Date: December 19, 2018
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 (Legal), Jacque Russell (Human Resources), 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 November 19, 2018 meeting. Councilmember Emerson seconded the motion. The minutes were approved 3:0.

3) Employee Residency Requirement Follow-up from Staff
Councilmember Hiller provided a brief summary of the City’s Employee Residency Requirement Policy, as well as briefly reviewing discussion points from the November 19th meeting.

Jacque Russell provided information regarding critical positions within the City of Topeka that have been open for an extended period of time. The list for critical or more advanced positions is as follows:
- Engineering – Asset Management: 571 days
- Engineering – Storm Water: 549 days
- Electrician – 144 days
- Water Systems General Manager position which is now filled, was open for 196 days. The incumbent was already a City employee and resided within Shawnee County.
- Plan Reviewer with the Planning Department was open for 237 days. Hired someone from Missouri. Ms. Russell noted that this position differed from the Fire Plan Reviewer position.
- Management Analyst – 123 days, new hire was from Edgerton, MO.
- Probation Office Supervisor was open for 118 days, filled with someone from Hutchinson, KS.
- Construction Inspection Manager – 110 days, filled with internal employee.
Councilmember Emerson inquired with Jacque as to what a Management Analyst does. Ms. Russell responded that the position is a department level one, and main job duties involve analyzing data analytics, provide reporting, numbers and processes. City Manager Trout noted that many individuals who get into the management analyst field do so as a way to get experience with City Administration, and this is an opening position. Councilmember Hiller inquired as to why there were three Management Analyst positions on the list. Ms. Russell responded that the information was gathered from 2016-2018.

Councilmember Coen inquired as to where the last applicants noted were from. Jacque Russell responded they were from smaller surrounding counties such as Jackson and Douglas counties.

Councilmember Hiller stated it was not uncommon for jobs to be open for 60 days or so. Jacque Russell agreed, but noted that having the larger number of applicants specifically list the residency requirement as reasons for not accepting a position was odd and she felt it should be brought up.

Councilmember Hiller inquired if Police and Fire positions were included in the number of open positions. Jacque Russell responded that those departments hold academies twice a year.

Jacque Russell contacted the City’s online application vendor to inquire about what information might be available. In reviewing information pulled from 2014-2018, there were 83 applicants who ended the application process at some point and indicated that they would not relocate or did not complete the application process. Councilmember Emerson inquired if there was an estimate as to the number of total applicants completed the process. Ms. Russell estimated around three to five thousand total applications were completed within that four year period. Councilmember Emerson stated that Ms. Russell’s presentation answered his initial question, and noted that the pay offered by
the City versus the private sector seemed to have a part to play in their decisions.

Councilmember Hiller requested Jacque Russell send a follow up with regard to the number of total applicants within the 2014-2018 range.

Jacque Russell presented information regarding Chattanooga, TN and their residency requirement. Their municipality only requires employees to live in the state of Tennessee.

Councilmember Hiller introduced the Residency Requirement spreadsheet. City Manager, Brent Trout noted that information that had been provided to committee members at the November 19th meeting had been called into question. Staff members Kelly Baker, City Manager Executive Assistant and Liz Toyne, City Council Executive Assistant worked together to provide one consolidated spreadsheet which reflects current Residency Requirements for a number of cities in Kansas and a few from neighboring states.

Councilmember Hiller spoke about articles which had been presented to the committee and staff regarding the pros and cons of having a residency requirement. These articles will be available to view on the Committee site of the City of Topeka’s website at: https://www.topeka.org/citycouncil/policy-finance-committee/

Councilmember Hiller views the City of Topeka as having two main goals with regard to employees. The first, to have success with recruitment, retention and performance. Second, to have a diverse and inclusive workforce. Councilmember Hiller then summarized a few articles.

