C. C. 106

City of Cambridge

The Ordinance Committee conducted a public hearing on Thursday, May 18, 1995 beginning at 5:55 p.m. in the Sullivan Chamber, City Hall.

Vice Mayor Sheila T. Russell, Chair of the above-referenced Committee, convened the hearing and stated that the purpose of this date's proceedings was to discuss a proposed amendment to the Municipal Code in Title 2, Chapter 2.120 entitled **"Residency Requirement"**. Present at the hearing were: Councillors Kathleen L. Born, Francis H. Duehay, Anthony D. Galluccio, Michael A. Sullivan, timothy J. Toomey, Jr., City Manager Robert W. Healy, Personnel Director Michael P. Gardner, Director of the Environmental Program Elizabeth Epstein, Deputy City Solicitor Donald Drisdell and Deputy City Clerk John E. Flynn.

To begin the discussion, Vice Mayor Russell recognized Councillor Toomey for a presentation and remarks on the proposed amendment to the Municipal Code.

Councillor Toomey acknowledged his colleagues, Vice Mayor Russell, Councillor Galluccio and Councillor Sullivan for co-sponsoring his Council Order number fifteen dated February 6, 1995. The Councillor then offered the attached presentation to the Committee.

Upon completion of the presentation, Councillor Toomey inquired of Mr. Gardner if he had spoken to Kate Auspitz, Personnel Director of the City of Somerville, on the workings of the workings of the Somerville residency ordinance. (A statement is attached).

Mr. Gardner responded in the negative.

Councillor Toomey inquired of Mr. Drisdell if he had completed a constitutional review of the proposed amendment to the Municipal Code.

Mr. Drisdell responded in the negative but stated that technically the proposed amendment was not referred to the Law Department for a review.

Councillor Toomey then inquired of the City Manager for his comments on the proposed Ordinance.

City Manager Healy stated that the phasing in approach was a reasonable one, the presentation was excellent but collective bargaining agreements would be needed regarding working conditions with all unions. He noted that state law prohibits residency requirements for police, fire and teachers and that problems could exist with medical and para medicals positions at the Cambridge Hospital Community Health Network. The Manager stated that although he has the same concerns as in the past, he would be willing to negotiate with the various unions if it was the policy of the City Council.

Councillor Toomey inquired of Ms. Epstein if the proposed Ordinance would be environmentally positive.

Ms. Epstein, in response, stated that she would provide the Committee with the environmental estimate vis a vis the Vehicle Trip Reduction Ordinance.

Councillor Galluccio thanked Councillor Toomey for his presentation in dispelling the myths with regards to the City's affordability in housing costs. He noted that the proposal was a reasonable one given the grandperson provision. He also stated that residency offers a commitment to the tax base and level of service to the community. He also stated that the City Manager was underestimating his abilities to bringing the various unions to the table on the issue.

The City Manager, in response, stated that state law allows for a durational one year period with regards to civil service "residential preference" - police an fire; fifteen mile radius and the need to go to the table with all other collective bargaining units.

Councillor Galluccio stated that this Ordinance is just what the Boston Globe has called for a reasonable and workable one. An ordinance that calls for city employees to live in and work in the neighborhoods of Cambridge.

Councillor Duehay stated although he was impressed with Councillor Toomey's presentation, he did not agree with it. He stated that he was in favor of City employees living in the community but was not in favor of forcing it. He noted that the abolition of rent control could force an economic problem with regard to housing. He also stated that employment barriers could be erected if other communities ordained similar ordinances.

Councillor Toomey in response stated that the proposed ordinance offered latitude to the City Manager in recruiting and offering employment to qualified candidates for employment. He stated that this is an important issue and that he has had it with the Rent Control argument.

Councillor Sullivan commended Councillor Toomey for his presentation and stated that residency offers a vesting of the heart and soul in the community. He agreed with the grandperson provision and that it was a good idea to get employees back into the City. He further stated that it was time that we start preaching to ourselves about residency like we do about private concerns. Councillor Sullivan suggested some redefining of residency with regards to the business community sitting on boards or commissions.

Councillor Born stated that the proposed ordinance makes a lot of emotional sense but not logical sense. She stated that residency makes sense in larger cities but felt residency might affect the number of female candidates for "an advertised position." She also discounted residency vis a vis the Vehicle Trip Reduction Ordinance.

The City Manager stated that the last year hire statistics show that 61% were Cambridge residents - 75% if health care workers were excluded from the statistics.

At this time, the chair entertained public comment.

James P. Cassidy, President, Local 195, spoke in opposition to the proposed ordinance.

John Moot, 44 Coolidge Hill Road, spoke in opposition to the proposed ordinance.

William C. Jones, Norfolk Street, spoke in opposition to the proposed ordinance.

Councillor Toomey made the following motion: That the proposed ordinance be referred to the City Manager and City Solicitor for comment and be referred back to the Ordinance Committee within three weeks.

The hearing was adjourned at 7:55 p.m.

For the Committee,

Sheila T. Russell

Vice Mayor Sheila T. Russell
Chair

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Timothy J. Toomey, Jr.
City Councillor

Remarks By
Cambridge City Councillor Timothy J. Toomey, Jr.
on Cambridge Employee Residency Ordinance
May 18, 1995

As I travel through the City, I am asked more and more frequently why the City of Cambridge does not require that its employees live in the City. They see Boston enforcing their residency ordinance, they see Somerville enforcing its residency ordinance, and ask why not in Cambridge? With this in mind I have submitted to the City Council and will review today my proposed residency ordinance for city employees.

My residency ordinance, unlike that in Boston, would not affect current employees. In fact, only employees hired after January 1, 1996 would be affected. It would not preclude hiring someone from outside of Cambridge, it would only require that that person reside in Cambridge within six months of employment. It would allow the City Manager, with the unanimous approval of the Council, to waive the provision of the ordinance for one year periods, if the City Manager and the Council agree that someone who does not want to live in our great City is crucial to its operation. I contemplate through collective bargaining the elimination of exemptions as may be provided by State Law.

We as a City Council have an obligation to make municipal jobs available for our residents. It is good for the City. People have a greater interest to excel in their jobs if what they do affects their own quality of life and that of their neighbor on a daily basis. City employees will be more apt to become involved in community service in Cambridge, sitting on Boards of local non profit organizations, serving as role models for our children as they coach sports teams. This can only enhance the image of City government in the eyes of our residents. It will benefit the economy as city employees return taxpayers' money to the local economy by shopping in local stores and using the services of local businesses. It will have an important and dramatic effect on the environment as we fulfill our commitment to clean air by reducing the number of cars required to bring the 3,000 non resident city employees into our city. And it does it the correct way, gradually, over a period of about ten years as jobs turn over, reducing the impact on housing. This is a good way to start and show the people of Cambridge we care about them.

C. C. 108

Unfinished #32

City of Cambridge

MASSACHUSETTS

In City Council 12-11 1995

Resid Ord As Amended

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	✓			Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
5	4	0	0	

C. C. 106

Umfn #22

City of Cambridge

MASSACHUSETTS

MAS amend #2 Replace (e) p. 2

In City Council 12-11 1995

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	✓			Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
4	5	0	0	

C. C. 106

Unfin #22

City of Cambridge

MASSACHUSETTS

In City Council 12-11 1995

MAS

Amend #3 Delete of

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves
8	1	0	0	

C. C. 108

Unfinished #22

City of Cambridge

MASSACHUSETTS

MA5 Amend (4)

In City Council 12-11 1995

YEA	NAY	ABSENT	PRESENT	
	✓			Ms. Kathleen L. Born
	(4)		(1) ✓	Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
	✓			Ms. Katherine Triantafillou
	✓			Mayor Kenneth E. Reeves
5	4	0	0	

C. C. 108

City of Cambridge

Unfinished Old Bus # 22

MASSACHUSETTS

In City Council 12-11 1995

KB Table #11

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
	✓			Mr. Anthony Galluccio
	✓			Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves
4	5	0	0	

FIRST PUBLICATION NO. 2699.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (1) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

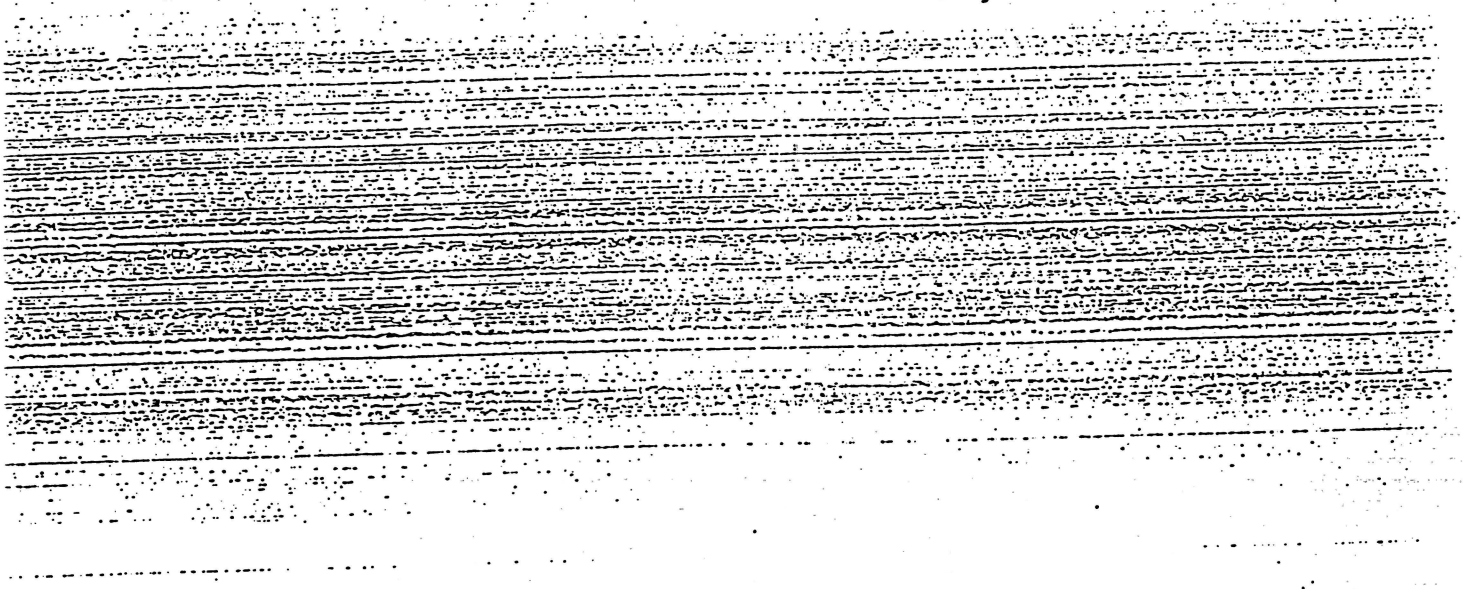
(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

Passed to a second reading at the City Council meeting held on October 30, 1995 and on or after November 13, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk



ORDINANCE NO. 1175

Final publication number 2705. First publication in the Chronicle on November 2, 1995.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge's top priority is to hire the most qualified person for each position. The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(g) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(h) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(i) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(j) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(k) If the City Manager, with the two-thirds (2/3) approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position and said waiver shall be reviewed annually by the Council.

(l) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

(m) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

In City Council December 11, 1995.
Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

12/18/95 - NO ACTION TAKEN ON RECONSIDERATION
ACTION TAKEN ON 12/11/95 PASSING TO BE ORDAINED - STANDS.

ORDINANCE NO. 1175

Final publication number 2705. First publication in the Chronicle on November 2, 1995.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge's top priority is to hire the most qualified person for each position. The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

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In City Council December 11, 1995.
Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

12/18/95 - NO ACTION TAKEN ON RECONSIDERATION
ACTION TAKEN ON 12/11/95 PASSING TO BE ORDAINED - STANDS.

