



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

February 16, 2023

City Council President Linda Morad
And Honorable Members of the City Council
City of New Bedford
133 William Street
New Bedford, MA 02740

Re: Amendment to Unit C Schedule, Residency

Dear Council President Morad and Members of the City Council:

Enclosed, please find a proposed ordinance which amends the Unit C Schedule, set forth in Chapter 19 of the Code of Ordinances, by removing the residency requirements for most employees.

This measure would repeal the so-called "10% pay penalty" for non-resident Unit C employees which the Council passed over my objections several years ago. At the time of my veto, I expressed my serious concern that the sweeping residency ordinance passed by the Council would make it more difficult for the City to attract talent. This concern has been validated in the period since, and the negative impact of the salary penalty has only increased as competition for municipal employees has grown fierce and the labor market has tightened. Successful recruiting and hiring have become even more challenging for historically hard-to-fill positions.

As I noted at the time, the pay reduction did not appear to be based on any finding about the effect it actually would have. Such a radical policy departure should have been grounded in an analysis of the experience of other cities with a similar policy, or perhaps a survey of current City employees about how a pay reduction might affect their residency preferences. The Council never offered up such evidence – or even pointed to another city that had adopted a similar measure.

It is also difficult to justify the inclusion of the provision that lifts the ten percent pay reduction once an employee reaches ten years of service. How does this serve the City's interests? Is it conceivable that a job candidate would be more willing to take the job if the pay cut ended some ten years later? The provision seems rather like a reward for longevity. I fully support incentivizing employee retention, but not if the "reward" is to permit employees to leave the city, not out of necessity, but by choice. Regrettably, the existing ordinance has the pernicious effect of undermining the notion that New Bedford is a great place to live—which I, along with the entire Council—would vociferously reject.

There can be no doubt that the "10% pay penalty" for non-residents has made it more difficult for us to attract talented candidates, so I ask the members of the City Council to give this repeal measure their full consideration.

Sincerely,



Jonathan F. Mitchell
Mayor



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty-Three

AN ORDINANCE

Amending Chapter 19, Personnel

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 19, Section 19-7(b) is hereby amended by deleting the “Unit C Salary Schedule, Non-Residents Full Time Rate (10% reduction)” table.

SECTION 2. Chapter 19, Section 19-23, is hereby amended by striking Section 19-23 in its entirety and replacing it with the following language:

Sec. 19-23. - Residency and compensation.

(a) Every person who is reappointed, elected, selected or chosen to serve on an authority, board, commission, or committee, whether compensated or not for such service, shall maintain residence in the city. This provision shall not apply to persons who are employed by the city on a part-time or full-time basis and by virtue of such employment are appointed to serve in an ex officio basis on an authority, board, commission, or committee.

(b) Any person holding any of the following positions shall be required to live in the City of New Bedford:

Administrative Assistant to the Board of Assessors;
City Planner;
Director of Human Resources/Director of Personnel;
Director of Public Health;
Director of Purchasing/Purchasing Agent;
First Assistant City Solicitor;
Parking Supervisor

SECTION 3. Chapter 19, Section 19-25, is hereby amended by striking the first sentence and replacing it with the following language:

In the event that the mayor and the city council determine it to be in the best interest of the public to do so, the provisions of Section 19-23(a) and Section 19-23(b) may be waived for a period of six (6) consecutive months with respect to a particular person by a two-thirds ($\frac{2}{3}$) vote of the city council.

SECTION 4. Chapter 19, Section 19-26, is hereby amended by striking the first sentence and replacing it with the language, "It shall be the responsibility of any employee subject to Section 19-23(a) and Section 19-23(b) to immediately notify their department head or like officer if they cease to maintain or establish residence in the city"; and by striking the third paragraph of the section in its entirety, so that Section 19-26 reads as follows:

It shall be the responsibility of any employee subject to Section 19-23(a) and Section 19-23(b) to immediately notify their department head or like officer if they cease to maintain or establish residence in the city. Failing to do so may be grounds for termination.

In any event, annually, on July 1, every person subject to this article shall file with each such person's department head or like officer, a certificate signed under the pains and penalties of perjury, stating such person's name and place of residence as defined herein. Each department head shall forward all certificates to the director of labor relations and personnel.

SECTION 5. This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.