



ALLEGHENY INSTITUTE
FOR PUBLIC POLICY

*Residency Requirements in
Allegheny County: A Survey*

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Key Findings

- Residency requirements for public sector employees has garnered a lot of attention locally over the past few years owing to a change in state law, an arbitration ruling, and a voter referendum in the City of Pittsburgh.
- We found that many governing bodies of large municipalities in Allegheny County require their employees either to reside within the boundaries where they provide service or reside within a specific geographic area that includes the boundaries where they provide service. A few have no residency requirements for employees.
- We found that it was quite common for municipalities to have differing requirements depending on the classifications of employees.

Introduction

Both those who argue for and those who argue against residency requirements for public sector employees offer strong opinions about the issue. Proponents of requiring public employees to live within the municipality argue that employees share a vested interest with their communities and are able to provide faster service response times. Additionally, advocates argue that public employees should be required to live within the municipality borders because it is the taxpayers of that municipality who are directly paying for their services.

Opponents claim that public employees should enjoy the freedom to live wherever they see fit and be granted the opportunity to send their children to schools of their choosing. Employees residing in poor performing school districts are faced with having their children inadequately educated or sending them to charter schools (if a good one is available) or non-public schools usually at a substantial extra cost. Likewise, the potential of targeting public employees' families and possessions outside of work has raised concerns over residency requirements.

In 2001 we wrote a report on residency requirements noting that after the state erased the residency requirements for teachers in Pittsburgh, the police union asked for the same. After much debate, including being a prime issue in the 2007 mayoral election, the General Assembly passed what became Act 195 of 2012. That Act changed the requirement from Pittsburgh police “shall” be residents of the City while they are employed to a “may” be required to be residents, thus removing the requirement from state law and presumably making it a subject of collective bargaining between the City and its police union.

However, in November 2013 City voters approved an amendment to the Home Rule Charter requiring City residency for all City employees thereby removing the possibility of a negotiated agreement on the issue of residency requirements. At least that was the thinking of the City government when it put the question to a Charter referendum. But the matter did not rest there. Earlier this year, a majority vote of a three member arbitration panel convened under the terms of Act 111 determined that the appropriate residency requirement for Pittsburgh police was an area that covered a 25 mile radius from the City-County building in Downtown. The arbitration decision was appealed by the City not long after to Common Pleas Court. On July 9th the Court ruled to uphold the arbitration decision and the City announced it would appeal that ruling.¹

Given the attention the Pittsburgh police issue has garnered, we decided to explore the issue of residency requirements for other large municipalities in Allegheny County.

¹ Allegheny Institute for Public Policy “Residency Requirements: A Case of Politics over Economics” Report 01-06 http://www.alleghenyinstitute.org/wp-content/uploads/components/com_reports/uploads/01_06.pdf “Greener Pastures for the Boys in Blue?” Policy Brief Volume 12, Number 53 http://www.alleghenyinstitute.org/wp-content/uploads/components/com_policy/uploads/Vol12No53.pdf

Act 35 of 2001 (24 PS 1106) allowed teachers in Philadelphia and Pittsburgh to reside outside district boundaries. Act 195 of 2012

<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2012&sessInd=0&smthLwInd=0&act=195> Act 111 Interest Arbitration Between the City of Pittsburgh and the Fraternal Order of Police, Fort Pitt Lodge No 1 <http://www.post-gazette.com/attachment/2014/03/14/PDF-arbiter-s-award-in-the-police-residency-arbitration.pdf> “Pittsburgh to Appeal Judge’s Ruling to Let Police Move Outside City”

<http://triblive.com/news/adminpage/6430844-74/police-arbitration-judge#axzz36nXajxkd>

Methodology

We designed a survey that asked whether a municipality had a residency requirement, to whom it applied, what specifically the requirements are, and where it was codified or written (in an ordinance, home rule charter, collective bargaining agreement, etc. We then contacted the 16 municipalities of more than 15,000 people (excluding the City of Pittsburgh) and 15 responded.²