ORDINANCE NO. 1175

Final publication number 2705. First publication in the Chronicle on November 2, 1995.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge's top priority is to hire the most qualified person for each position. The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(g) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(h) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(i) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(j) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(k) If the City Manager, with the two-thirds (2/3) approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position and said waiver shall be reviewed annually by the Council.

(l) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

(m) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

In City Council December 11, 1995.
Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

12/18/95 - NO ACTION TAKEN ON RECONSIDERATION
ACTION TAKEN ON 12/11/95 PASSING TO BE ORDAINED - STANDS.

Calendar Item Number 22

December 11, 1995

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge's top priority is to hire the most qualified person for each position. The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

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(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

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(j) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

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In City Council December 11, 1995.
Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

Calendar Item Number 22

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Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

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Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- D. Margaret Drury

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

Proposed Amendments by Councillor Michael A. Sullivan

1 **Add to Preamble:**

The City of Cambridge's top priority is to hire the most qualified person for each position. new 1st sentence. w/9 where?

2 **Page 2 - Replace (e) with below:**

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3 **Page 2 - Delete (f) completely**

8-1-0

4 **Page 3 - Replace (l) with below:**

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5-4-0.

SUBSTITUTED TEXT WITH AMENDMENTS INCORPORATED

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(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

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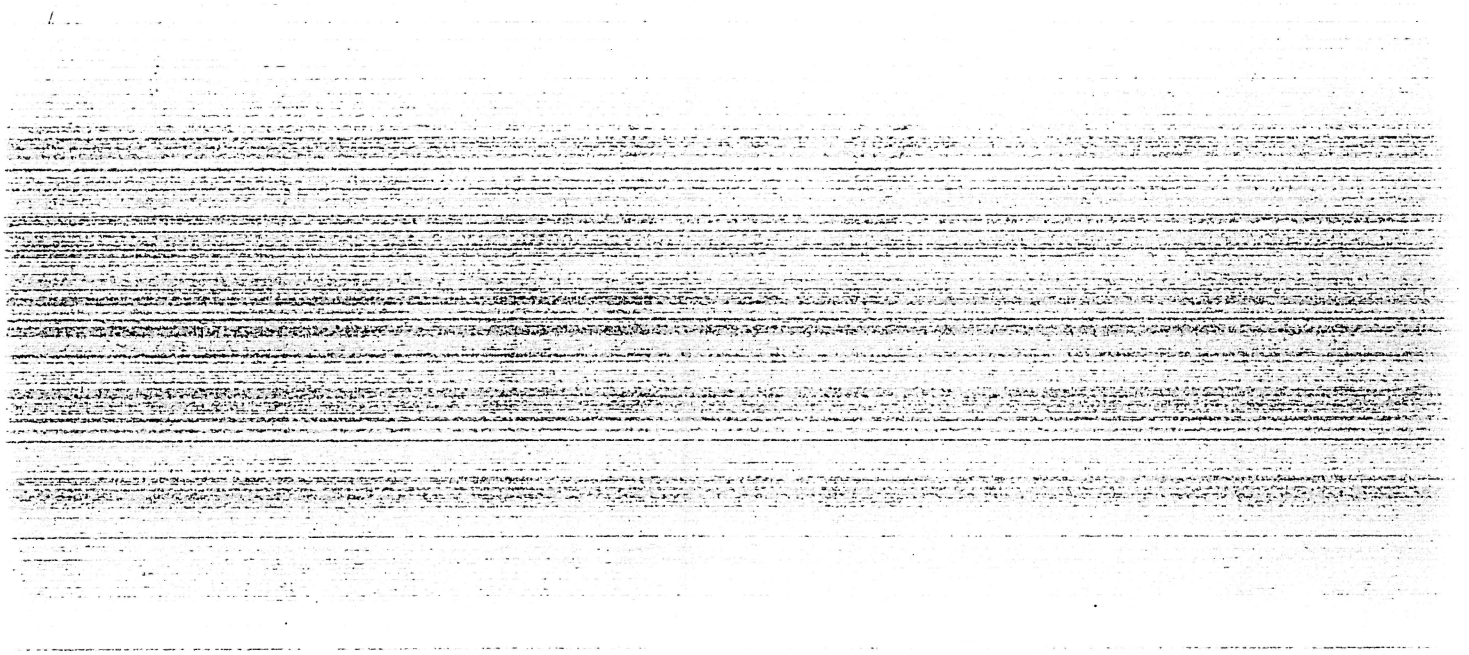
(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.



FIRST PUBLICATION NO. 2699.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

uniformly

replace

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

delete

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (1) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

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(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

Passed to a second reading at the City Council meeting held on October 30, 1995 and on or after November 13, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280
FAX (617) 349-4287

Timothy J. Toomey, Jr.
City Councillor

October 19, 1995

TO: **THE HONORABLE, THE CITY COUNCIL**

FROM: **COUNCILLOR TIMOTHY J. TOOMEY, JR.**

SUBJECT: **CAMBRIDGE FIRST HIRING AND RESIDENCY REQUIREMENT**

It is my desire to offer the attached substitution for the proposed ordinance on residency requirement for Cambridge employees which is currently in the Ordinance Committee.

I intend to move to discharge the current proposed ordinance from the Ordinance Committee so that the attached substitution may be considered for passage to a second reading.

If any member of the City Council has questions, please do no hesitate to contact me over the weekend.

Thank you for your consideration in this matter.

Communication and Reports from City Officers
#2

Communication received from Councillor Timothy J. Toomey, Jr. attaching substitution for the proposed ordinance on residency requirement for Cambridge employees.

10/23/95 - matter to discharge from Committee 5-4-0.
Matter to amend by substitution carried 6-3-0
No action taken on Amended Substituted text due to time of meeting having elapsed - this matter was placed on Unfinished Business

In City Council October 23, 1995

COUNCILLOR TOOMEY

ORDERED: That the attached amendment in Title 2, Chapter 2.120 entitled "Cambridge First Hiring and Residency Requirement" of the Cambridge Municipal Code be and hereby is substituted for the proposed amendment entitled "Residency Requirement", which is presently being held in the Ordinance Committee and be it further ...

ORDERED: That the substitute amendment entitled "Cambridge First Hiring and Residency Requirement" be and hereby is passed to a Second Reading.

Chapter 2.120

"Cambridge First" Hiring and Residency Requirement

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of lass than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty percent (60%) of city employees being Cambridge residents within the next ten (10) years.

b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of fifty thousand dollars ($50,000,00), or with supervisory responsibilities as defined herein, is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass fifty thousand dollars ($50,000.00) is not subject to the provisions of this chapter.

g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

j) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by the law.

l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (1) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

FIRST PUBLICATION NO. 2699.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

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(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

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Passed to a second reading at the City Council meeting held on October 30, 1995 and on or after November 13, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

FIRST PUBLICATION NO. 2699.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

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(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

Passed to a second reading at the City Council meeting held on October 30, 1995 and on or after November 13, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury
City Clerk

SUBSTITUTED TEXT WITH AMENDMENTS INCORPORATED

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

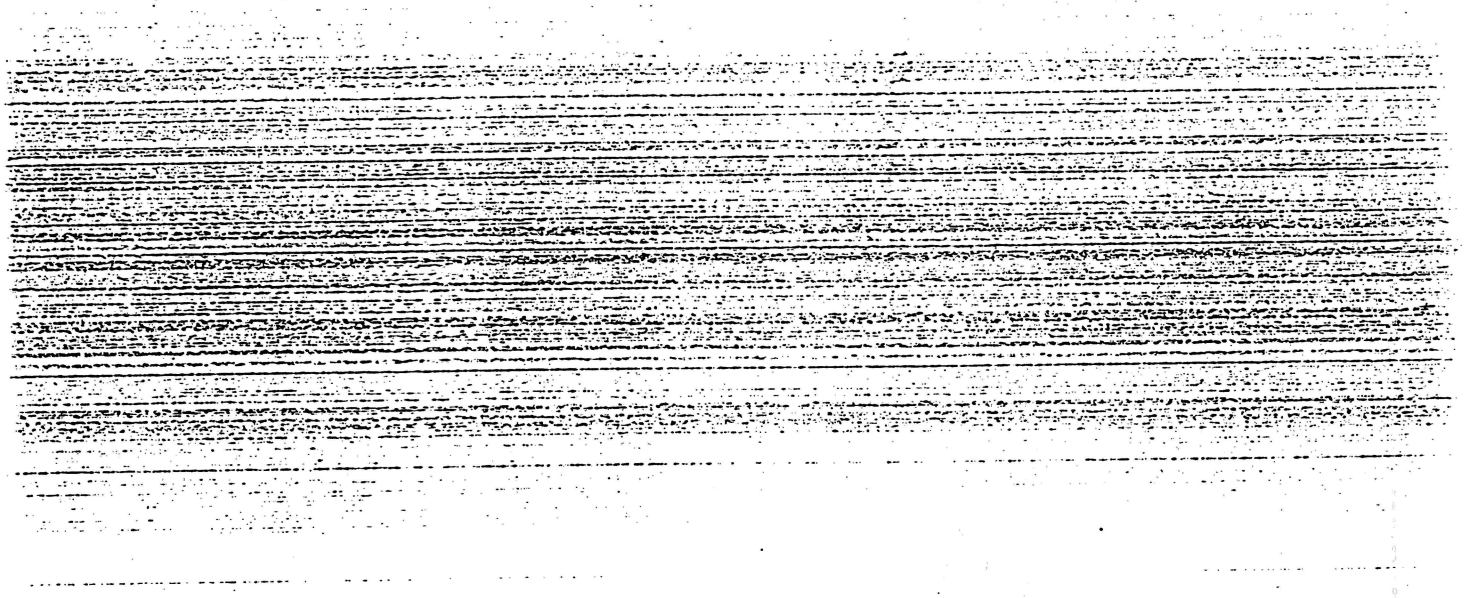
(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

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(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(l) If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (l) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

(m) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or

position.

(n) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

SUBSTITUTED TEXT WITH AMENDMENTS INCORPORATED

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

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(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) After January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of seventy-five thousand dollars ($75,000.00) is subject to the provisions of this chapter. Any current employee who receives a cost of living salary adjustment without a change in job status or responsibility that causes the annual compensation of that employee to surpass seventy-five thousand dollars ($75,000.00) is not subject to the provisions of this

chapter.

(g) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(h) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(i) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(j) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(k) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

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position.

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Substituted Text with Amendments

Chapter 2.120

"Cambridge First" Hiring and Residency Requirement

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4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty percent (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) - insert C. Galluccio amendment

Councillor Galluccio

To amend the proposed Chapter 2.120 to insert the following Section 5

5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

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75,000.00

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strike out

strike out

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ORIGINAL TEXT

Chapter 2.120 Residency Requirement

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Let me begin by describing the current situation. According to the City's Personnel Department, whom I thank for providing me the raw data for my research, the City, excluding the School Department, employs approximately 3,000 permanent, non casual employees. Of that number, approximately 1,100 are city residents. Thus, a full 63 %, almost 2/3, of our City employees do not live in Cambridge (Exhibit A). In some job categories such as City non-union/management, more than 70% of our employees are not city residents (Exhibit B). In the school department, more than 70% of our teachers do not live in Cambridge and almost 80% of our schools principals and headmasters are not residents of our City. I find these numbers to be staggering and unacceptable. I expect most city residents will be equally appalled and outraged by these facts.

