.

B. This section shall not apply to persons appointed to advisory committees or to committees established under federal or state grant-in-aid programs except where otherwise specified.

3.08.060 Waiver. The provisions of this ordinance may be waived with respect to any particular person or position only upon the approval by the mayor and by a majority vote of the City Council. To waive the ordinance for a particular person or position, the Mayor must submit a written determination that the taxpayers and residents of the city of Springfield would be better served through the hiring, appointment or promotion of the non-resident of the city of Springfield to a promotion. Such written determination will be forwarded to the City Council and approved only by a majority vote of the City Council.

3.08.070 Actual principal residence. In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal household effects. This ordinance shall be deemed to affect both civil and non-civil service employees of the city.

3.08.080 Residency Compliance Officer. A. there shall be a Residency Compliance Officer ("officer") within the personnel department, which shall also have the power to conduct investigations of city employees and officers where there is a reason to believe that an employee or officer may be in violation of the residency ordinance. The Springfield police department shall serve as investigators for both the compliance

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unit and commission.

B. The Residency Compliance Officer shall ensure, pursuant to the residency ordinance, the filing of residency affidavits and submission of additional documentation to verify residency. It shall also serve as a vehicle whereby employees and the general public may report those who are believed to be in violation of the residency ordinance. Where questionable claims of residency exist, the compliance unit shall forward to the Residency Compliance Officer for further investigation as delineated in the above section.

3.08.090 Residency Compliance Commission. A. There shall be a residency compliance commission ("commission") comprising three (3) commissioners, two (2) to be appointed by the mayor of the city of Springfield with one (1) being a city union representative, and (1) being the president of the city council, or such other councilor designated from time to time by the council president.

B. The purpose of the commission shall be to investigate and make findings relative to compliance with Springfield's residency ordinance.

C. The commission shall have the power to investigate, conduct hearings, administer oaths, take testimony of any person under oath and in connection therewith to require the production for examination of any documents, books, papers, or evidence relating to any other matter in question or under investigation by the commission. The commission may appoint a hearing officer to conduct particular hearings upon a majority vote of the commission. The employees who are the subject of a hearing shall be afforded notice of and an opportunity to provide testimony, witnesses, documents and to have counsel present.

D. Should the commission, after hearing, find that an employee, who is subject to the residency ordinance, does not reside within the city of Springfield, the commission shall issue his/her findings to the employee's department head who shall enforce the provisions of this ordinance against the said individual.

E. Semiannually, the Residency Compliance Officer shall provide a written report to the mayor who shall file a copy with the city council. This report shall include all investigations and findings by the Residency Compliance Officer with respect to the residency ordinance.

3.08.100 Residency for former positions or titles. For the

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purpose of this ordinance all positions or titles listed in former section 3.08.080 (November 11, 1991 and March 25, 1992) shall be governed by this ordinance, unless excluded by law or collective bargaining agreements.

3.08.110 Fine for paying person in violation of ordinance.
Any person, acting in behalf of the City who makes payment of wages to any person stricken from a payroll under the provisions hereof, within one year of the date of striking, and any person accepting such payment, shall be punished by a fine of two (\$2.00) dollars for each dollar so paid or accepted.

3.08.120 Suspension for persons in violation of ordinance.
Any individual hired or promoted after March 17, 1995 but before February 1, 2012 and who is in violation of this ordinance shall be suspended for two (2) weeks without pay annually, until said employee is found to be in compliance with this ordinance.

3.08.130 Severability. The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

Approved as to Form:

Associate City Solicitor