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Greener Pastures for the Boys in Blue?

Legislation has passed both houses of the General Assembly that might allow Pittsburgh police officers to be employed by the City yet not have to live inside its borders.

The bill (S1572) amends language that originally said “a person applying for appointment shall not be required to be a resident of the city at the time of application...The person shall, however, be required to become a bona fide resident of the city at the time of employment and city residency must be maintained for the entire period of employment”.

The new language, if it becomes law, would state “A city of the second class may require a police officer to become a bona fide resident of the city as a condition of employment”. This opens the door to the residency requirement becoming a subject of collective bargaining. According to published reports Pittsburgh—the sole city of the second class in Pennsylvania—is the only municipality to have a residency requirement for police codified in state law. That’s not to say that cities and towns don’t require police to live within their borders, but that is bargained in contract negotiations.

Residency requirements are a subject that has come up time and again, with strong opinions on both sides of the issue. Some feel that having police required to live in the municipality that employs them keeps them vested in the community and prevents erosion of the tax base while others feel police should be free to choose where they live and, if they have school age children, where they choose to send their children for educational purposes.

We wrote a report on residency requirements in 2001 noting that as soon as the state erased residency requirements for teachers in Pittsburgh, the police union asked for the same. In recent years it was an issue in the 2007 mayoral election and the state attempted to change the requirement in 2010. In a 2011 newspaper article the head of the City’s police union stated that “...fellow officers' top concerns include wages and benefits and the state law that requires them to live within city limits”.

If the legislation becomes law, two questions will arise. First, will there be a mass exodus of police officers seeking to establish residency outside of the City? Given that the desire for the freedom to choose where a policeman may live has been around a long

time and the statement of the union official from last year, it is reasonable to expect there would be a lot of officers looking to move. But all the change does is strip the language from state law and allows it to become a matter of collective bargaining. It does not guarantee it will become applicable for all of the 1,000 employees of the police department (892 of these employees are sworn officers). If the City feels the residency requirement is too valuable to give up, it might offer other benefits as bargaining chips.

As an example consider how the current contract for Philadelphia police officers is structured. According to their Human Resources Department, officers who participated in a deferred retirement program were permitted, as of July 2010, to move outside of Philadelphia's city limits. As of January 1st of this year, officers with at least five years of service were allowed to reside outside of city limits. The Department's most recent data states that 209 officers (out of 6,600) have taken advantage of the contract provision, most of those qualifying under the five years of service criterion. Newly hired officers still have to establish residency in Philadelphia within six months to a year and thus would not be permitted to live outside the municipal boundaries until they have served five years in the department according to the current contract language.

Second, will other bargaining units ask for the same treatment? According to the most recent Civil Service Guide publication for Pittsburgh (2010) the residency requirement for police appears as it was alluded to earlier, prior to the new amended language contained in the bill. Firefighters are required to have been a City resident for at least one year prior to application for the job and that requirement is codified in state law. When the Borough of Wilkinsburg fire department merged into the City of Pittsburgh's fire department, the agreement directed Wilkinsburg's firefighters to establish residency in the City. Non-uniformed employees also have to establish City residency under the City's code.

To be sure, if S1572 becomes law, the debate over the merits, as well as the costs and benefits of eliminating the residency requirement, will likely be very heated.

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