Date: November 19, 2018  
Time: 3:00 p.m.  
Location: City Hall First Floor Conference Room, 215 SE 7th

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

1) **Call to Order**  
Councilmember Hiller called the meeting to order.

2) **Approval of Minutes**  
Councilmember Coen made a motion to approve the minutes from the April 27, 2018 meeting. Councilmember Emerson seconded the motion. The minutes were approved 3:0.

3) **Employee Residency Requirement Discussion**  
Councilmember Hiller introduced the current Employee Residency policy and asked City Manager Brent Trout to provide the current requirement. Mr. Trout read the policy as it is currently found within the Employee Personnel Code. This original policy can be found below the minutes. City Manager Trout noted that some of the City’s bargaining units had requirements that fell outside of the standard requirements for non-union employees. The Fraternal Order of Police contract states that officers must live within 30 minutes of their post. The Fire Department also has a similar rule. The Water Department has a 45 minute arrive time.

Councilmember Hiller provided some historical reference noting that, to her knowledge, when the City of Topeka was founded in the mid-1850’s, all
employees were required to live within the city limits. This policy remained in effect through 1981, when the personnel code was formally created and stated that all employees would be required to live within the City of Topeka. Sometime between 1981 and 1994, the policy was extended to require employees to live within Shawnee County. Department directors, were required to reside within city limits, but were grandfathered in if they had been hired as an employee and then promoted to director status. In 2008, the Governing Body reviewed the policy again, however nothing moved forward with it. In 2011, the policy was changed to allow department directors to live within Shawnee County and the thirty minute response time became active.

Councilmember Coen spoke about the reason he wanted to bring the topic back to the table for consideration. Councilmember Coen had heard from a number of employees about wanting to remove the requirement. Some of the emergency services have a difficult time finding applicants. Councilmember Coen felt as though being able to extend or possibly remove the residency requirement may allow for potential applicants to consider working for the City of Topeka. Councilmember Coen inquired with City Manager and Legal about union contracts. City Manager Trout noted that there is a mechanism within the contracts that discusses the response time. Catherine Walter, City Legal, stated that the bargaining units have a few options. Some contracts have an “automatic rule” for what happens if the Personnel Code changes. The other is that a proposal to eliminate the residency requirement could go to before each union and negotiations could be had. Councilmember Hiller inquired with Councilmember Coen to confirm that the reason for bringing the policy back to the committee to look at was for recruiting and retention purposes. Councilmember Coen agreed.

City Manager Trout provided some insight as to staff’s current thoughts regarding changing this policy. Mr. Trout noted that there have been some individuals within the past few years who were interested in working for the city and would have been good candidates, however those individuals chose not to move into Shawnee County, which stopped the process of moving forward at that point.

Councilmember Hiller raised the issue of whether different hiring strategies could solve the problem. She asked if the city was making changes as to how they are hiring. City Manager Trout noted that the police department was taking steps to recruit members of minority class. The police department has seen some success with this new method. The Fire Department has also seen success with more diversity (first female in 17 years).
Councilmember Hiller noted that one thing we want to do is to make the City an ideal place to work as well as to live. City Manager Trout noted that there are many families would find the change helpful is if a family has both spouses traveling for work and trying to find a location between those places or if children are in school in an area and the family does not want to move.

Jacque Russell, Human Resources Director, noted that dual-working families that commute are what the HR department is seeing more frequently. Councilmember Hiller made mention of the 2008 meeting minutes that stated if an employee needed to have an exception granted to live outside of the county limits, that the City Council could vote to approve that request. Jacque Russell confirmed that between 2008 and 2011, there had been two employees who had been hired to the City and followed policy to reside within county limits. Those individuals had then been promoted to department director positions and the council voted to approve an exception that they were able to continue residing outside of the city limits, however maintained their residency requirement to be within Shawnee County’s limits.

Councilmember Emerson inquired with staff as to the frequency of potential hires with dual-working adults in a family and what that number might look like on a monthly basis. Jacque Russell noted that applicants are more frequently responding from out of the county limits. This comes up more often with the specialized positions which are harder to fill.

Councilmember Emerson inquired if the pay was perhaps keeping applicants away. Jacque Russell noted that pay has been increased in order to try to attract more applicants. However, many are choosing to not move thus ending the hiring process.

Councilmember Coen inquired if the original requirement was to force people to move to and live in Topeka. City Manager Trout noted that in many cases, the policy was established to integrate people into the community in which they work to hopefully grow a sense of responsibility and pride in the place they live and work. Councilmember Coen noted that people will be spending money in Topeka regardless if they live outside of the limit.

