

4 Moved by: Walter L. D. Williams
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9 An Ordinance amending Chapter 2-711, entitled "Residency," of the Codified Ordinances
10 of the City of Harrisburg, to eliminate the residency requirement for certain employees covered
11 under Act 195 of 1970 (AFSCME), certain employees covered under Act 111 of 1968 (Fraternal
12 Order of Police), and employees designated as management-level.
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15 **WHEREAS**, the City of Harrisburg requires certain employees to reside within the
16 corporate limits of the City; and
17

18 **WHEREAS**, the City of Harrisburg and Local Union No. 521, American Federation of
19 State, County and Municipal Employees (AFSCME), are parties to a Collective Bargaining
20 Agreement (CBA1) effective January 1, 2013 through December 31, 2016; and
21

22 **WHEREAS**, the City of Harrisburg and the Fraternal Order of Police, Capital City
23 Lodge No. 12 (FOP), are parties to a Collective Bargaining Agreement (CBA2) effective January
24 1, 2004 through December 31, 2016; and
25

26 **WHEREAS**, under CBA1, the City and AFSCME have agreed that AFSCME employees
27 will be exempt from the residency requirement set forth in Chapter 2-711 of the Codified
28 Ordinances of the City of Harrisburg; and
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30 **WHEREAS**, under CBA2, the City and FOP have agreed that FOP employees will be
31 exempt from the residency requirement set forth in Chapter 2-711 of the Codified Ordinances of
32 the City of Harrisburg; and

33
34 **WHEREAS**, the Codified Ordinances of the City of Harrisburg must be amended to
35 reflect this change and comport with the terms of the aforementioned Collective Bargaining
36 Agreements; and

37
38 **WHEREAS**, the court-appointed Receiver as well as the administration for the City of
39 Harrisburg have recommended that management-level employees be exempt from the residency
40 requirement set forth in Chapter 2-711 of the Codified Ordinances of the City of Harrisburg;

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42 **WHEREAS**, in furtherance of the Receiver’s financial recovery plan, exempting
43 management-level employees from the residency requirement widens the pool of qualified
44 candidates for such positions and permits the City to retain valuable and qualified employees
45 who do not live within the corporate limits of the City; and

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47 **WHEREAS**, the Codified Ordinances of the City of Harrisburg must be amended to
48 reflect these changes regarding AFSCME, FOP, and management-level employees.

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50 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
51 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME,** as
52 follows:

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54 **SECTION 1.** Chapter 2-711 of the Codified Ordinances is hereby amended as follows:
55 Amendments indicated by underlining, deletions indicated by [bracketing]. Any portion of the
56 Ordinance not listed shall remain unchanged.

57
58 **Section 2-711.1. DEFINITIONS**

59 As used in this chapter, unless otherwise expressly stated or clearly indicated by
60 the context, the following terms shall have the meanings indicated:

61 [A. Any person not covered by Act 111 of 1968 or Act 195 of 1970 who is
62 employed or appointed on or after June 29, 1982, to any full-time position of
63 employment within the City, including management-level positions under
64 contract terms governed by Acts 195 of 1970 and 111 of 1968, provided that such
65 person receives financial compensation from the City subject to withholding taxes
66 by the state or federal government.]

67 [B. Any person appointed to any full-time position of employment by the
68 City which is designated as management level under contract terms governed by
69 Pennsylvania Acts 195 of 1970 and 111 of 1968, and provided that such person
70 receives financial compensation from the City subject to withholding taxes by the
71 state or federal government.]

72 [C. Any person covered by Act 195 of 1970 who is employed or appointed on
73 or after March 1, 1999, to any permanent full-time position of employment within
74 the City, provided that such person receives financial compensation from the City
75 subject to withholding taxes by the state or federal government.]

76 [D. Any police officer covered by Act 111 of 1968 hired on or after March 27,
77 2001.]