Where do our non resident City employees live? Forty-two percent (42%) of full time non residents employees live in the toney suburbs between Cambridge and Rte 128. 25% live beyond Rte 128, 2% even live out of state; 17% live in Somerville and 14 % live in Boston (Exhibit C). I note, for the record, that almost 700 of our permanent employees live in Somerville and Boston, both of which now have enforced residency ordinances and where a resident of our city can not be employed. In a hearing held in 1993 on residency, Mayor Reeves said that Boston's residency ordinance was "a sham". Well, no longer. It is now a fact and the people of our city look to us for the same protection.

One of the red herring arguments used against residency is that housing costs in Cambridge are high and out of reach of city employees. First of all, our city employees are paid very well. To quote Deputy City Manager Richard Rossi at last week's budget hearing "And the City pays very well, that's correct." To assume that our employees can not live in the City first of all ignores the fact that 30% of our employees, a large number of whom are at the lower end of the pay scale, do live in Cambridge. So, lets look where our employees actually live and compare housing costs.

According to the Commonwealth's Executive Office of Communities and Development, 70% of our housing stock is rental units. Thus it is most appropriate to use rental costs in this analysis. Comparing the median rental housing cost as listed in the 1994-1995 edition of the Massachusetts Municipal Profiles with information provided by the City on where employees live, 99% of our employees could afford to rent in Cambridge (Exhibit D).

And even if you use the median single family sales prices as provided by the Greater Boston Real Estate Board (GBREB) for the last quarter of 1994, more than 2/3 of our employees could afford to buy in Cambridge. And that's using the GBREB median sales price for Cambridge of $195,000. If you use the City's Assessing Office's median 1994 sales price for single family homes by assessing district, you would see the median sales price for East Cambridge to be $162,000, for Area 4 to be $153,000, Riverside to be $177,000, and North Cambridge to be $192,000. With these median sales prices, the number of employees who could afford to buy in Cambridge would increase dramatically.

And let's take a sampling of the communities where some of our employees live. Six employees live in Acton, 132 live in Arlington, 85 live in Belmont, 51 live in Brookline, 10 live in Concord, 31 live in Lexington, 31 live in Melrose, 15 live in Milton, 70 live in Newton, 17 live in Reading, 6 live in Sudbury, 6 live in Wayland, 10 live in Wellesley, three live in Weston - the most expensive place to live in Massachusetts - and 30 live in Winchester (Exhibit E). These City employees, more than 500 people, live in cities and towns where the median single family sales price is almost $300,000 compared to Cambridge's $195,000. Our city employees may not be able to afford to live on Brattle St or Coolidge Hill Road, but don't try to tell the residents of East Cambridge, Area 4, Riverside, North Cambridge and, in fact, most of the city, that these well paid employees can not afford to live in their neighborhoods. To say otherwise is ignoring the facts, and condescending to the people of this City. As I said earlier its a red herring, a myth that needs to be and has been laid to rest by the facts.

I've been asked whether a residency ordinance would have a negative effect on our affirmative action goals. First of all, I think we have done a disgraceful job in recruiting minorities from within our community. According to the Massachusetts Institute for Social & Economic Research, the unemployment rate in the minority community of Cambridge is close to 10%. When I see about half of our non permanent (casual and seasonal) employees coming from outside our city, I know we are failing in our obligation to recruit in our minority communities. For example, in 1989, School Committee Member Fran Cooper and I sponsored a program that would, in cooperation with Lesley College, prepare minority students from our high school for teaching positions within the Cambridge School system. The Superintendent failed to implement this program, and we are today seeing the results of that failure. With a residency ordinance implemented, this program would become a key component for employing local residents from the minority community

Secondly, I think residency by all our employees does not hurt affirmative action goals. Why would someone not want to live in Cambridge, after all we consider ourselves a world class city. And what are the benefits of having members of the minority community whom we hire live in our city? They will be role models for all residents of the minority community as Commissioner Anderson has been. They will particularly be role models for our children, working for and with them not only from 9:00 AM to 5:00 PM but throughout the entire day. By not having African American, Hispanic or Asian city employees living in our neighborhoods we are losing an important asset in bettering our community.

We on the City Council are also constantly urging businesses located in Cambridge to hire Cambridge residents. We demand that developers hire members of Local 40 for local construction jobs. How can we honestly ask Cambridge businesses to hire Cambridge residents when we do such a miserable job of doing the same. We need to be the leaders on this issue. For example, when the City Council hired Mr. Lindstrom as City Auditor we included in Section 9 of his contract "Employee agrees to maintain his place of residence within the City of Cambridge." If this provision is good enough for the City Auditor, it is good enough for all the City's employees.

I'd now like to turn to another benefit of this ordinance - the positive benefits for our environment.

In 1992, we submitted to the State an amendment to the State Implementation Plan based on the Cambridge Trip Reduction Ordinance. In that document we proposed to promote air quality standards for the protection of human health by "reducing the number of vehicle trips currently traveled within the Commonwealth and reducing the number of associated emissions of air pollutants." Specifically, we promised measures to "reduce work related trips and associated emissions of air pollutants."

Let's take a look at two components of that ordinance. Section 10.17.180 calls for the expansion of local employment opportunities. In that section we demonstrate our commitment to "increase the number of Cambridge residents employed by Cambridge businesses and reduce vehicle miles associated with work commutes." (Exhibit F)

As seen on the enclosed chart, the City is the third largest employer in the City. (Exhibit G) By approving this residency ordinance, we can significantly improve our automobile efficiency rate by reducing and, in fact, eliminating the vehicle mile trips associated with 3,000 city employees driving into the city. By my estimation, we can reduce the city's total vehicle mile trips significantly by approving this residency ordinance. If we are not prepared to take the leadership role on this, how can we ask the business community to do the same.

The second section of this ordinance I would like to review is Section 10.17.170, Municipal Vehicle Trip Reduction Plans (Exhibit H). In this section we outline the city's plans to "reduce vehicle trips and vehicle miles traveled by municipal employees and thereby improve the City's automobile efficiency rate" Among the measures listed are incentives and assistance for bicycle commuting, transportation allowances for public transit, and shuttle services. While I'm surprised that the most obvious way to reduce the city's vehicle trips, employee residency, is not contemplated by this 500 page document at all, my ordinance, coupled with innovative programs such as city paid public transit passes, bicycle programs and a city employee shuttle, can reduce the city vehicle mile trips significantly in the next 10 years. If we are really serious about this vehicle trip reduction ordinance and improving the environment for our residents, we have the perfect opportunity to show our commitment by requiring that city employees live in the city.

In closing, I must say that I have been taken aback by the negativity and mean spiritness demonstrated by opponents of this ordinance. For example, the *Cambridge Chronicle* ran an editorial cartoon showing a job candidate and a dog both vying for a city job, but the candidate being told "Your qualifications are impressive, but I'm afraid Mr. Spot is a local resident" (Exhibit I). Frankly there is a line between editorial humor and insulting an entire community and I think the Chronicle crossed that line.

Even more disturbing is a letter to the editor by former CCA President John Moot who says *" The proposed residency requirement for city employees is not in the best interest of the City. ...The city may be forced to choose from the dregs at the bottom of the barrel."* . To consider any city resident the dregs at the bottom of the barrel is offensive to all city residents not to mention elitist and racist.

On a more positive note, though, are the remarks by two current city administrators. Last week Commissioner Perry Anderson said "I live here in Cambridge and I spend my money here in Cambridge. I get my clothes cleaned here in Cambridge. I shop at the Galleria Mall here in Cambridge."

And, in a report to the Council on May 10, 1995, City Auditor James Lindstrom wrote "I believe strongly in living in the community in which I work.... I have tried ... to become involved in the community. I am a member of the Harvest Coop, serving on its Finance Committee. I have done volunteer work for the AIDS Action Committee, and am exploring with the Cambridge YMCA ways in which I may serve on one of their committees."

Both Commissioner Anderson and Mr Lindstrom understand the positive impact of residency by city employees and I applaud their efforts.

My proposed ordinance is the right approach to residency by city employees. Unlike Boston, it does not have a negative impact on our current employees and the effects of the ordinance will take about 10 years to be fully recognized, thereby eliminating pressure on our housing stock. It will foster a better relationship between city employees and all other city residents. It is good for the economy. It is good for the environment. This ordinance is the right thing to do, and will show the people of Cambridge we care about them.

I urge my colleagues to join me in approving this ordinance.

-30-

Attachments: Proposed Residency Ordinance
Exhibits A-I

CCM-101

City of Cambridge

15.

IN CITY COUNCIL

February 6, 1995

COUNCILLOR TOOMEY

ORDERED: That the attached amendment in Title 2, Chapter 2.120 entitled "Residency Requirement" of the Cambridge Municipal Code be referred to the Ordinance Committee for a hearing and a report within 45 days.

Chapter 2.120 Residency Requirement

a) Every person first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

c) Upon taking employment with the city, and annually by February first thereafter, every person subject to this section shall file with his or her department head, or like officer or officers, a certificate signed under the pains penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the department head or officer(s) to show reason why said employee is no longer a legal resident. The department head or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

e) No person so stricken from a payroll as a result of this section shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

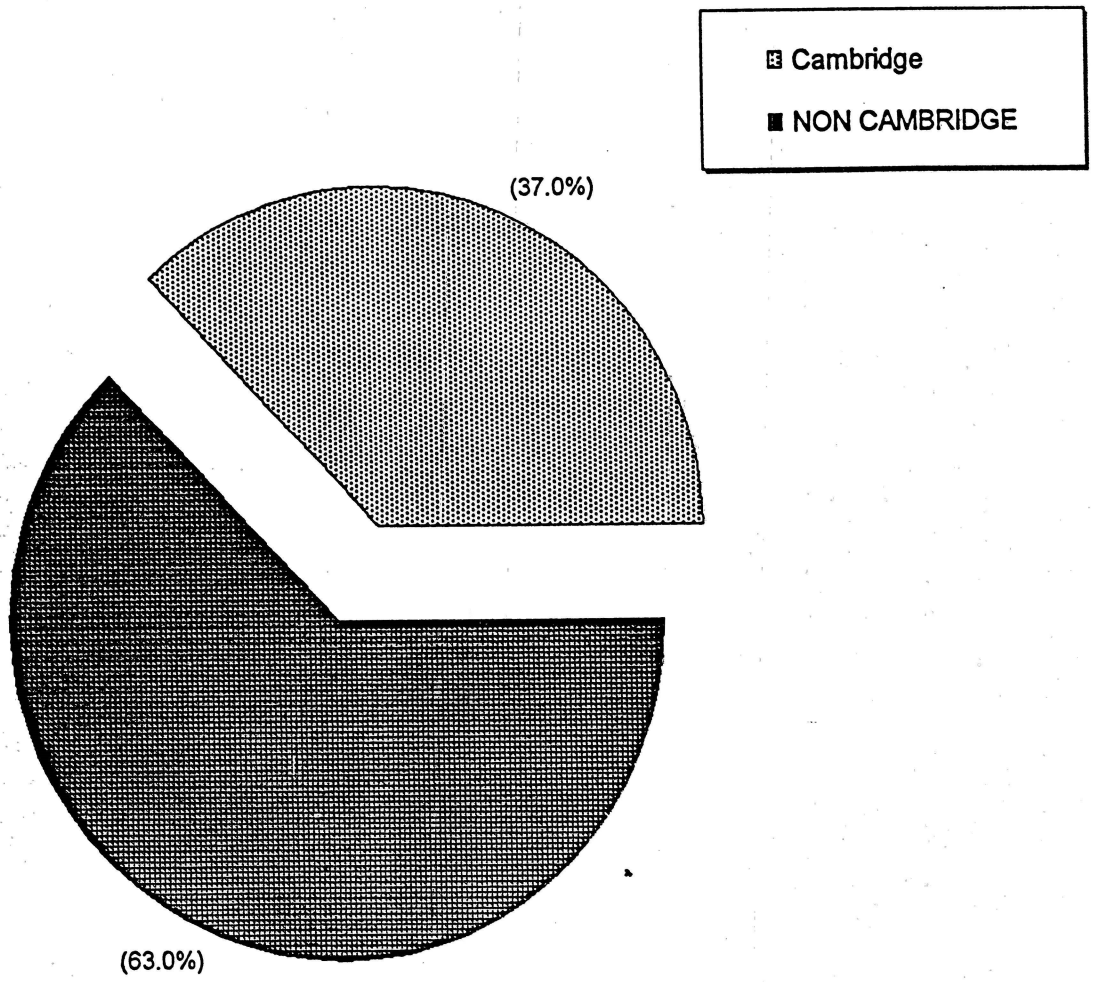
i) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

j) In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and noncivil service employees of the City, including the City Clerk, City Manager, and City Auditor.