- Various ways that other municipalities handle a residency requirement included:
  - Incentive for employees who would choose to live within a determined distance.
  - Residency hiring preference.
  - There was also an earnings tax for Kansas City and St. Louis, Missouri.
- Amount of time for new hires to follow a residency requirement policy, standard practice was between one to six months following employment and/or probation.
- Standard practices for individuals who did not comply with the requirement typically found termination as a result. One place however chose to extend the probation period for an employee who did not comply.
- Exceptions to the rules: vote of Governing Body.
- Legalities: State Laws will apply and can vary. Only exception was if policy proved to be racially discriminatory.
Theories of Pros & Cons

- **Argument for having a Residency Requirement**
  - Manpower in case of emergency
  - Enhanced quality of performance. If people who work for you live in the same community, they will want to do better.
  - Increase likelihood of employees interacting with officials and community members.
  - Local employee would have better understanding of problems within the community.
  - Increased interest in outcome of work.
  - Minimize absenteeism
  - Minimize tardiness
  - Potential economic benefits – homeowners, spend money in the city, kids in local schools, discourage middle-class flight out of the city
  - Tax exemption services
  - Confidence in government is increased when those who manage the government also live in that community
  - Improves job opportunities for local citizens
  - Improve minority recruitment

- **Argument against having a Residency Requirement**
  - Residency alone is less skilled work force
  - Requires better compensation
  - Limits liberty of employee
  - Dual-career families
  - People who live around city in a smaller town and are established, unwilling to move
  - Minority recruitment improvement
  - Outsiders bring fresh ideas

Catherine Walter clarified that Kansas State Law currently prohibits imposing an earnings tax.

4) **Public Comment**

Matthew Bergmann, partner with F&F Law and representing the Fraternal Order of Police Lodge #3, the International Association of Fire Fighters Local 83, and the local American Federation of State, County and Municipal Employees (AFSCME) Water Union – Reviewed information and understands that there are competing arguments. Many of the residency requirements were established many years ago and things have changed since then. One argument against a residency requirement is it prevents qualified applicants from getting the job. If someone is the best person for the job, where they choose to live should not matter. End goal is to have the most qualified applicant for the job, regardless of where they live. The requirement also limits job performance. Tax payers
pay taxes to receive service regardless of where the staff resides privately. As long as there is no conflict with the service being provided, the location of their home should not matter. Community - goes beyond boundary line. 

Personal story, summing up that employees need to have flexibility to do what is best to fit in to their personal goals and to let people choose where they want to live, as long as they provide expected service/work. In 1994, Nashville, TN abolished their residency requirement. With those findings, a vast majority of the work force will choose to live within the city limits, however the flexibility allows the best applicants to decide what is the best fit for their family. Can be detrimental - own a home and small kids are in school in a location, and is a difficult decision to displace the family to fit into a requirement. Mr. Bergmann surmised that individuals who live in West Lawrence could get to City Hall quicker than individuals who live out in Auburn, Kansas however there is a county line that separates where people can live. Councilmember Hiller inquired about private sector pay and if positions in the private sector had any type of residency requirements for employees. Mr. Bergmann responded that to his knowledge, most do not. On behalf of his client’s, Mr. Bergmann noted they would not want to further restrict current policy. Councilmember Hiller noted that the committee also did not want to further restrict the current policy. Councilmember Hiller inquired if he had information regarding the number of clients who lived in the city versus the county. Mr. Bergmann will get that information.

Officer Matt Blassingame FOP #3 - Community aspect of requirement. Lives in County, however still regards the City of Topeka as “home”. Had there been the city limit requirement been current when OFC Blassingame applied to the Topeka Police Department, he would not have been here today. He would not choose to relocate his family due to a residency requirement. From a recruiting and retention perspective, he would like to have the department have the best people for the job, regardless of where they live. Viewing the list that was sent out by staff, there are 17 out of 27 municipalities which do not require a set residency for “other employees”. OFC Blassingame noted that he understands where there can be exceptions for emergency personnel. OFC Blassingame noted a few smaller cities that were on the list which he feels are not comparable to Topeka. Some cities which OFC Blassingame felt were more comparable to Topeka were: Wichita, which has a 30 minute rule, and upon inquiry it was communicated that the rule is 30 minutes to the city limits. Overland Park Police Department has a 90 minute requirement, do not care where you live as long as can respond within that time. Shawnee County Sheriff’s Office has no requirement. Lawrence Police Department has no requirement. Councilmember Hiller asked OFC Blassingame if he felt having a response time requirement would be appropriate. OFC Blassingame replied that in his experience, there has not been a situation where this has been an issue. To his knowledge and nine years of experience, there has not been an instance where all officers were called to respond at the same time.