Municipalities in the Survey³

Municipality	Population	Square Mileage	Municipality	Population	Square Mileage
Baldwin Borough	19,767	5.44	Penn Hills	42,329	19.17
Bethel Park	32,313	11.92	Ross	31,105	14.5
Hampton	18,363	16.05	Scott	17,024	3.75
McCandless	28,457	16.6	Shaler	28,757	10.74
McKeesport	19,731	5.04	Upper St. Clair	19,229	9.95
Monroeville	28,386	19.5	West Mifflin	20,313	14
Moon	24,185	23.75	Wilkinsburg	15,930	2.09
Mt. Lebanon	33,137	5.88			

Upon making successful contact with an appropriate official of the governing body, we administered the following survey questions:

- 1) Do you have residency requirements for employees?
 - a. Yes
 - b. No
- 2) If yes, who does it apply to (certain types of employees or all)?
- 3) What is the requirement (do they have to live within the municipality or within a certain geographic area)?
- 4) How is this codified? Is it contained in a collective bargaining agreement, ordinance, charter, etc?
- 5) Any other details?

The results from the survey are divided into three response categories:

- The employees must reside within the boundaries of the municipality
- The employees must reside within a specific geographic area from the municipality, its boundaries, or some point within the municipality
- The employees are free from any residency requirement

² Only Plum did not respond.

³ Population from 2012 American Community Survey and contained in most recent Allegheny Institute Municipal Revenue and Expenditure report. Also see www.spcregion.org/reg_all.shtml Square mileage from Allegheny County Municipal Map page <http://www.alleghenycounty.us/munimap/index.asp>. Allegheny County requires all County employees to reside within the County per its requirement in the Administrative Code, Part 10, Article 1007.11 Residency and the City of Pittsburgh's requirements, aside from state law language concerning firefighters, the decision of the arbitrators on police, and the language of the 2013 Home Rule Charter amendment, is contained in Rule V of the Civil Service Code, Article XI, 181.02

Summary Results by Municipality

Governing Body	Employee Must Reside in Municipality	Employee Must Reside in a Specific Geographic Area	Employee is Not Subject to Residency Requirement
Baldwin Borough	Public Works		Other Non-Uniformed, Police
Bethel Park	All Non-Uniformed		Police
Hampton			All Non-Uniformed, Police
McCandless		Public Works, Police	Other Non-Uniformed
McKeesport	Non-Uniformed, Police, Fire		
Monroeville	Non-Uniformed, Police		
Moon		Public Works, Police	Other Non-Uniformed
Mt. Lebanon	Fire	Police	All Non-Uniformed
Penn Hills	All Non-Uniformed	Police	
Ross		Public Works, Police	Other Non-Uniformed
Scott		Police	All Non-Uniformed
Shaler	All Non-Uniformed, Police		
Upper St. Clair		Public Works	Other Non-Uniformed, Police
West Mifflin	Public Works		Other Non-Uniformed, Police
Wilkinsburg	All Non-Uniformed		Police

The table shows a wide variety of residency requirements for employees, and that some municipalities have requirements for some categories of employees but not others. Only two municipalities reported having paid/career firefighters, and it was assumed that for most municipalities volunteers would reside in the municipality, but they are not reported in the table or in the study.

Three municipalities—McKeesport, Monroeville, and Shaler—require all employees to reside within the municipality. Only one municipality, Hampton, has no residency requirement for any type of employee. Where we found residency requirements that apply only to public works employees that is noted and all other non-uniformed employees would be identified as “other non-uniformed”.

Employee Must Reside within Municipal Boundaries

Under this classification employees must live within the borders of the municipality with whom they are employed and carrying out the service.