EXHIBIT A

CURRENT CAMBRIDGE RESIDENCY

Permanent Employees



Source: City of Cambridge Personnel Department

PERSONNEL DEPARTMENT
PAYROLL ANALYSIS BY MAILING ADDRESS (ZIP CODE)
AS OF 050595

CITY OF CAMBRIDGE EMPLOYEES LIVING IN CAMBRIDGE

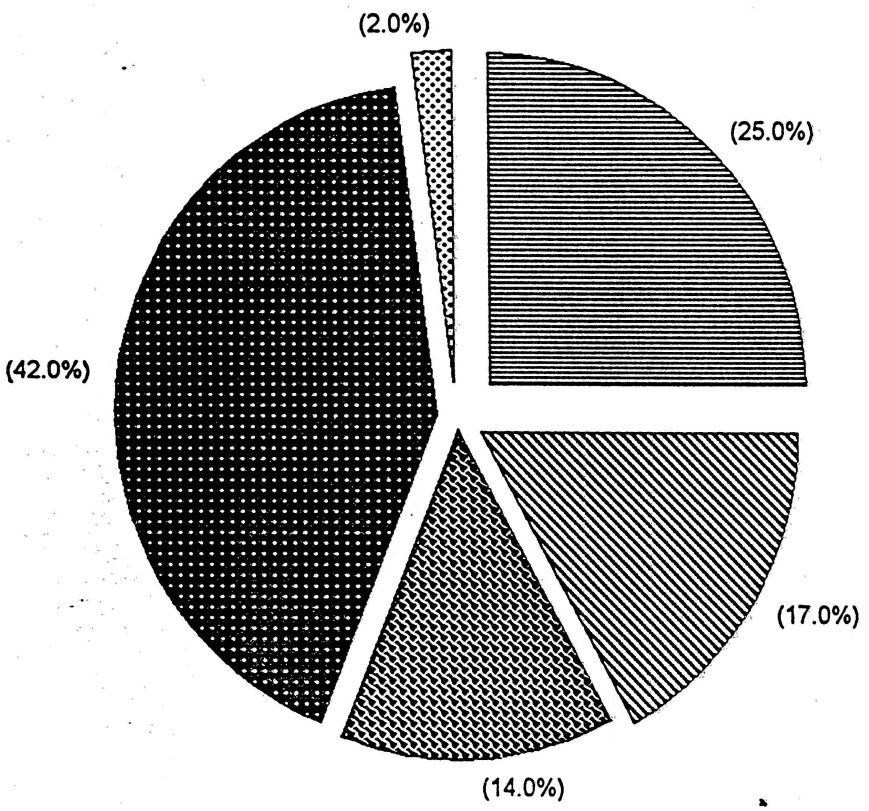
GROUP		TOTAL	CAMBRIDGE	%
Non-Union/Management		886	264	29.80%
Local 195 IPEA		931	423	45.44%
DayCAre District 65		37	21	56.76%
Engineers/Steam Fire 87		12	3	25.00%
FireFighters Local 30		275	106	38.55%
House Officers CHOA		84	31	36.90%
AFSCME/Council 93		5	1	20.00%
CPLSA Library Staff		60	28	46.67%
MNA Nurses		323	47	14.55%
Police Officers		217	91	41.94%
Rent Control/ UAW 65		17	7	41.18%
Police Superiors		48	15	31.25%
Council 93 Traffic Super		53	45	84.91%
Local 254 Water		43	29	67.44%
GRAND TOTAL		**2991**	**1111**	**37.14%**

Exhibit B

EXHIBIT C

CURRENT NON CAMBRIDGE RESIDENCY

Full Time Employees

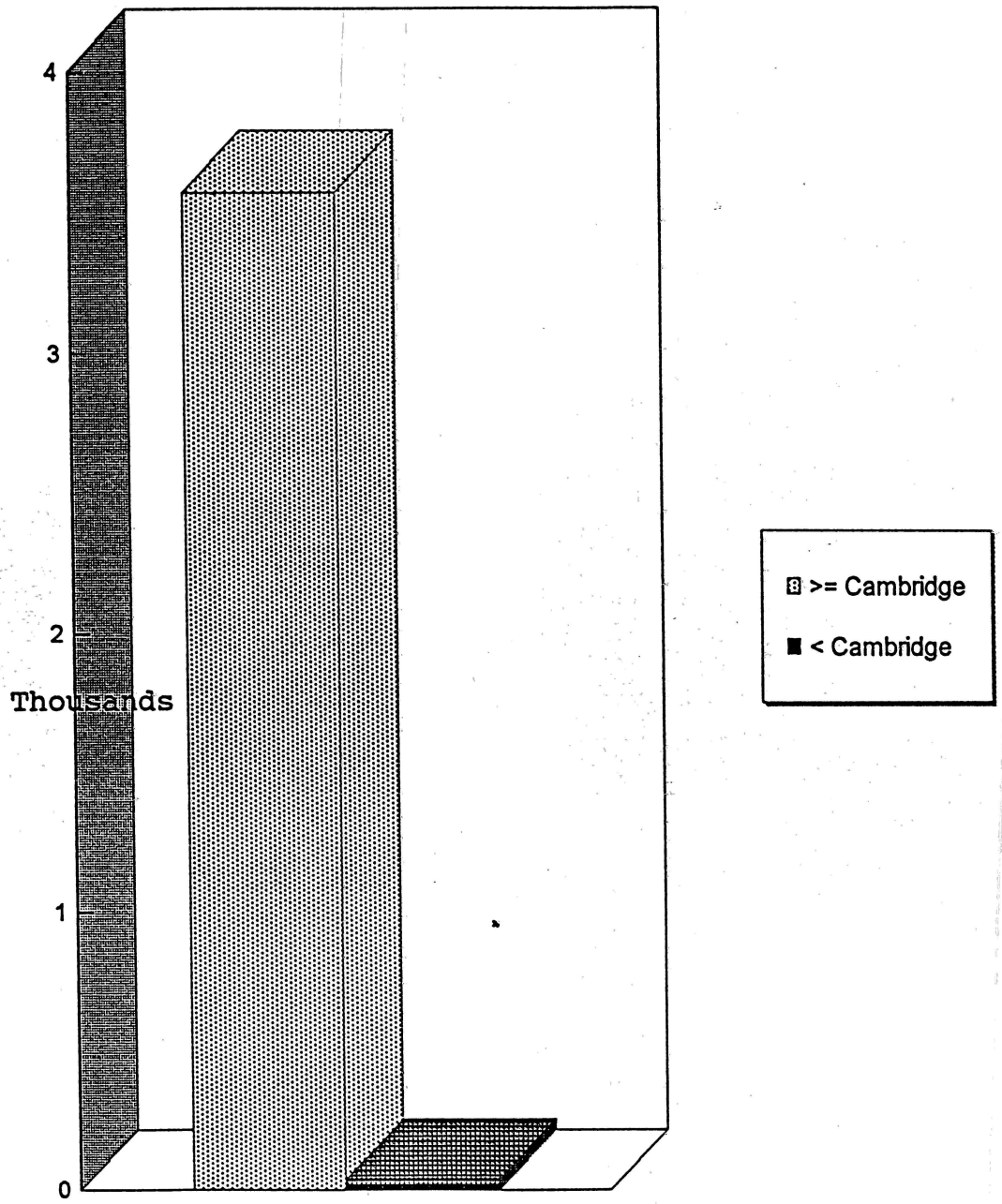


Source: City of Cambridge Personnel Department

EXHIBIT D

CURRENT EMPLOYEE HOUSING COSTS

All City Employees



Source: City of Cambridge Personnel Department
Massachusetts Municipal Profiles 1994-1995

EXHIBIT E

CURRENT RESIDENCY OF CITY EMPLOYEES
SELECTED CITIES AND TOWNS

ACTON	6
ARLINGTON	132
BELMONT	85
BROOKLINE	51
CONCORD	10
LEXINGTON	31
MELROSE	31
MILTON	15
NEWTON	70
READING	17
SUDBURY	6
WAYLAND	6
WELLESLEY	10
WESTON	3
WINCHESTER	30

TEN LARGEST EMPLOYERS IN CAMBRIDGE

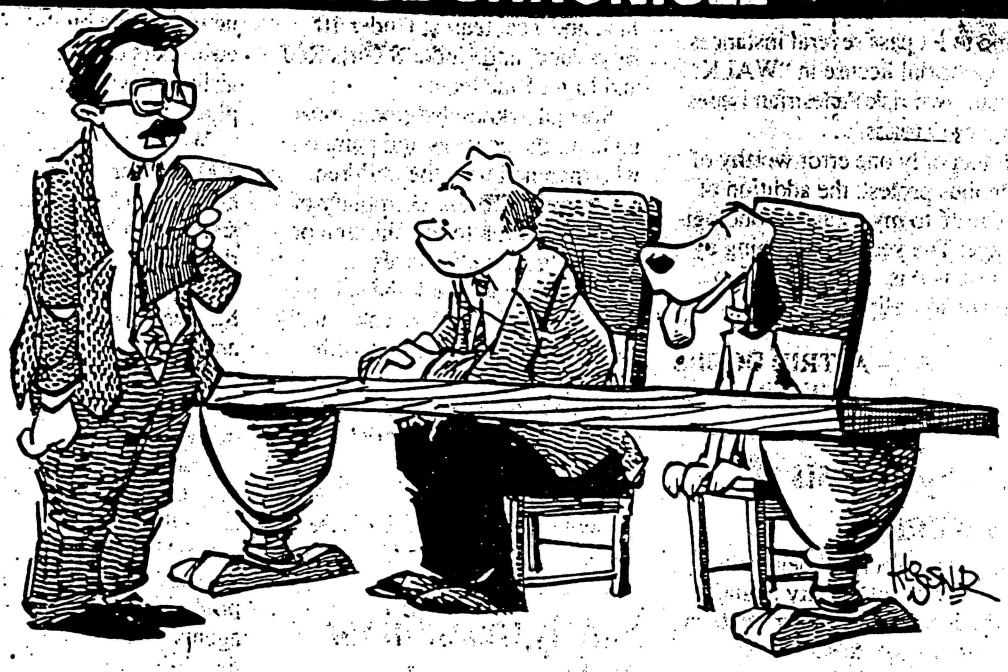
EMPLOYER	TYPE OF BUSINESS	EMPLOYEES (1992)
Harvard University	Education	9,000
Massachusetts Institute of Technology	Education	8,380
CITY OF CAMBRIDGE	**GOVERNMENT**	**4,907**
Lotus Development Corporation	Computer Software	2,282
Polaroid	Photo & Optical Equipment	2,376
Mt. Auburn Hospital	Medical	1,944
Draper Labs	Research & Development	1,659
Bolt, Beranek & Newman	Research & Development	1,599
Arthur D. Little	Research & Development	1,228
Badger Engineering	Construction	977

Source: Cambridge Community Development Department

EXHIBIT F

EXHIBIT G

CAMBRIDGE CHRONICLE



"YOUR QUALIFICATIONS ARE VERY IMPRESSIVE, MR. WILLIAMS, BUT I'M AFRAID MR. SPOT IS A LOCAL RESIDENT."

