Date: January, 16, 2019
Time: 3:00 p.m.
Location: Law Enforcement Center, Classroom A; 320 S. Kansas Ste 100

Attendance
Committee members Present: Tony Emerson, Karen Hiller (chair), Jeff Coen
City Staff Present: Brent Trout (City Manager), Catherine Walter and Lisa Robertson (Legal), Jacque Russell (Human Resources) Liz Toyne (Council Assistant)

1) Call to Order
Councilmember Hiller called the meeting to order. Committee and staff members introduced themselves.

2) Approval of Minutes
An amendment to change American Society of Mechanical Engineers (ASME) to American Federation of State, County, and Municipal Employees (AFSCME) union for water workers that Matt Bergmann represented. Jacque Russell provided correct acronym for revised minutes.

Councilmember Coen made a motion to approve the minutes from the December 19, 2018 meeting. Councilmember Emerson seconded the motion. The minutes were approved with amendment 3:0.

3) Employee Residency Requirement: Discussion, Possible Action
AO Aaron Freeman, President of the Topeka Fire IAFF Local 83, updated the committee that one individual who is in the hiring process has since resigned due to the residency requirement and has been made aware that there were two other applicants who recently have decided not to apply with Topeka Fire Department to join another agency due to the residency requirement. Councilmember Hiller inquired as to what step within the process those individuals were in. Mr. Freeman noted he was not comfortable sharing as he was not entirely sure but that if people are in a nearby town, yet outside of the

1 - Policy and Finance Committee
As per Governing Body Rule 8.10, Chairwoman Karen Hiller approved the minutes on February 7, 2018.
county, they are not willing to relocate. There is one applicant who is from out of state who will be returning and will move within the county line.

Councilmember Hiller asked staff to provide an update with information they found regarding the various aspects of union contract language, and other implications that may need to be reviewed should the requirement status change. City Manager Trout introduced staff and their duties. Catherine Walter provided a document which included the City’s current personnel code, as well as the seven unions that are represented by employees and what those contracts would look like should the requirement be changed or removed. Currently, AFT, Teamsters and WPC contracts have no reporting requirement and are silent to any impact of changes to the personnel code. Development Services and FOP contracts indicate that should the requirement changes, the Union and the City agree to meet and confer regarding such changes. The Fraternal Order of Police, International Association of Firefighters and Water AFSCME have reporting time requirements written into their contracts. Currently, FOP and IAFF have a 30 minute time requirement and AFSCME has a 45 minute requirement. AFSCME would be governed by changes to the personnel code except with respect to the residency requirement which states “...all bargaining unit members shall be required to reside within a distance which will allow them to report to work in an emergency in no more than a forty-five (45) minute period of time”. Councilmember Hiller inquired with staff and Catherine Walter confirmed that the Water contract would not change. The FOP and Development Services would have automatic re-openers. Fire and Water would follow the changes but for the 45 minute report time requirement. Teamsters, AFSCME, and AFT, would require mutual agreement. Councilmember Emerson inquired if the entire contract would be reopened or just that single article. Ms. Walter noted it would only reopen the article.

Councilmember Hiller inquired with Ms. Walter as to if she saw an issue if the requirement should be removed. Ms. Walter noted that there would be no legal issues. Mr. Trout noted that he and staff felt that there would be no issues with removing the requirement and that more or less, the change could be made and implemented quickly. Jacque Russell spoke regarding all employees. Those positions and position descriptions would be reviewed case by case. Examples given included some WPC positions where a quick response time would be necessary in the case of flooding, Teamsters positions in the case of snow removal. For non-union positions the example of Emergency Management positions were provided. Ms. Russell recommended that if there was a change to the personnel code, that Human Resources would work with the Department Directors and have them work with the division and section managers to review
all position descriptions based on the function and determine which positions would need to have response times added to them that are covered by the personnel code to ensure a thorough review.

Councilmember Hiller provided a recommendation for potential outcomes. Those are:

1. No Change
2. Residential Requirement – Drop entirely
3. Residential Requirement – Drop requirement but retain authority for job descriptions and duty assignments to require report times
   a. Additionally, suggest review of job performance expectations, adding language requiring familiarity with the City as appropriate for the job duties
4. Minority & Women Recruitment – recommend a management policy that demonstration of affirmative minority and women requirement be documented in every COT recruitment, evidenced by procedures as well as minorities in selection finalist pools and final hires.
5. Promotion of Residency – Require that COT affirmatively promote residency in the City, evidenced by promotional materials and residency data
   a. Additionally, to recommend that City Governing Body take a recommendation to JEDO that all employers who receive JEDO incentives are required to demonstrate affirmative recruitment for residency in the City, evidenced by documentation of materials and approach and feedback from applicants and employees.

Councilmember Emerson cautioned about the wording when referencing the JEDO incentives as that committee includes Shawnee County as well as the City of Topeka. Councilmember Hiller noted that more thought would need to be put into the details should that recommendation that is considered.

