

*City of St. Louis Department of Personnel Administrative
Regulation NO. 114*

RESIDENCE REQUIREMENT

On August 4, 1998, the residence requirement for City employment contained in Section 2 of Article VIII of the City Charter was amended by vote of the people. This Administrative Regulation is based on the provisions of amended Section 2 of Article VIII of the Charter of the City of St. Louis.

Section 2. RESIDENCE REQUIREMENT - In addition to other qualifications required by this charter, except as provided herein below, all officers and employees (in non-temporary, full-time positions), must reside in the City of St. Louis on or before 120 days have elapsed after appointment, or, if the officer or employees serves in a working test period as provided by Civil Service Rule, then 120 days after the end of an initial working test period, not to exceed one year. All employees and officers must maintain residence within the City of St. Louis during the entire tenure of their employment or of their appointment as an officer after said 120-day period and failing or ceasing so to reside, shall forfeit their office or employment. A waiver to the above residence requirements may be granted to an individual officer or employee, other than a Director or person who acts as a Director of a City Department, on an annual basis by the Civil Service Commission when said officer or employee occupies a position requiring a very high degree of specialized education or skill and when qualified candidates who are willing to fill said position and reside within the City of St. Louis are not reasonably available. The Civil Service Commission shall report annually in writing to the Board of Aldermen on all waivers granted in the preceding year with written explanations for each waiver that was granted.

1. COMPLIANCE WITH THE RESIDENCE REQUIREMENT

Section 2 of Article VIII of the City Charter establishes the residence requirement for employment with the City of St. Louis. The Department of Personnel has established procedures to ensure that both applicants and eligibles are aware of the residence requirement. The appointing authority's role is particularly important when a non-resident must establish residence in the City of St. Louis within 120 days after the end of an initial working test period.

1. Each appointing authority is responsible for verifying that employees who are required under Article VIII, Section 2 of the Charter to reside within the City of St. Louis within 120 days after the end of an initial working test period not to exceed one year, have moved within the corporate limits of the City of St. Louis. This will apply to all employees occupying full-time, non-temporary positions who do not have a waiver.

The appointing authority shall notify the Department of Personnel of the change of address along with appropriate documentation in accordance with established procedures. If the employee does not take up residence in the City of St. Louis within the 120 day period required by the Charter, the appointing authority shall terminate the employee for violating the residency requirement and a pretermination review hearing should be held in accordance with Administrative Regulation 117.

2. An employee who fails to reside or who removes his or her residence from the City of St. Louis has forfeited employment and must be terminated. The law is absolutely clear on this point. The Civil Service Commission does not have the legal authority to grant an officer or employee a waiver to move out of the City of St. Louis regardless of the circumstances surrounding or reason for the request.

3. Each appointing authority shall ensure that all employees under his or her supervision are aware of the Charter residence requirement and provisions of this administrative regulation which affect the employee. This can be accomplished by either having employees sign for a copy or posting on a bulletin board.

4. The Missouri Revised Statutes, 1994, Section 137.090 and 137.115 provide that tangible personal property is to be declared and taxes paid in the county in which a person resides.

City Employees who do not possess a waiver, who pay personal property taxes on motor vehicles(s) to a

jurisdiction other than the City of St. Louis may be subject to dismissal for that act alone regardless of their residency.

5. All relevant sources of verification or documentation must be considered in determining an employee's residence. Where an employee's family resides is a factor in determining the employee's residence, but it is not the only factor that needs to be considered.

The following sources of verification or documentation can also be considered:

- Voter's Registration Street directory
- Driver's License Correspondence
- Telephone Directory Bank Records (Account Address)
- Utility Receipts Insurance Policies
- Visual Verification Lease Agreement
- Motor Vehicle Registration Contract for Deed
- Tax Receipts Deed of Trust

This list not all-inclusive, nor should any one item from this list be considered as absolute proof of residence or non-residence. All available information should be taken into consideration.

If an employee is hired contingent on moving into the City of St. Louis 120 days after the end of an initial working test period and does not do so the appointing authority shall terminate the employee for failing to meet the residence requirement.

II GENERAL PROVISIONS RELATING TO RESIDENCE REQUIREMENT AND POLICY

1. Residence: Residence requirement shall mean the requirement established by Section 2 of Article VIII of the City Charter which provides all officers and employees (in non-temporary, full-time positions) must reside in the City of St. Louis on or before 120 days have elapsed after appointment or, if the officer or employee serves in a working test period as provided by Civil Service Rule, then 120 days after the end of an initial working test period, not to exceed one year.

2. The 120 Calendar day period after completion of the initial working test period during which an employee must establish residence in the City of St. Louis is an absolute requirement established by the Charter which cannot be extended regardless of circumstances or reasons justifying the extension. One hundred twenty days means 120 calendar days, not working days.

3. Section 2 of Article VIII of the City Charter reads all officers and employees (in non-temporary, full-time positions) must reside in the City of St. Louis on or before 120 days have elapsed after appointment or, etc.. It should be noted that the Charter amendment allows those employees who are in temporary positions or who do not work full time to reside outside the City of St. Louis.

4. If an appointing authority believes that there is reason to suspect that an employee does not reside in the City of St. Louis, the appointing authority shall investigate the employees residence in accordance with this regulation. If the employee has admitted to the appointing authority or submitted something in writing that indicates the employees does not reside in the City of St. Louis, the appointing authority must provide a pretermination review hearing.

5. The operating departments shall initiate investigations of employees residence by any of the following:

1) Receipt of a complaint that an employee does not live within the City;

2) Information developed from proactive steps to develop information of non-complying employees such as comparison of payroll with tax rolls in the City and in surrounding counties, voter registration lists in surrounding counties, etc..

Additional copies of this Administrative Regulation may be obtained from the City's Website or the Department of Personnel at 622-3565.

DEPARTMENT OF PERSONNEL

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Director

Revised: October 29, 2007
Effective: October 29, 2007