EXHIBIT H

"The proposed residency requirement for city employees is not in the best interest of the residents of the City. ... The city may be forced to choose from the dregs at the bottom of the barrel."

John Moot
Coolidge Hill Road, 02138
Cambridge Chronicle 2/21/95

EXHIBIT I

"I live here in Cambridge and I spend my money here in Cambridge. I get my clothes cleaned here in Cambridge. I shop at the Galleria Mall here in Cambridge."

Perry Anderson
Police Commissioner
May 11, 1995

~

"**I believe strongly in living in the community in which I work....** I have tried ... to become involved in the community. I am a member of the Harvest Coop, serving on its Finance Committee. I have done volunteer work for the AIDS Action Committee, and am exploring with the Cambridge YMCA ways in which I may serve on one of their committees."

James A. Lindstrom
City Auditor
May 10, 1995

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December 11, 1995

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Proposed Cambridge First-Hiring and Residency Requirement

Dear Mr. Healy:

On February 6, 1995, Councillor Toomey introduced an Ordinance which would have required that City employees be Cambridge residents.

On October 23, Councillor Toomey introduced an amended Ordinance entitled "Cambridge First-Hiring and Residency Requirement," which has been substituted for the earlier proposal. In this letter, we analyze the new Ordinance (copy attached).

A. Description of proposed Ordinance

The proposed Ordinance would add to Title Two of the Cambridge Municipal Code a new Chapter 2.120, entitled "Cambridge First-Hiring and Residency Requirement." This Ordinance would require several things, as follows:

1. "Cambridge First" hiring preference

The proposed Chapter 2.120 provides, in part:

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

Thus, for positions paying less than $50,000, there would be a preference for "current city residents," but this preference would take effect only "when other employment factors are approximately equal." I note that this preference apparently would apply whether the applicant had been a city resident for one day or twenty years. And there is no requirement that the applicant remain a city resident after he or she is hired. Furthermore, the Ordinance does not say who is to determine whether "other employment factors are approximately equal." Clearly, this determination would be made by the City Manager as the appointing authority.

The City Manager's Office, Personnel Office and Office of Work Force Development would be required to recruit and maintain lists of Cambridge residents for hiring in city positions, and "establish and operate classes and training programs in preparation for civil service exams for Cambridge residents." §(a)(2) and (3). The City Manager would be requested to report to the Council annually the number of Cambridge residents employed by the City with an eventual goal of 60% of city employees being Cambridge residents within the next 10 years. §(a)(4).

The City Manager would also be requested "to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers ... hired on or after January 1, 1996, to reside within the City ...." §(a)(5).

2. Office of Work Force Development

Sections (b) and (c) of the Ordinance state:

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

3. Residency requirement for employees earning $50,000 or more.

Section (d) of Chapter 2.120 provides as follows:

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

"Employee" is defined in §(e) to mean "any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of ... $50,000 or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis."

The term "employee" also applies to department heads, "and to any person who maintains supervisory authority over three ... or more full-time city employees, regardless of compensation."

Section (f) states that, after January 1, 1996, any current employee who is promoted to or accepts a new position, with an annual compensation of ... $75,000 is subject to the provisions of this chapter. But an employee who surpasses $75,000 through "a cost of living salary adjustment without a change in job status or responsibility" is not subject to the chapter.

Section (g) provides that every employee, annually, must file "a certificate signed under the pains and penalties of perjury, stating his or her own name and place of residence." If the Personnel Director receives a certificate indicating that the employee does not reside in Cambridge, he must arrange a hearing "to show reasons why said employee is no longer a legal resident of the city."

If it is found that the employee is no longer a legal resident, "that person shall cease to be employed by the city, and ... shall be terminated by the City Manager ...." A person who is terminated could not be re-employed by the city for one year. §§(h) and (i).

4. Civil Service Law

Section (j) provides:

> To the extent permitted by (G.L. c. 31), every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

5. Severability

There are two severability sections, (k) and (m).

6. Waiver

Section (l) states:

> If the City Manager, with the unanimous approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position, but said waiver shall not be for more than the period of one (1) year from the effective date of employment, and shall not defeat the application of this chapter to any other person or position.

7. Residence

Section (n) provides:

> In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

B. Legal Analysis

1. General discussion of residency requirements and preferences

Municipal officers and employees have been made subject to two types of residency requirements - durational and continuous. A durational residency requirement mandates that one must be a resident of the municipality for a prescribed period of time before assuming office or employment; a continuous residency requirement (sometimes referred to as a bona fide residency requirement) mandates that one must reside in the municipality during the term of office or employment.

In the proposed Ordinance, §§(a) and (a)(1), there is a "hiring preference," i.e. a preference for "current city residents," but not a requirement that they shall have been residents for any particular length of time. In §(d), there is a continuous residency requirement, i.e. a requirement that certain employees must live in Cambridge during their employment.

(a) Durational residency requirements

Durational residency requirements have been held to infringe on three different fundamental rights guaranteed by the federal constitution: the right to interstate travel, the right to vote and the right to freedom of association. Therefore, the compelling interest test has generally been used to sustain constitutional attacks against durational residency requirements under the equal protection clause of the Fourteenth Amendment. See 3 McQuillin, Municipal Corporations. §12.59.05 (1990): "A durational residency requirement for a municipal employee is unconstitutional because it restricts an employee's fundamental right to travel."

(b) Continuous residency requirements

Continuous residency requirements have generally been upheld against constitutional challenges. For example, McCarthy v. Philadelphia Civil Service Commission, 424 U.S. 645 (1976) held that Philadelphia's regulation requiring that its employees live in the city did not violate the employees' right to travel interstate. See Salem Blue Collar Workers Assn. v. Salem, 33 F3d 265 (C.A. 3, 1994) cert. den. U.S. (1995), which held (2-1) that a residency ordinance of the City of Salem, New Jersey did not violate either

the Privileges and Immunities Clause or the Equal Protection Clause of the U.S. Constitution.

Such a continuous residency requirement is permitted in Massachusetts. See G. L. c. 41, § 109, which states in part:

> . . . Unless otherwise provided by general or special law, ordinance or by-law, a person need not, in order to accept appointment to a public office in a town or district, be a resident of such town or district; provided, however, that if an appointed town or district officer is required to become a resident within a period of time specified at the time of his appointment by the board or officer making the appointment but fails to do so within the time specified, or if an elected or appointed town or district officer removes from the town or district in which he holds his office, he shall be deemed to have vacated his office.

See Mello v. Mayor of Fall River, 22 Mass. App. Ct. 974, 976 (1986, rescript); 18 M. P. S., Randall and Franklin, Municipal Law, §§ 207, 283 (1993).

It has been argued, however, that even continuous residency requirements conflict with the equal protection and privileges and immunities clauses of the U.S. Constitution. See Myers, "The Constitutionality of Continuing Residency Requirements for Local Government Employees: A Second Look," 23 Cal. Western Law Rev. 24 (Fall, 1986).

(c) Hiring preferences

It is clear that the City could not require that job applicants have lived in Cambridge for one year before applying for a position. That would be a durational residency requirement which would violate the right to travel. The proposed Ordinance, for certain positions, would give a preference to "current city residents" when "other employment factors are approximately equal."

The right to travel between and among the states has been recognized as a fundamental constitutional right. See, e.g., Shapiro v. Thompson, 394 U.S. 618 (1969), holding that state statutes which denied welfare benefits to persons who had not resided within the jurisdiction for at least one year violated the Equal Protection Clause. The basis for this ruling was that a residency requirement has the effect of deterring the entry of indigent persons into these jurisdictions, thereby limiting their rights to engage in interstate travel.

The Civil Service Law, G.L. c. 31, § 58, provides in part:

> . . . If any person who has resided in a city or town for one year immediately prior to the date of examination for original appointment to the police force or fire force of said city or town has the same standing on the eligible list established as the result of such examination as another person who has not so resided in said city or town, the administrator, when certifying names to the appointing authority for the police force or the fire force of said city or town, shall place the name of the person who has so resided ahead of the name of the person who has not so resided; provided, that upon written request of the appointing authority to the administrator, the administrator shall, when certifying names from said eligible list for original appointment to the police force or fire force of a city or town, place the names of all persons who have resided in said city or town for one year immediately prior to the date of examination ahead of the name of any person who has not so resided.

Section 58 thus gives a preference on Civil Service eligible lists for municipal police and fire applicants who have lived in the municipality for one year prior to the date of examination. I note, however, that there is no obligation to live in the city

after the date of the examination to qualify for the preference, just as there is no such obligation in the proposed Ordinance. The constitutionality of this provision was upheld in Milton v. Civil Service Commission, 365 Mass. 368 (1974), against a challenge that it burdened the right to travel of non-residents and violated the Equal Protection Clause.

Addressing the right to travel issue, the Court pointed out that applicants do not have a right to public employment. Id. at 372. The Court concluded as follows:

> . . . the burden which this statutory scheme imposes on those who have recently exercised their right to travel comes down to this: they may be placed at a relative disadvantage to one-year residents in the competition for a job to which they have no vested right. We conclude that this burden cannot be regarded as such a drastic deprivation of the rights of citizenship or the means of maintaining life as to trigger the extremely vigorous scrutiny of legislation implicit in the compelling State interest test ...

Id. at 374.

As noted above, it has been held that a durational residency requirement for a municipal employee is unconstitutional because it restricts an employee's fundamental right to travel and because it violates the Equal Protection Clause. See e.g., Bruno v. Civil Service Commission of Bridgeport, 192 Conn. 335, 472 A2d 328 (1984) (1-year durational residency requirement for position of recreation superintendent, which implicated fundamental right to travel freely within the state, did not pass test of strict judicial scrutiny and, therefore, violated Equal Protection Clause).

In Bruno, the Court had this to say about the right to travel:

> The right to travel has long been recognized and protected as a fundamental right which is firmly established in the law .... It is a right which the courts have repeatedly protected in the face of durational residency requirements that affect that right .... Writing for the Court in Shapiro v. Thompson, 394 U.S. 618 (1969), Justice Brennan cited with approval the decision of Chief Justice Taney in the Passenger cases, 48 U.S. (7 How.) 283, 492 (1849) as follows: "For all the great purposes for which the Federal government was formed, we are one people, with one common country. We are all citizens of the United States; and, as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own states." Shapiro v. Thompson, 394 U.S. at 630.

472 A2d at 333.

In Carofano v. City of Bridgeport, 196 Conn. 623, 495 A2d 1011, 1020 (1985), the Court stated:

> It must be conceded that even a bona fide residence requirement would burden the right to travel, if travel meant merely movement .... The right to travel that has been found to be "fundamental" and thus to necessitate demonstration of a compelling state interest for maintenance of any governmental restraint thereon, involves much more than locomotion .... It concerns the right "to migrate, resettle, find a new job, and start a new life." Shapiro v. Thompson, 394 U.S. 618, 629 (1969). It is the barriers to such resettlement raised by durational residency requirements as qualifications for receiving benefits or exercising privileges that have been found to have such serious impact as to infringe upon the constitutional right to travel ....

As noted above, Salem Blue Collar Workers Assn. v. Salem, 33 F3d 265 (C.A. 3, 1994), cert. den. U.S. (1995), held (2-1) that a bona fide residency ordinance of the City of Salem, N.J. did not

violate the Privileges and Immunities Clause of the U.S. Constitution (Art. 4, §2, cl. 1). The ground for this holding was that direct public employment, as opposed to private employment, is not a privilege or fundamental right protected by the Clause. Id. at 270.