Councilmember Emerson also noted that the committee would want to take into consideration the recruitment and hiring efforts toward minority and women populations. Councilmember Hiller noted that she was also concerned that if the requirement was lifted that the effort for diversifying efforts may fall back. Jacque Russell commented with regard to the minority and women recruitment, there are currently affirmative action requirements within the personnel code.

With regard to number 5, Ms. Russell noted that the current requirement is for employees to live within Shawnee County and to promote living in the
City limits in order to be considered for hire or promotion status. The number 5 proposal could be viewed as more restrictive. Councilmember Hiller confirmed that putting together pieces that promote what Topeka offers is an active approach. Councilmember Hiller stated that with the verbal encouragement to have employees live within the City limits, having some materials made available would be helpful as well. Jacque Russell noted that there have been supplemental materials that have been provided for the more specialized levels that she would be happy to share. Councilmember Hiller noted that this would be an effort that she would like to see done on all levels of employment, not limiting to specialized jobs.

Councilmember Coen inquired as to what the purpose of the provided options were. Councilmember Hiller noted it was to be responsible in reviewing the various options that would be available. Councilmember Coen inquired with Jacque Russell as to if there were certain position descriptions which specifically noted a residency requirement. Ms. Russell responded that some positions do have that requirement and that it varies by function and that if a union contract already covers a duty time requirement, the job description would not. The jobs are divided into emergency and non-emergency categories. Councilmember Coen inquired with Ms. Russell as to what the Human Resource preference would be. Ms. Russell noted that her preference would be to work together on option 3/3A (found on page 3). Mr. Trout added that option 3/3A would be how staff approached the decision regardless of if the committee and Governing Body’s decision to remove it completely. Mr. Trout noted that the specifics that are found within 3/3A would fall into the “Where” and “Where As” portions of the ordinance. With regard to the personnel code itself, it would likely state that the requirement was removed. Councilmember Hiller inquired with the Committee members as to their preference. Councilmember Coen responded that he would prefer option 3/3A. Councilmember Emerson inquired with Department Directors in attendance as to if removing the requirement would make a negative impact with their department. Chief Cochran noted that for the police department, it would not negatively affect their operations and would improve their recruitment efforts. Chief Duke concurs with Chief Cochran’s sentiments that removing the requirement would be a positive. Bill Fiander, Planning Department Director supports removing the requirement noting it would open up the employment pool as well. Councilmember Emerson noted that he has struggled with removing the requirement, but that he would also support 3/3A.
Councilmember Hiller inquired with department heads that were in attendance as to if they felt that their recruitment efforts within affirmative action areas would lack should the requirement be removed. Mr. Trout noted that he would not allow that. Chief Cochran noted that he felt that if the requirement was removed, their search for minority applicants would increase as there would be a renewed way to grow where they look.

Jacque Russell further commented with Chief Cochran’s statement that HR oversees the recruitment efforts for all departments and that none of the current efforts would be reduced and there would be an enhanced effort for reaching out to areas further out. Ms. Russell noted recruitment efforts being made at Haskell University. Councilmember Hiller felt that there is also a strong preference in finding and developing local talent, however she understands the example provided by Ms. Russell, further stating that recruiting at African American universities might help. Ms. Russell noted that she felt those efforts would be more viable and viewed as a new opportunity with the requirement removed. Bill Fiander agreed with the other department heads noting that a few years ago, he would likely have had reservations in removing the requirement, but now feels it would be better to not have it.

Councilmember Hiller inquired if any committee members would like to make a motion for a combination of 3/3A. Councilmember Coen made the motion. Councilmember Emerson seconded the motion. The motion passed 3:0 to move forward with submitting a recommendation to the Governing Body for a vote.

Mr. Trout thanked the committee for taking the topic seriously and that he would possibly like to see the item on the agenda in February.

4) Other Items Before the Committee

None.

5) Adjourn

Councilmember Hiller adjourned the meeting.

The video of this meeting can be viewed at: https://youtu.be/O8UL2JxDg_8

City of Topeka Personnel Code: Residency Requirement (as of 9/19/2011)
5 - Policy and Finance Committee
As per Governing Body Rule 8.10, Chairwoman Karen Hiller approved the minutes on February 7, 2018.
Section 5. Residency Requirement.

A. Specifications. Employees, including department heads, employed after December 31, 1981, by the City must be bona fide residents of Shawnee County, except at the time of appointment or employment when they need not be residents of Shawnee County, but shall establish residency in Shawnee County within six (6) months after completion of the initial employment probation. Employees employed in a public safety position, as defined by the Human Resources Director, shall, within six (6) months after completion of the initial employment probation, reside within the boundaries of Shawnee County at a location which is no more than thirty (30) minutes travel time from the assigned reporting station or office. Said residency shall be maintained within the boundaries of Shawnee County for the duration of the employee’s employment. The City Manager may grant one (1) extension not to exceed six (6) months for establishment of residency upon request of an individual employee for good cause shown.