

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240952

Amending Chapter 2, Code of Ordinances, Administration, by repealing and replacing Section 2-972 for the purpose of deeming certain employees not in violation of the City's residency requirement in circumstances of domestic violence.

WHEREAS, domestic violence has a destabilizing impact on victims; and

WHEREAS, administrative requirements may create additional burdens for victims who are already experiencing stressful and traumatic circumstances; and

WHEREAS, the State of Missouri has enacted the Victims Economic Safety and Security Act ("VESSA"), which provides for workplace accommodations for victims of domestic or sexual violence; and

WHEREAS, while VESSA does not impact the City's residency requirement, the City acknowledges some employees who are victims, or have family or household members who are victims, of domestic or sexual violence may need to temporarily relocate outside the City limits for their or their family member's safety; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, ADMINISTRATION, is hereby amended by repealing Section 2-972, Residence of employees, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 2-972. Residence of employees.

The following conditions regulating residence shall apply to all nonelected city employees:

- (1) *Employment preference.* Preference for employment shall be given to residents of the city for all positions in the classified service.
- (2) *Applicants.* Applicants for employment with the city, who are nonresidents at the time of appointment, shall establish residence inside the city limits within nine months after the date of appointment. In the discretion of the director of human resources, persons who, at the time the nine months expires, have entered into a contract to purchase a residence for their use and who are prepared to move in within a reasonable time not to exceed six months may be deemed to have met this requirement.

- (3) *Workplace exception.* Any employee whose work is of such a nature that they spends 75 percent of their work time outside the city limits shall be exempted from this residence requirement.
- (4) *Residence defined.* Residence is defined as the place where a person has their true, fixed, and permanent home and principal establishment and to which, whenever they are absent, they have the intention of returning. A person satisfies the residence requirement if a portion of the lot or the parcel of land on which their residence is located is within the city limits.
- (5) *Change of residency forfeiture.* Any employee who has established a residence within the city limits and who subsequently moves their place of residence outside the city limits shall forfeit their position of employment with the city.
- (6) *Failure to comply forfeiture.* Nonelected employees of the city failing to comply with the provisions of this section will be dismissed from the municipal service forthwith.
- (7) *Rules authorized.* The director of human resources is authorized to promulgate rules on residence consistent with this article, subject to city manager approval.
- (8) *Limited application of definition.* This article defines residence for city employment purposes only.
- (9) *Involuntary transfer of employment MAST—Exception.* City employees who were employed by the Metropolitan Ambulance Services Trust (MAST) when ambulance services were transferred from MAST to the city on April 25, 2010, and who were living outside the city at the time of transfer may continue their residency at the location outside the city. Should the employee either voluntarily move his or her residence or transfer from a non-firefighter position in the classified service to the position of firefighter or to any position outside of the fire department, the employee shall comply with the requirements of this section.
- (10) *Victims Not in Violation.* Notwithstanding the above, an employee who is a victim of, or has a family or household member who is a victim of, domestic or sexual violence perpetrated by someone who resides in the employee's residence shall not be deemed in violation of the residency policy if the employee provides certification to the director of human resources that the employee or the employee's family or household member is a victim and that the violence has caused the employee to temporarily reside outside the city limits.
 - a. For the purposes of this section, “victim of domestic or sexual violence” and “family or household member” shall have the definition found in the Victims Economic Safety and Security Act (RSMo 285.625).
 - b. An employee may satisfy the certification required by this section by providing a sworn statement of the employee and the following:

1. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence; or
 2. A police or court record; or
 3. Other corroborating evidence. The certification shall be provided to the director of human resources not less than 48 hours in advance of the employee residing outside the city limits. In the event a 48-hour notice is not practicable because of lack of foreseeability, the employee shall provide the certification as soon as possible but in no case shall they initiate the request more than 7 days after they begin to reside outside of the city limits.
- c. To continue to be deemed not in violation of the residency requirement under this section, an employee shall recertify every 6 months to the director of human resources that there is a continuing threat to their, or their family or household member's, safety as a victim of domestic or sexual violence. Recertification requirements may be satisfied by providing a new sworn statement and any of the documentation or evidence permitted for original certification in paragraph 10.b.

Approved as to form:

Katherine Chandler
Senior Associate City Attorney