There was a dissent, however, by Chief Judge Sloviter, who stated his belief that the Privileges and Immunities Clause did apply to municipal employment. Chief Judge Sloviter relied on United Building & Construction Trades Council v. Mayor and Council of Camden, 465 U.S. 208 (1984), which held that Camden's hiring preference ordinance, requiring that at least 40 percent of the employees of contractors and subcontractors working on city construction projects be Camden residents, was subject to the strictures of the Privileges and Immunities Clause. Based on this holding, Judge Sloviter concludes that, "The Camden opinion suggests, even if it does not actually hold, that even a direct municipal residency requirement or preference for municipal employment will be subject to scrutiny under the ... Clause." 33 F3d at 276.

In conclusion, Courts are hostile to durational residency requirements and preferences. See e.g. Bruno, supra, and Attorney-General of N.Y. v. Soto-Lopez, 476 U.S. 898 (1986), which held that a New York state limit on a civil service veterans' preference to only those veterans who were residents of the state when they entered military service violated the right to travel.

A hiring preference for "current city residents" would certainly have to have at least a rational basis. Since a "current city resident," when hired, might have been a resident for only a day and would have no obligation to remain a resident after being hired, it is hard to imagine any basis for such a provision except to furnish jobs for the City's unemployed. But it is questionable whether this is a "rational basis." See Ward v. Board of Examiners, 409 F. Supp. 1258, 1260 (D.P.R. 1976), aff'd 429 U.S. 801 (1976), where a nonresident of Puerto Rico challenged the island's residency requirements for licensing as an engineer. The Board of Examiners advanced several purposes for the requirement, one of which was to "save the work" on an island plagued by high unemployment. Although the Court upheld the requirement on other grounds, it stated that "saving the work" for island residents was "not a permissible governmental purpose." Id. at 1260.

As noted above, the Civil Service Law, G.L. c. 31, §58, gives a preference on Civil Service eligible lists for municipal police and fire applicants who have lived in the city for one year prior to the date of examination. In light of the authorities cited above, I am unable to say with certainty that the City can give any further preference to current Cambridge residents who apply for positions with the City. If such a preference were permitted, it would be subject to bargaining with the appropriate collective bargaining units. See G.L. c. 150E, §7(d).

2. The Continuous residency requirement

As noted above, continuous residency requirements are generally upheld by the Courts, and the residency requirement in §§(d) and (e) of the proposed Ordinance would probably be upheld also. See 2 Sands & Libonati, Local Government Law, §10.02.

It is possible, however, that the proposed residency requirement may conflict with the City's Plan E Charter, specifically with G.L. c. 43, §§103, 104 and 105, dealing with the appointment and removal powers of the City Manager. This conflict is most apparent in §(h) of the proposed Ordinance which would mandate that the City Manager terminate employees found to be no longer City residents. However, there are no cases directly in point and any such questions would be decided by a court as a case of first impression.

However, there is some question about §(f) which states that the residency requirement would apply to current employees who are promoted to positions paying $75,000. A similar provision was struck down under the Louisiana Constitution in Police Association v. City of New Orleans, 635 So. 2d 380 (La. App. 4 Cir. 1994). That case held that an ordinance which created an exemption to the domicile requirement for all officers or employees, who, on a specified date, maintained their actual domicile outside of Orleans Parish, but denied them promotional opportunities unless they moved their domicile to Orleans Parish, violated equal protection and due process under the Louisiana Constitution.

Even if the promotion provision in §(f) is held to be constitutional, it would be a mandatory subject of bargaining with the appropriate collective bargaining units. See G.L. c. 150E, §7(d).

3. Categories of affected employees

(a) School Department employees

General Laws, Chapter 71, §38 regulates the employment of teachers and other School Department employees. This section provides:

> No school district shall require that an individual reside within the city, town or regional school district as a condition of promotion, assignment, transfer or continued employment as a school teacher, instructional aide, assistant principal, principal, director, supervisor, deputy superintendent or professional employee; provided, however, that the provisions of this paragraph shall not apply to any individual appointed, reappointed or promoted to the position of superintendent, associate superintendent or assistant superintendent.

This means that the positions specified in §38 (school teacher, etc.) could not be made subject to a residency requirement. Regarding the position of Superintendent, this official is employed by the School Committee. See G.L. c. 43, §32 (part of the Plan E Charter); G.L. c. 71, §§41 and 59. In my opinion, it is doubtful whether the City Council, by ordinance, can impose terms and condition on the School Committee's power of appointment of a Superintendent. See Leonard v. School Committee of Springfield, 241 Mass. 325 (1922).

General Laws, c. 71, §59B provides that:

> ... Principals employed under this section shall be responsible, consistent with district personnel policies and budgetary restrictions and subject to the approval of the superintendent, for hiring all teachers, instructional or administrative aides, and other personnel assigned to the school, and for terminating all such personnel, subject to review and prior approval by the superintendent and subject to the provisions of this chapter.

In my opinion, the proposed Ordinance, if enacted, would become part of the City's "personnel policies," and, therefore, it could apply to administrative aides and "personnel assigned to the school" except the positions specified in G.L. c. 71, §38. As with all unionized employees, the residency requirement would be a mandatory subject of bargaining.

(b) Police Officers and Fire Fighters

General Laws, Chapter 41, § 99A provides:

> **Members of regular police or fire department and fire alarm division; residence outside city or town**
>
> Any member of the regular police or fire department and fire alarm division of a city or town appointed subsequent to August first, nineteen hundred and seventy-eight shall reside within fifteen miles of the limits of said city or town. Said distance shall be measured from the closest border limits of said city or town in which said member is employed to the closest border limits of the city or town in which said member lives; provided however, if any said city or town by local ordinance or by-law to which the provisions of paragraph (d) of section seven of chapter one hundred and fifty E of the General Laws shall apply, or by collective bargaining agreement shall require the members of a regular police or fire department appointed on or after August first, nineteen hundred and seventy-eight to be residents of such city or town, the provision of such local ordinance, by-law or collective bargaining agreement shall supersede the provision of this section and provided further such local ordinance, by-law or collective bargaining agreement shall apply only to those members of a regular

police or fire department appointed subsequent to the adoption of such local ordinance, by-law or collective bargaining agreement. Added by St.1965, c. 411. Amended by St.1971, c. 956, § 1; St.1978, c. 373, § 1; St.1981, c. 446.

I believe that § 99A has the following meaning:

Any Police officer or Fire fighter appointed after August 1, 1978 must reside within 15 miles of the City limits; provided, however, that, if any city, by ordinance or by collective bargaining agreement, shall require Police officers or Fire fighters appointed after August 1, 1978 to be city residents, the provisions of such ordinance or agreement shall supersede the provisions of this section, and provided further that such ordinance or agreement shall apply only to Police officers or Fire fighters appointed subsequent to its adoption.

At present, Cambridge does not have any collective bargaining agreement which requires Police Officers or Fire Fighters to be City residents. However, residency is among the "terms and conditions of employment" of G. L. c. 150E, § 6, and is thus a mandatory subject of bargaining. Town of Lee v. Labor Relations Commission, 21 Mass. App. Ct. 166, 167 (1985). According to c. 150E, § 7(d), when a collective bargaining agreement contains a provision regarding a § 6 subject that conflicts with "any municipal personnel ordinance . . . ," that provision of the agreement prevails. Id. at 167.

It follows as a matter of logic that if an agreement contains no provision about a particular § 6 subject, such as residency, and a municipal employer inaugurates or alters a policy or requirement

with respect to that subject, it is bound upon request to bargain, regardless of any ordinance in point. Id.

I conclude, therefore, that the City Council could adopt the proposed residency ordinance pursuant to G. L. c. 41, § 99A, but that the ordinance would not relieve the City of its duty to bargain collectively in good faith with the unions representing Police Officers and Fire Fighters before imposing a residency requirement on them. The City would also have a duty to bargain with all other unionized employees and those who might decide to unionize in the future.

(c) Consultants and other independent contractors

In my opinion, consultants might be covered by the "Cambridge First" hiring preference in §a, which applies to "all salaried or hourly rate municipal positions with an annual compensation of less than ... $50,000." They would certainly be covered by the definition of "employee" in §(e), which specifically includes, "... any person performing services ... on a ... consultant basis."

As drafted, the ordinance would require either a preference or mandatory residency for all independent contractors and consultants. If this is not the result that the City Council intends, then it is possible to exclude all independent contractors and consultants, other than those "consultants" over whom the City exercises sufficient control to make them, in effect, "employees" within the meaning of the Internal Revenue Code. This can be accomplished by amending the definition of "employee" to read as follows:

> The term "employee" as used in this Chapter shall mean any individual performing services for or holding an office or position in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of $50,000 or more annually by salary or hourly rate, on a full, part-time or intermittent basis, provided that such individual has the status of an employee under the usual common law rules applicable in determining the employer-employee relationship.

4. Effect of Civil Service Law, G.L. c. 31

Section (j) of the proposed Ordinance states:

> To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

Presumably, this section would apply to all city positions regardless of the compensation.

The civil service system is part of the personnel system for public employees. "Its purpose is to minimize political influence in public employment and to supply appointing authorities with names of qualified applicants." 18 M.P.S., Randall and Franklin, Municipal Law, §321 (1993).

The Department of Personnel Administration administers civil service examinations and has oversight of the civil service system. The Personnel Administrator is in charge of the Department.

The duties of the Administrator are listed in G.L. c. 31, §5. Among other duties, the Administrator approves and disapproves qualifications and specifications submitted by an appointing authority for any civil service position, evaluates the qualifications of applicants and conducts examinations and established mandatory standards. Examinations for original

appointments are open to all qualified candidates. G.L. c. 31, §6. The Administrator establishes eligible lists of persons who have passed each examination for appointment to a position in the official service. G.L. c. 31, §25.

Based on these and other sections of Chapter 31, it is my opinion that, although the City Manager could request that an examination held to establish an eligible list for employment by the City be restricted to City residents, the final decision would be in the hands of the Administrator.

5. Funding of Office of Work Force Development

Section (b) of the proposed Ordinance states:

> The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

I note that this section is phrased in terms of a request to the City Manager. This is in accordance with the law, because the City Council, by ordinance, could not tie the hands of the Manager regarding the preparation of future budgets. See Whalen v. Holyoke, 13 Mass. App. Ct. 446 (1982), rev. den. 386 Mass. 1104 (1982), holding that the Mayor was not bound by an ordinance which, by prescribing staffing levels in a city department, appeared to set limits on his prerogatives in formulating the city budget pursuant to the Municipal Finance Act, G.L. c. 44.

C. Conclusion

In conclusion, it is my opinion that the continuous or bona fide residency requirement set forth in §(d) of the proposed

Ordinance would be upheld if challenged. I have doubts, however, about the "promotion" provision in §(f), based on the decision in Police Association v. City of New Orleans, 635 So. 2d 380 (La. App. 4 Cir., 1994).

I also have doubts about the "Cambridge First" hiring preference, because I believe that it would impose a burden on the right to travel of nonresidents who might want to move to Cambridge.

Very truly yours,

Russell B. Higley

RBH/jb
Enclosure

ORD#3\Residenc.Req\Analysis.Ord

CITY OF SOMERVILLE, MASSACHUSETTS
PERSONNEL DEPARTMENT

MICHAEL E. CAPUANO
MAYOR

KATHERINE AUSPITZ
DIRECTOR

ROBERT A. JOY
ASSISTANT DIRECTOR

To: The Honorable Timothy Toomey
From: Kate Auspitz KA
Date: May 16, 1995
Re: Somerville residency ordinance.

Somerville has had a residency ordinance on the books since 1978 -- supported by Mayor Capuano when he was himself an alderman. All non-school employees are subject to the residency requirement; and waivers may be granted at the recommendation of the Mayor, with the approval of a majority of the Board of Aldermen. State law prevents application of such a law to school teachers.