5 - Revised 1/16/2019
Councilmember Emerson asked OFC Blassingame to elaborate about his experience of living in the city limits for a short amount of time before deciding to move into the county. OFC Blassingame noted that he moved outside of the city limits prior to becoming a city employee. OFC Blassingame feels allowing someone who is just outside of a geographical boundary and prefers small town living is important for recruitment.

DET Kent Biggs FOP- personal points: Skeptical of reason that applicants give that they want to work for the City but will not apply due to the residency requirement. DET Biggs recently spoke to someone who lives four minutes outside of county limits who stated he would not apply to TPD as a direct result of the residency requirement. DET Biggs gave personal testimony about moving to Topeka and his reasons for building a home within Shawnee County. DET Biggs ended by stating he is looking for best people to work for the department regardless of where they live. Three issues that Hiring and Recruiting officer will cover regarding issues they hear from potential applicants is pay, residency and he was not able to recall the third.

AO Aaron Freeman, President of Topeka Fire IAFF Local 83 – would like to see residency requirement taken away. Mr. Freeman noted the requirement is beginning to hurt the recruitment and retention of the department and elaborated that he is aware of some individuals who are in hiring process with other departments simply due to the residency requirement that the City of Topeka (CoT) has. During the last numbers of testing 16 applicants showed up, 8 took the test, 6 passed. There are more vacancies and of the 6 who passed, some will be lost during the training process. Mr. Freeman has spoken to individuals in neighboring counties and cities and has been told that the residency requirement is direct reason for not seeking employment with CoT. Mr. Freeman does not see a negative to removing the requirement, but can see the benefit to not having one. Councilmember Emerson inquired about a maximum age limit to apply, however there is a minimum age of 21 years old and a retirement age of 60, but inside of those ages anyone could apply. Mr. Freeman noted that younger applicants might move within the city or county limits, however that would be difficult to know for sure.

Councilmember Hiller inquired about diversifying the employment pool. If CoT is wanting to diversify the work force, the focus should be on finding women and minorities and encouraging them to move here rather than simply opening up the boundary line. Mr. Freeman does not feel that opening the boundaries would change how the department focuses their attention to recruiting minorities. OFC Vidal Campos, Recruiting and Hiring Officer with the Topeka Police Department has researched the numbers of minority applicants for the past three years and the City is losing applicants because of limitations of requirement. OFC Campos notes that people applying to the department come
because they like many aspects of being in Topeka but not living here; they like the action and want to be “real police officers” but are unable because they are just outside of the County line. Averaging 75 applicants annually but are losing half for voluntary withdraw due to the residency requirement or a quicker hiring process with a smaller agency.

Councilmember Emerson expressed surprise that applicants coming from armed services who are used to the structure of the military are refusing to comply once they begin the application process. Councilmember Emerson inquired if a larger number of applicants might increase the number of applicants. OFC Campos stated that recruitment into police departments is low nation-wide as the nature of the business and people do not want to serve. Councilmember Hiller inquired about a reason the topic arises is because elected officials are faced with what the citizens want to see in their local government, and people want to be proud of their city and want the qualified individuals to be part of that. Councilmember Hiller inquired as to if OFC Campos felt that people are generally not wanting to be in Topeka because of dual-career families and individuals who prefer living in smaller towns but working in a larger city or if there might be other reasons. OFC Campos understands the argument, and noted it is a problem when the department is already looking for individuals outside of the city, and on top of asking that they work in the city, also asking them to move results in losing half of those prospective individuals. OFC Campos noted that some individuals, like him, may eventually chose to go ahead and move into Topeka, and that this requirement is one hurdle is a big one. Councilmember Hiller noted that diversity is a large topic that is of interest to constituents. If there would be a way to be able to know for sure the amount of effect removing the residency requirement might have, it would help councilmembers to confidently answer to the constituents who have those questions. Councilmember Emerson noted that the change to the rule would affect all employees, not just the police department and that is one of the things for the councilmembers to keep in mind.

