

The Residency Act

Introduction

PA 212 of 1999, the Residency Act, became effective on March 10, 2000. The Act restricts public employers from requiring that certain employees reside within certain geographical boundaries as a condition of employment or promotion.

Analysis and Application

The Act affects collective bargaining agreements and the ability of municipalities to determine, for financial reasons or otherwise, whether or not certain employees may more effectively serve their communities as residents. The Act significantly impacts those public employers who previously negotiated higher salaries, wages, etc. in exchange for a residency requirement for their employees.

Key Provisions

- The Act applies to **public employers**, i.e. counties, townships, villages, cities, authorities, school districts, or other political subdivisions, including any entity created jointly by two or more public employers.
- The Act **does not apply** to volunteer or paid on-call firefighters, elected officials, or unpaid appointed officials.
- The Act prohibits a public employer from requiring a person to live within a specified geographic area or distance or travel time from the boundary of the public employer subject to the following exceptions:
 1. A public employer **may** require that the person live no greater than 20 miles from the nearest boundary of the city, village, etc.
 2. If such a requirement is made, it does not apply to a married person whose spouse also works for a public employer with a restriction that, if not for the Act, would require him or her to reside a distance of less than 20 miles from the nearest boundary of his or her employer. It should be noted that there has been considerable confusion regarding the “marriage exemption.”
- The Act does not require special action, either by way of ordinance or resolution, by a public employer.
- The Act applies only to employment contracts entered into, renewed, or renegotiated **after** March 10, 2000.

tribunals. He shall file with the clerk copies of such records and files relating thereto as the council may direct.

(c) He shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this Charter or by the council, and shall promptly give his opinion as to the legality thereof.

(d) He shall attend all meetings of the council.

(e) Upon recommendation of the attorney, or upon its own initiative the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist in counsel with the city attorney therein.

Section 4.14. - Director of public safety.

The director of public safety shall be the administrative head of the combined police and fire department and he shall be accountable and responsible to the mayor or council for the performance of his duties. He shall perform all duties as may be prescribed for him by law, this Charter, the mayor and/or ordinances or resolutions of the council.

The combined police and fire department shall be hereinafter known as the public safety department and the police and fire pension system shall continue for the benefit of all full time personnel in said public safety department.

Section 4.15. - Director of public works.

The director of public works shall be the administrative head of the department of public works.

He shall be responsible for the maintenance, alteration, improvement and repair of streets, sidewalks, sewers, sewage disposal facilities, water mains and water facilities, and all other public grounds, buildings, facilities and equipment which are not placed under the charge of some other department by this Charter, the mayor and/or by the council in accordance with the authority granted by this Charter.

He shall perform such other duties as may be prescribed by law, this Charter or as may be required of him by the mayor or council.

 **Section 4.16. - Personnel.**

The full time personnel other than elected and appointive officers shall be deemed city employees. All such full time personnel, if not residents of the city at the time of their employment, shall reside within 20 miles of the Gibraltar City boundary unless provided otherwise by law or collective bargaining agreement.

(Amended of 11-6-2001)

Section 4.17. - Appointive department officers.

The head of each department shall have the power to hire, suspend, discharge or otherwise take other appropriate disciplinary action against the employees of his department, with confirmation by the council. An employee who has been discharged may within ten days thereafter petition the council to hear the facts regarding such discharge, and in such case the council may in its sole discretion order a hearing and inquire into such facts, and may make such decision in the matter as its [it] considers proper.