Councilmember Hiller recognized Councilmember Padilla. Councilmember Padilla noted that when he began working at the Police Department, the rule was employees were required to live within the city limits. He provided the examples of community officers who make connections with the community members where they serve and is of the opinion that it is because there is some investment
to this community. Councilmember Padilla wants to encourage others to take part in the journey that we are providing everyone. Council member Padilla feels that perhaps having some introspection into the city is of value.

Councilmember Coen inquired with Jacque Russell as to how many employees are outside of the requirement policy. Jacque Russell could not provide an actual number at the time of the meeting, but noted that there has been an increase over the past few years of applicants who have stated that the residency requirement was what made them discontinue the hiring/application process with the City. Councilmember Coen inquired about a department director who may be living outside of the limits. Jacque Russell noted that said director was one who had previous approval.

Jason Peek, Public Works Director, addressed the committee and noted that it is not so much that people do not like Topeka, but more about prioritizing family over career, especially if a dual-career family is in play. It is also important to know the pool of applicants. Recruitment is difficult and only becoming a barrier. The residency requirement can be used as a way to flip the topic into an incentive.

Police Chief Cochran addressed the committee and noted that community is community and the police department is part of that community. Chief Cochran proposed lengthening the moving time frame. Chief Cochran agreed that we live in a different society today where commuting is not as big of an issue as it may have been years ago. Councilmember Hiller inquired with Chief Cochran as to the difference in thought between young single recruits versus those with families. Chief Cochran noted that there are some good things coming up within the city that will entice younger recruits to the city. The Police Department has taken a holistic approach to work with the family, as opposed to just the recruit. Councilmember Hiller inquired with Chief Cochran as to if he thought the policy should be changed or keep it as it is. Chief Cochran noted that expanding the residency requirement timeline, it would help with hiring. Councilmember Coen inquired what an ideal time extension might look like. Chief Cochran noted that perhaps 18 months or 2 years would be adequate. When speaking of the military recruitment that they do, there are often times that spouses are both serving and have different time requirements and if there was an extension, there might be two applicants who come out of the situation rather than none. Councilmember Hiller noted that there is a difference with the job requirements depending on what an individual was doing, and inquired if Chief Cochran felt there was a differentiation in the job description and whether that would factor into an employee being required to live within the city/county line or not. Chief Cochran
pondered with the idea of the suggestion being fair to single out certain jobs where the policy is followed and where it is not. City Manager Trout would like to see uniformity in this policy regardless of position.

Councilmember Coen inquired with the City Manager as to if there was a Residency requirement in Iowa. Mr. Trout noted that there was.

Fire Chief Duke addressed the committee and noted that upon his hire, he moved to the city as required. Chief Duke noted that in Kansas City, there was an earning tax that charged people who worked within the city but lived elsewhere. Whatever the decision is, the recruitment process will continue doing their best to get new employees.

Councilmember Padilla followed up with some of Chief Duke’s sentiments, noting that some thought should be given as to expanding the transition/moving time. Councilmember Padilla noted that perhaps providing a stipend to someone to move within the county limits would be an incentive. Councilmember Padilla noted that there are many qualified applicants in Topeka.

Councilmember Hiller opened the floor to conversation regarding what the thoughts were of the committee members. Councilmember Emerson was not interested in a total change of the policy, however perhaps looking more at lengthening the timeframe within the requirement would be of interest. Councilmember Emerson would like to get more public input.

Councilmember Coen would like to have a public meeting to see what input may be generated. One option being removing the requirement altogether and the other being to lengthen the time frame.

There was discussion between committee members and staff regarding how best to set up this public meeting.

Council member Hiller inquired as to what data the committee might want to have available prior to the public meeting. Councilmember Emerson would like to see positions that have been open for the past two years.

Staff will look for data on what other places have found that to be successful.

Councilmember Coen inquired if Chattanooga has a residency requirement.

Catherine Walter brought up the current bargaining contracts for the police and fire departments. The police department’s probationary period is 18 months, with the additional six month relocation period bringing that total to two years. The
Fire department has a one year probationary period, so that gives a year and a half for those employees. There is a current system in place where the Human Resources Department tracks employees who need to move. Currently, the city has a six month probation period followed by the six months that is required for employees to comply with the residency requirement. Employees are also granted an extension of six months with approval by the City Manager.

Councilmember Hiller stated she would like to see some best practices material from other cities with regard to their residency requirement policy.

Councilmember Hiller tasked staff with finding a way to promote and get the information to staff as well as online.

4) Set Future Meeting Date(s)

Public meeting: December 19th was proposed. One meeting will begin at 3:00pm, followed by a second meeting at 5:30pm. Location TBD.

5) Adjourn

Councilmember Hiller adjourned the meeting.

The video of this meeting can be viewed at: https://youtu.be/lReSPxLafy8

City of Topeka Personnel Code: Residency Requirement (as of 9/19/2011)

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.