Chief Duke, Topeka Fire Department, noted they are working with Human Resources to recruit individuals who are representative of the community. Currently, requirements for applying to become a firefighter are individuals must be at least 21 years old, Kansas Certified EMT minimum, Kansas Driver’s License and is difficult with those not including the residency requirement. The numbers are a lot lower for the fire department than the police department due to higher number of certifications that are required. When Chief Duke took the written test, there were 800 applicants for 10 open positions. Now, there were only 16 people during the last test, with 6 people who have moved on. Chief Duke notes that the residency requirement is a hindrance, and that the low numbers is a national problem. Chief Duke noted that removing the requirement could possibly improve the applicant pool, but that it is definitely
hindering their numbers. There were four applicants within the past four classes that noted they would not be pursing further application as they were not interested with moving into Shawnee County. There have been applicants who tested and were reimbursed by the City for the CPAT certification who turned around and moved to another department as they did not want to live here. Councilmember Hiller asked that documentation be provided which shows how removing the residency requirement has improved the application rate.

Chief Cochran, Topeka Police Department, informed the committee that within the city of Topeka, we are not finding enough qualified applicants. In order to improve those numbers, recruiting in the four state region, Colorado, Missouri, Oklahoma and Nebraska. The applicants who come from those areas will have to move regardless. However, Chief Cochran feels the city is missing out on qualified applicants who are nearby in smaller places who were born and raised in a small town and want to remain living in that smaller town but want the action that being a police officer in Topeka would offer. The city as a whole would have a competitive edge with filling positions if we removed the requirement. Councilmember Emerson inquired about the recruitment incentive that was approved by the Governing Body and if those numbers seemed to improve with that. Chief Cochran noted that the incentive will not begin until January 1, 2019, however the number of applicants that went through the past week did show a higher number. The pay increase did help, however now the hurdle is people moving into the city. Councilmember Hiller inquired with Jacque Russell as to if other departments were utilizing those same creative recruitment tactics. Jacque noted that many of those specialized positions were using something similar. Ms. Russell added that local recruitment efforts would continue to happen, however removing the residency requirement would cast a wider net. Councilmember Hiller inquired if staff is being purposeful in targeting universities or career fairs which have larger number of minorities. Ms. Russell noted that efforts are being made to recruit at larger schools which offer a larger pool of minority applicants. There are some national recruitment efforts being done. City Manager Trout noted that individuals seeking those positions, regardless of nationality or race, are looking in those areas for job openings. Jacque noted that a generational shift of applicants' mindsets of being told where to live was noticed.

Chief Duke commented that firefighter EMT certifications are run through the local EMS, generally through a Junior College or satellite locations. The certification time for obtaining those are a semester and a half. Currently, TFD submits openings to schools which teach the EMT certification within a four state area. Councilmember Emerson inquired about the training and if Chief thought that requiring the EMS certification before applying would make a difference. Chief Duke noted that the training would take 6-12 weeks at 8 hours a day and then for applicants to pass the test, rather than 3 hours a week
at junior college as it is currently done. City Manager Trout noted that if applicants came in without the EMT certification, the City would be paying a salary for the duration of training, and if an individual did not pass the test, we would be out a significant amount of money.

Sasha Haehn noted that when she accepted the job, she had personal reasons to move to the area, however has horses and chose to live in Shawnee County. Had the requirements still been limited to City limits, she would not have taken the job. Ms. Haehn noted that the past Finance Director left recently to move and told coworkers that if there was not a requirement, she would not have quit. To conclude, Ms. Haehn noted that many senior director staff members live in the county but are incredibly passionate about their job and the people who live in Topeka. Those feelings and dedication to their work does not come from a residency requirement, it is about the person.

Jacque Russell commented on behalf of Teamsters, Mike Scribner, Teamsters is in favor of removing the residency requirement. Reasons provided include not finding enough local applicants who are qualified, finding qualified applicants who reside just outside of our limits and do not want to move.

5) Discussion By Committee Members
Discussion will be had at the second meeting at 5:30. There will be no action taken this evening. A meeting in January will be when the committee will decide to take action.

6) Other Items Before the Committee
No other items.

7) Adjourn
Councilmember Hiller adjourned the meeting.

STAFF REQUESTED: Catherine Walter, Senior Assistant City Attorney
Jacque Russell, Human Resources Director
Brent Trout, City Manager
Doug Gerber, Deputy City Manager

MEMBERS: Karen Hiller (Chair)
Tony Emerson
Jeff Coen

The video of this meeting can be viewed at: https://youtu.be/PT8GK-Uk_Xg

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.