Before 1990, waivers had been granted somewhat haphazardly. Conscientious employees petitioned for waivers. Others were less careful to comply; and, apparently, the **criteria** for granting waivers were never made explicit. When Mike Capuano became mayor, he wanted to enforce the ordinance in a just and even-handed manner. He did not want to penalize current employees who had taken jobs with the City assuming, not implausibly, that a waiver could always be obtained.

Therefor, the Mayor asked me to notify all the municipal unions that the City was contemplating a two step approach to enforcing the ordinance: 1) waivers would be granted unconditionally to all current employees, and 2) new hires would be informed unequivocally that the City took its residency requirement seriously and that waivers would be granted only in cases of well-documented necessity. (For example, an employee with a disability who needed a wheel-chair accessible one story house, not readily available in Somerville). The unions, naturally, could not and did not object to the **prospective** enforcement of a municipal ordinance.

We then notified every individual employee with a five page memo which I attach, that "**After this amnesty period, the Ordinance will be enforced as written.**" We gave formal notice to police and fire fighters that the City had no authority to waive the state law, Chapter 41, section 99A, that requires public safety employees to live within fifteen miles of the community in which they work.

I think the residency ordinance works well. We do give preference in hiring to **qualified** City residents; we also recruit talented people who are not yet Somervillians, with the understanding that they have six months to move in. And we are not rigid: we don't require short-term or part-time professional employees to become city residents. Above all, we emphasize that Somerville is a good place to work and to live.

SOMERVILLE CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600, Ext. 3300 Fax: 625-3434

TO: All Non-School Employees of the City of Somerville
and to be POSTED by Department Heads throughout the City
FR: Personnel Department
DT: December 2, 1992
RE: RESIDENCY LAWS RELATING TO SOMERVILLE MUNICIPAL EMPLOYEES

In 1978, the City of Somerville adopted an Ordinance requiring that municipal employees hired on or after July 1, 1978, become residents of the City. Since that time, the Ordinance has not been uniformly enforced because times were good all over; Somerville residents were able to find jobs without the advantage a strict enforcement of the Ordinance would have given them. Now, times are tougher for everyone and the City owes its residents every advantage whenever jobs are available.

Since the Ordinance has been enforced haphazardly over the years, it would be unfair to simply enforce the Ordinance as it stands. Therefore, a more equitable approach has been adopted as outlined below.

Attached to this memo is a Residency Compliance Form which asks for the information needed to fairly enforce the Ordinance.

> If requested, this Administration will grant an unconditional ***AMNESTY*** and a Waiver will be submitted to the Board of Aldermen for anyone* who completes the form honestly and returns it ...
> ... **NO LATER THAN 5:00 pm THURSDAY, DECEMBER 17, 1992**.
>
> If the form is not returned on time or contains false information, the Ordinance will be fully enforced.
>
> * - Due to State law limitations, neither Amnesty nor a Waiver may be granted to a Police Officer, Fire Fighter or Fire Alarm Operator who lives further than 15 miles from Somerville. See attached map. In addition, State law prohibits application of residency requirements to most, if not all employees of the School Department.

For your convenience, a copy of the Ordinance and a brief outline of both the Ordinance and other relevant laws are also attached to this memo.

After this Amnesty period, the Ordinance will be enforced as written. In general, after the Amnesty period, Waivers will be submitted to the Board of Aldermen only upon proof of special circumstances that necessitate non-residency or proof that the non-Somerville residence is less expensive than an average two-family home in Somerville.

Any questions relating to this matter should be addressed to either the Personnel Department (ext 3300) or to your union representative.

RESIDENCY COMPLIANCE FORM

NAME: _____

HOME ADDRESS:-
STREET & #: _____

CITY: _____ STATE: _____

HOME PHONE: _____ - _____ - _____

DATE OF ORIGINAL EMPLOYMENT BY THE CITY OF SOMERVILLE (if not certain, leave lines blank):
Year: _____
Month: _____
Date: _____

Current Department: _____

Current Job Title: _____

I hereby state that the information above is accurate and that I am familiar with the residency laws applicable to employees of the City of Somerville. I acknowledge that this form is SIGNED UNDER THE PAINS AND PENALTIES OF **PERJURY**.

_____ _____
signature date

****
Please note that these records are Public Documents and, therefore, will be shared with other municipal departments, including but not limited to the Assessing and Elections Departments.
****

Check appropriate line:-

_____ I maintain my residence within the City of Somerville, Massachusetts.

_____ I wish to apply for a waiver from the residency laws during the Amnesty period.

_____ I am exempt from the residency laws because I was employed by the City of Somerville prior to July 1, 1978.

_____ I am exempt from the residency laws because I am a Fire Fighter and was employed by the City of Somerville before August 1, 1978.

_____ I have already been granted a waiver from the residency laws by the City of Somerville (please attach a copy of the approved waiver).

RETURN COMPLETED AND SIGNED FORM TO:-
Personnel Department, City Hall, 93 Highland Avenue, Somerville, MA 02143
NO LATER THAN 5:00 pm THURSDAY, DECEMBER 17, 1992.

OUTLINE OF RESIDENCY LAWS RELATIVE TO SOMERVILLE MUNICIPAL EMPLOYEES

ORDINANCE s.2-296:-

- Applies to all non-school employees. Both civil service and non-civil service employees are covered. State law ch.71 sect.99A prohibits the imposition of residency requirements on school employees, except the Superintendent, Associate Superintendents and Assistant Superintendents.
- Requires that all employees hired on or after July 1, 1978, become a resident of Somerville within 6 months of employment.
- Does NOT require residency before hired.
- Requires that information relative to this section be given under the "pains and penalties of perjury".
- Assures due process for all employees. At the conclusion of the process, if a violation is proven, the employee may be terminated.
- Allows for Waivers from the provisions of the law.
- Defines "residence" as "the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects."

ORDINANCE s.5-48:-

- Specifies that members of the Fire Department shall be subject to residency requirements set forth in their collective bargaining agreement.

FIRE FIGHTERS COLLECTIVE BARGAINING CONTRACT ARTICLE XXII para.3:-

- Specifies that members of the Fire Department appointed on or after August 1, 1978, shall be subject to the City's residency laws.
- Therefore, the key date for Fire Fighters is August 1, 1978, rather than July 1, 1978.

MASSACHUSETTS GENERAL LAWS c.41 s. 99A:-

- Requires that any POLICE OFFICER, FIRE FIGHTER or FIRE ALARM OPERATOR appointed after August 1, 1978, live within 15 miles of the municipal border where they are employed.
- Specifies that a local Ordinance may supersede this law.
- The result is that Somerville's Ordinance applies as set forth above AND that any Amnesty or Waiver granted may not be for residency in a city or town beyond the 15 mile limit. A map of those communities within the 15 mile radius is attached.

McCARTHY v. PHILADELPHIA CIVIL SERVICE COMM, 424 US 645 (1976):-

- This United States Supreme Court decision clearly stated that residency laws such as Somerville's are enforceable and that a termination resulting from such enforcement will be upheld.

Sec. 2-296. Residency requirement.

(a) Every person first employed by the city on or after July 1, 1978 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his employment by the city.

(b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

(c) Upon taking employment with the city, and annually on February first thereafter, every person subject to this section shall file with his or her department head, or like officer, a certificate signed under the pains and penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city or if no such certificate is filed, the department head or like officer shall forthwith arrange a hearing to be held within thirty (30) days before the department head to show reason why said employee is no longer a legal resident. The department head shall notify the individual in writing two (2) weeks in advance of said hearing.

(d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and the department head or like officer shall give notice of his action to the city clerk, who shall transmit the same to the board of aldermen, the mayor, and the city auditor.

(e) No person so stricken from a payroll shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

(f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by that law.

(h) If the mayor, with the approval of the board of aldermen determines it to be in the best interest of the city to do so, the provisions of this section may be waived with respect to a particular person or position, and such waiver shall not act to defeat the application of this section to every other person or position.

(i) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

(j) In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and noncivil service employees of the city.

(Code 1963, § 3-33)

FEINBERG, CHARNAS & BIRMINGHAM, P.C.

Attorneys at Law

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Of Counsel
ANNE COLLETON
WILLIAM F. BARRY

October 26, 1995

RECEIVED BY
OFFICE OF CITY CLERK
1995 NOV -8 AM 11:01
CAMBRIDGE MA.

Robert Healy
Cambridge City Hall
Massachusetts Avenue
Cambridge, MA 02138

RE: Cambridge First Hiring and Residency Requirement Ordinance

Dear Mr. Healy:

I am writing on behalf of IPEA Local 195 concerning the proposed Cambridge First Hiring and Residency Requirement Ordinance.

It is Local 195's position that if this ordinance is enacted and implemented it would constitute a unilateral change in the terms and conditions of employment for Local 195 members.

It appears that Paragraph (e) of the proposed ordinance defines "employee" to include some positions that are included in the Local 195 bargaining unit. The ordinance then requires that after January 1, 1996 all newly hired "employees," including current employees who transfer into those positions, must be City residents. Thus, a bargaining unit member who, in accordance with the terms and conditions of the collective bargaining agreement, would be eligible for a promotion within the bargaining unit, but who is not a City resident, would not be allowed to obtain the promotion.

This not only constitutes a unilateral change in a mandatory subject of bargaining, but also constitutes a unilateral change in a contractual term. If the City of Cambridge enacts and implements this ordinance with respect to Local 195's

bargaining unit positions, Local 195 will file the appropriate charges at the Massachusetts Labor Relations Commission where it will be seeking a recision of the ordinance and damages for persons who are unlawfully denied transfers and/or promotions.