Among the municipalities we surveyed, three require their police employees to reside in the municipality, eight require non-uniformed employees to reside in the municipality, and two municipalities that have paid firefighters require those employees to reside in the municipality.⁴

- Baldwin Borough—Public Works Employees
- Bethel Park—All Non-Uniformed Employees
- McKeesport—All Non-Uniformed, Police, and Fire Employees
- Monroeville—All Non-Uniformed and Police Employees
- Mt. Lebanon—Fire Employees
- Penn Hills—All Non-Uniformed Employees
- Shaler—All Non-Uniformed and Police Employees
- West Mifflin—Public Works Employees
- Wilkinsburg—All Non-Uniformed Employees

⁴ Communication with County/municipal/authority staff, but specific citations from the following: Baldwin Borough agreement with Construction, General Laborers, and Material Handlers; Bethel Park Personnel Policy Section 12.21.1; City of McKeesport Personnel Policy part D, Article 43 and 2 for police and fire respectively; Municipality of Monroeville Ordinance 1435, Section 1; Municipality of Mt. Lebanon, Personnel Rules, 7.9; Penn Hills Ordinance 288-12; Shaler Township Ordinance 44.1. West Mifflin and Wilkinsburg responded to the survey but did not provide language to show where the requirements were codified.

Employee Must Reside in a Specific Geographic Area

In this classification the requirement does not mandate the employee to reside within the boundaries of the governing body's service area but does require the employee to live within a specific geographic area, typically measured in air miles from a specific point within the municipality's boundaries. In other cases travel time was utilized (such as "employee must live within a 30 minute drive").⁵

- McCandless Public Works and Police Employees—Public works employees have to live within a twenty minute drive of the municipal offices. Police employees are bound to live in a strictly defined geographic area that is outlined by natural and manmade borders.
- Mt. Lebanon Police Employees—These employees must reside within a twenty mile radius of the municipality.
- Moon Public Works and Police Employees—Public works employees are subject to an agreement at the time of hire that they must reside within a thirty minute drive of the municipal offices. Police employees can live within ten air miles of the public safety building. We were able to obtain information from township staff that currently 18 police officers live within the Township's borders and 11 live outside the borders but within the ten mile area.⁶
- Penn Hills Police Employees—These employees must reside within five nautical miles of the municipality.
- Ross Public Works and Police Employees—Public works employees must reside within an area so that if requested, they could arrive within an hour's time. Police officers must be able to report for duty within thirty minutes.
- Scott Police Employees—These employees must reside within ten air miles of the municipality.
- Upper St. Clair Public Works Employees—These employees must reside within an area that is within a forty minute drive of the municipality and the employees are provided with a list of municipalities in which they are permitted to reside.

⁵ Communication with municipal staff, but specific citations from McCandless police and public works contracts; Moon operations manual Section 8:10; Mt. Lebanon personnel rules section 7.9; Penn Hills ordinance 288-12; Ross Article XVI on police residency requirements and agreement between township and public works employees; Scott police collective bargaining agreement; Upper St. Clair public works collective bargaining agreement.

⁶ E-mail from Jeffrey Ziegler, Assistant Township Manager.

Employee is Not Subject to Residency Requirement

For these employees there is no residency requirement, meaning they can live where they wish. Note that eight of the fourteen municipalities we surveyed allow some of their employees to live where they wish while mandating that others live either in the municipality or a specified distance from the municipality.⁷

- Baldwin Borough—Non-Uniformed (other than Public Works) and Police Employees
- Bethel Park—Police Employees
- Hampton—Non-Uniformed and Police Employees
- McCandless—Non-Uniformed (other than Public Works)
- Moon—Non-Uniformed (other than Public Works)
- Mt. Lebanon—Non-Uniformed Employees
- Scott—Non-Uniformed Employees
- Upper St. Clair—Non-Uniformed (other than Public Works) and Police Employees
- West Mifflin—Non-Uniformed (other than Public Works) and Police Employees
- Wilkinsburg—Police Employees

Conclusion

The residency issue for the City of Pittsburgh police has brought the question of where municipal employees may live back to the forefront. Whatever the courts ultimately rule on the arbitration decision (the case, won by the police in Common Pleas Court, is currently under appeal) will undoubtedly please some and displease others. But it is clear that residency requirements take on various forms and are used by most of the County's largest governing bodies.

⁷ Communication with municipal staff