78 [E.] Any firefighter covered by Act 111 of 1968 hired on or after January 1,
79 2002.
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87 [F. Any person covered by Act 195 of 1970 who is employed or appointed on
88 or after January 1, 2005, to any permanent part-time position of employment
89 within the City, provided that such person receives financial compensation
90 from the City subject to withholding taxes by the state or federal government.]
91
92

93 **Section 2-711.2 RESIDENCY REQUIRED**
94

95 [A. All persons who are or shall become employees of the City as defined in §
96 2-711.1, Subsections A and B of the definition of “employee,” shall be or shall
97 become residents of the City within a period of one year from the date of
98 employment.]
99

100 [B. All persons who are or shall become employees of the City as defined in §
101 2-711.1, Subsection C of the definition of “employee,” on or after September
102 1, 2007, shall become residents of the City within 12 months of completion of
103 their probationary period.]
104

105 [C.]A. All persons who are or shall become employees of the City as defined in §
106 2-711.1[, Subsections D, E, and F] of the definition of “employee,” shall
107 become residents of the City within six months of completion of their
108 probationary period.
109

110 [D.]B. Failure to do so shall be determined to be a voluntary termination of
111 employment, and the employee shall be terminated as provided by law by the
112 appropriate City officials.
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114 *****
115

116 **Section 2-711.5 RESIDENCE CERTIFICATION**
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118 Annually, in July, [every management-level employee of the City and] all
119 employees defined in § 2-711.1[, Subsections C, D and E of the definition of
120 “employee,”] shall file with the City Controller a certificate stating the
121 employee’s name and place of residence. Such residence certificate shall be
122 signed under penalty of unsworn falsification to authorities. The City Controller
123 may also, from time to time, require proof of the bona fide residence of any
124 employee to determine said employee’s eligibility to receive financial
125 compensation from the City. Furthermore, when an employee fails to comply
126 with the provisions of this chapter, the City Controller shall initiate that procedure
127 necessary to effect the immediate termination of said employee.
128

129 **SECTION 2. DELEGATION.**

130 Appropriate City officials are authorized and directed to take such actions as are
131 necessary to effectuate this ordinance.

132

133 **SECTION 3. SEVERABILITY.**

134 If any provision, sentence, clause, section, or part of this ordinance or the application
135 thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or
136 invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall
137 not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this
138 ordinance. It is hereby declared as the intent of the Council of the City of Harrisburg that this
139 ordinance would have been adopted had such unconstitutional, illegal or invalid provision,
140 sentence, clause, section or part not been included herein.

141

142 **SECTION 4. REPEALER.**


143 All ordinances or parts of ordinances in conflict herewith be and the same are hereby
144 repealed.

145

146 **SECTION 5. EFFECTIVE DATE.**

147 This ordinance shall take effect in accordance with the law.

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149 Seconded by: 

150

Presented the City Council September 16, 2013
Wanda R. D. Williams
 President of City Council

Attest [Signature]
 City Clerk

YEAS		NAYS
<input checked="" type="checkbox"/>	KOPLINSKI	
<input checked="" type="checkbox"/>	REID	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	SMITH	
<input checked="" type="checkbox"/>	SUMMERFORD	
<input checked="" type="checkbox"/>	WEBER	
<input checked="" type="checkbox"/>	WILSON	
<input checked="" type="checkbox"/>	WILLIAMS	
Yeas <u>6</u>		
Nays <u>1</u>		

Approved
 Returned to City Council with objections

[Signature]
 Mayor
9-18-13
 Date

INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date: August 26 2013

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2013

RESOLUTION NO. -2013

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:

Assistant City Solicitor

Date

Requested by Department/Bureau:

Department/Bureau Contact Person:

Administration / Office of Mayor / Receiver
Bob Philbin / Lisa Blackston

For Action on or before: _____

The attached was received in the Office of the City Clerk for introduction on

Received by:

Date:

K. Petroski

8-26-13