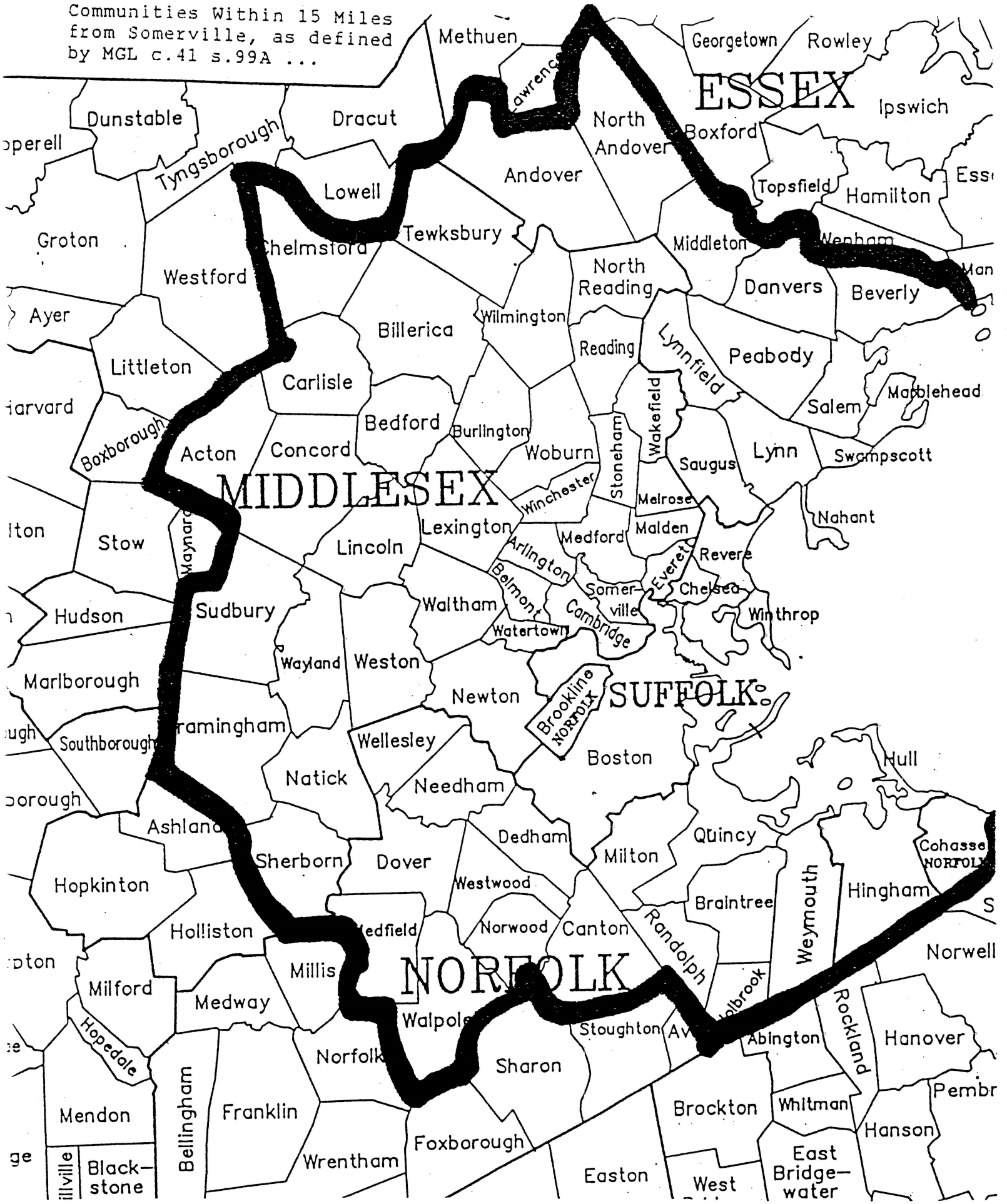
Very truly yours,

Aaron D. Krakow

ADK:MKE

cc: Jimmy Cassidy
Michael Gardner
City Council

Communities Within 15 Miles from Somerville, as defined by MGL c.41 s.99A ...



5-207

Committee Report #2

Comm. received from John E. Flynn transmitting a report from Vice Mayor Russell for a hearing held on May 18, 1995 for the purpose of discussing a proposed amendment to the Municipal Code in Title 2, Chapter 2.120 entitled "Residency Requirement."

(ORDINANCE COMMITTEE)

In City COuncil June 5, 1995

Report accepted.
Placed on file.

Chapter 2.120 Residency Requirement

a) Every person first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

c) Upon taking employment with the city, and annually by February first thereafter, every person subject to this section shall file with his or her department head, or like officer or officers, a certificate signed under the pains penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the department head or officer(s) to show reason why said employee is no longer a legal resident. The department head or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

e) No person so stricken from a payroll as a result of this section shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

i) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

j) In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and noncivil service employees of the City, including the City Clerk, City Manager, and City Auditor.

Chapter 2.120 Residency Requirement

a) Every person first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

c) Upon taking employment with the city, and annually by February first thereafter, every person subject to this section shall file with his or her department head, or like officer or officers, a certificate signed under the pains penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the department head or officer(s) to show reason why said employee is no longer a legal resident. The department head or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

e) No person so stricken from a payroll as a result of this section shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

i) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

j) In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and noncivil service employees of the City, including the City Clerk, City Manager, and City Auditor.

Chapter 2.120 Residency Requirement

a) Every person first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

c) Upon taking employment with the city, and annually by February first thereafter, every person subject to this section shall file with his or her department head, or like officer or officers, a certificate signed under the pains penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the department head or officer(s) to show reason why said employee is no longer a legal resident. The department head or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

e) No person so stricken from a payroll as a result of this section shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

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g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

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CCM-101

City of Cambridge

15.

IN CITY COUNCIL

February 6, 1995

COUNCILLOR TOOMEY
COUNCILLOR GALLUCCIO
VICE MAYOR RUSSELL
COUNCILLOR SULLIVAN

ORDERED: That the attached amendment in Title 2, Chapter 2.120 entitled "Residency Requirement" of the Cambridge Municipal Code be referred to the Ordinance Committee for a hearing and a report within 45 days.

In City Council February 6, 1995
Adopted by the affirmative vote of seven members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- D. Margaret Drury

D. Margaret Drury
City Clerk

Chapter 2.120 Residency Requirement

a) Every person first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

b) The term "employee" as used in this section shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis.

c) Upon taking employment with the city, and annually by February first thereafter, every person subject to this section shall file with his or her department head, or like officer or officers, a certificate signed under the pains penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the department head or officer(s) to show reason why said employee is no longer a legal resident. The department head or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

d) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that person shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

e) No person so stricken from a payroll as a result of this section shall be reemployed by the city for a period of one (1) year following the cessation of his or her employment.

f) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

g) If this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this section with respect to any position not governed by the law.

h) If the City Manager, with unanimous approval of the City Council determines it to be in the best interest of the City to do so, the provisions of this section may be waived with the respect to a particular person or position, but said

waiver shall not be for more than the period of one (1) year, and such waiver shall not act to defeat the application of this section to every other person or position.

i) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

j) In construing this section, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and noncivil service employees of the City, including the City Clerk, City Manager, and City Auditor.

CCM-101

City of Cambridge

15.

IN CITY COUNCIL

February 6, 1995

COUNCILLOR TOOMEY

ORDERED: That the attached amendment in Title 2, Chapter 2.120 entitled "Residency Requirement" of the Cambridge Municipal Code be referred to the Ordinance Committee for a hearing and a report within 45 days.

Galluccio, Russell, Sullivan

Consent Order #15

Councillor Toomey re: Prposed amendment to the Municipal Code entitled " Residency Requirement."

In City Council February 6, 1995

Order adopted
Referred to the
Ordinance Committee
Copy sent to Ordinance
Committee 2/9/95 [illegible]

Calendar Item Number 22

December 11, 1995

That Title Two of the Municipal Code of the City of Cambridge entitled "Administration and Personnel" be and hereby is amended by adding at the end thereof a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency Requirement," which reads as follows:

PREAMBLE: The City of Cambridge's top priority is to hire the most qualified person for each position. The City of Cambridge is committed to the hiring and training of a first-class work force to serve the interests of the residents of the City. The commitment of the City is to provide a priority for the hiring and training of Cambridge residents, including those of all nationalities, races, classes, genders, sexual preferences and ages. It is the policy of the city to promote a work force that is diverse and representative of the people of the City, with the view in mind of preserving municipal jobs for residents of Cambridge.

Chapter 2.120 - Cambridge First - Hiring and Residency Requirement.

(a) The City of Cambridge shall establish a "Cambridge First" hiring preference which shall apply to all salaried or hourly rate municipal positions with an annual compensation of less than fifty thousand dollars ($50,000.00). The "Cambridge First" hiring preference shall include:

(1) With regard to job applicants, the City shall establish an absolute priority for current city residents when other employment factors are approximately equal.

(2) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, actively recruit and maintain lists of Cambridge residents for hiring in city positions.

(3) The City of Cambridge shall, through the utilization of the resources of the City Manager's Office, Personnel Office and the Office of Work Force Development, establish and operate classes and training programs in preparation for civil service exams for Cambridge residents. Said classes and programs shall be held at centrally located, accessible municipal buildings or schools on a rotating basis.

(4) The City Manager shall be requested to report to the City Council on an annual basis, the number of Cambridge residents employed by the City, with an eventual goal of sixty (60%) of city employees being Cambridge residents within the next ten (10) years.

(5) That in order to receive the full benefit of residency preferences already afforded to Cambridge residents under State Civil Service Law and in order to bring Police Officers, Fire Officials and Teachers into the neighborhoods of Cambridge, the City Manager be and hereby is requested to take the necessary steps to negotiate with the appropriate collective bargaining units and provide reasonable incentives thereto with the view in mind of requiring Police Officers, Fire Officials and Teachers who are hired on or after January 1, 1996, to reside within the City of Cambridge.

(b) The City Manager shall be requested not to decrease any funding for the Office of Work Force Development during the effective periods of this act. Funding for the Office of Work Force Development should remain constant or be increased during the operation of this act.

(c) The City of Cambridge, through the resources of the Office of Work Force Development shall establish a visible and accessible location for Cambridge residents to gain information, job listings, and intake services for job opportunities in city government, as well as within private industry conducting business within the city.

(d) Every employee as defined in Section (e) of this Act, first employed by the City of Cambridge on or after January 1, 1996 shall, within six (6) months of the effective date of employment, become a resident of the city and shall not cease to be a resident of the city during his or her employment by the city.

(e) The term "employee" as used in this chapter shall mean any person performing services for or holding an office, position or employment in any city department or agency, whether by election or appointment, contract of hire or engagement, serving with a compensation of fifty thousand dollars ($50,000.00) or more annually by salary or hourly rate, on a full, regular, part-time, intermittent or consultant basis. Notwithstanding the above, the term "employee" as used in this section shall apply to all persons serving in the capacity as head of a city department or agency, and to any person who maintains supervisory authority over three (3) or more full-time city employees, regardless of compensation.

(f) Upon taking employment with the city, and annually by February first thereafter, every person subject to this chapter shall file with the Personnel Director, or like officer or officers, a certificate signed under the pains and penalties of perjury, stating his or her own name, and place of residence. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the Personnel Director or like officer(s) shall forthwith arrange a hearing to be held within thirty (30) days before the Personnel Director or officer(s) to show reasons why said employee is no longer a legal resident of the city. The Personnel Director or officer(s) shall notify the individual in writing one (1) week in advance of said hearing.

(g) If the finding of the hearing is that the individual is no longer a legal resident, that person shall cease to be employed by the city, and that persons shall be terminated by the City Manager and notice of that action shall be forwarded to the City Clerk, who shall transmit the same to the City Council and City Auditor.

(h) No person so stricken from a payroll as a result of this chapter shall be re-employed by the city for a period of one (1) year following the cessation of his or her employment.

(i) To the extent permitted by Chapter Thirty-One of the General Laws, every examination held to establish a civil service list for employment by the city shall be restricted to city residents.

(j) If this chapter shall be deemed by a court of competent jurisdiction to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this chapter with respect to any provision not governed by law.

(k) If the City Manager, with the two-thirds (2/3) approval of the City Council, determines it to be in the best interest of the city to do so, the provisions of this chapter may be waived with respect to a particular person or position and said waiver shall be reviewed annually by the Council.

(l) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion thereof, and any such action invalid with respect to any person or position shall not be held to apply to any other person or position.

(m) In construing this chapter, residence shall be the actual principal residence of the individual, where he or she eats, sleeps and maintains his or her normal personal and household effects. This section shall be deemed to affect both civil service and non-civil service employees of the city, including all appointments of the City Council.

In City Council December 11, 1995.
Passed to be ordained by a yea and nay vote:-
Yeas 5; Nays 4; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy; D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

RECONSIDERATION FILED BY MAYOR REEVES ON THIS MATTER.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR Reeves

Dec. 11, 1995

Date

Mayor Reeves notified the City Clerk of his intention to move reconsideration of the vote passing to be ordained as amended the Proposed amendment to the Municipal Code entitled "Cambridge First - Hiring and Residency."

RECEIVED
CITY CLERK'S OFFICE
CAMBRIDGE, MA.
95 DEC 11 PM 9:00

Kenneth E. Reeves

Signature

Reconsideration #1 O- 33

Reconsideration filed by Mayor Reeves on the vote taken on December 11, 1995 passing to be ordained as amended the proposed amendment to the Municipal Code by adding a new Chapter 2.120 entitled "Cambridge First - Hiring and Residency."

No Action taken. The ite
Placed on File Pursuant 7
Passing to be ordained -

Unanimous Consent of 9
members to move reconsideration
Order Adopted by 8 members
Councillor Toomey voted negative

In City Council December 18, 1995