

**RESOLUTION 23-213**

**A RESOLUTION A RESOLUTION TO MODIFY THE CITY PERSONNEL POLICY  
REGARDING RESIDENCE REQUIREMENT**

**WHEREAS**, the City of Spring Hill recognizes the importance of maintaining up-to-date and comprehensive personnel policies to guide our organization's human resources practices; and

**WHEREAS**, the City modified Ordinance 11-02 to adopt the Employee Handbook by Resolution; and

**WHEREAS**, future amendments or revisions to the personnel policies shall be considered for adoption by Resolution; and

**WHEREAS**, the T.C.A. 8-50-107 prohibits discrimination concerning employees of local governments on the basis of non-residence – Exception – First Responder; and

**WHEREAS**, First Responder means paid, full-time law enforcement officers, firefighters, emergency medical personnel, dispatchers of law enforcement, fire and emergency medical service departments; and

**WHEREAS**, First Responder does not mean the chief or head of the department; and

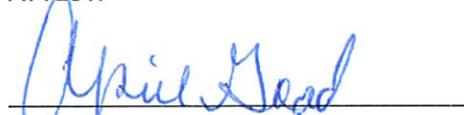
**WHEREAS**, it is in the best interest of the City of Spring Hill to adopt the residence requirement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that the current residence requirement, as presented in the document titled "4.17.02 – Residence Requirements," is hereby adopted as the official residence policies of the City of Spring Hill.

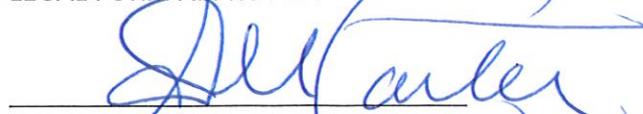
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 16th day of October 2023.

  
Jim Hagaman, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Patrick Carter, City Attorney



## MEMORANDUM

**Date:** October 16, 2023

**To:** Board of Mayor and Aldermen

**From:** Richard Stokes, HR Director

**Re:** Adopting Revised Residency Requirements

**PURPOSE:**

The purpose of this resolution is to modify Personnel Policy 4-17.02, Residency Requirements to conform with state law.

**BACKGROUND:**

In 2021, the TN state legislature modified T.C.A. 8-50-107 to ensure that no person currently employed by any municipality, county, or metropolitan form of government can be dismissed or penalized solely based on non-residence within that local government. This statute prohibits the dismissal or penalization of any person currently employed by a municipality, county, or metropolitan form of government based solely on their non-residence within that local government. Essentially, it ensures that an employee's place of residence does not negatively impact their job security or employment status.

The intent behind this provision is to protect employees from discriminatory actions related to their residential address and to promote fair treatment in the workplace. By safeguarding employees from being penalized solely due to where they live, the law aims to create a more equitable work environment within local government entities.

**FINANCIAL IMPACT:**

None

**STAFF RECOMMENDATION:**

It is recommended that the resolution is adopted effective immediately.



**OFFICE OF THE HUMAN RESOURCES**

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#### 4.17.02 Residency Requirements

The City of Spring Hill is committed to fostering an inclusive and diverse work environment that values talent, expertise, and dedication above all else. We firmly believe that employees should be selected and retained based on their qualifications, skills, and experience rather than their place of residence. This policy statement reflects our dedication to this principle, while recognizing the unique roles and responsibilities of our Police and Fire Chiefs.

The City maintains a policy of not imposing residency requirements on its employees, with the exception of the positions of Police Chief and Fire Chief. Individuals appointed to these roles will be required to establish and maintain residency within sixty (60) miles within six (6) months of the date of hire.

By implementing this policy, the city aims to strike a balance between the need for qualified leadership in public safety and the principles of inclusion and fairness. We remain steadfast in our commitment to serving our community with the highest level of professionalism and dedication.

#### **4.17.02 Residency Requirements**

Due to the nature of the job and the possibility for emergency call-back, all sworn personnel of the Police and Fire Departments must reside within 60 miles of the city limits. Any newly sworn employee of the Police and Fire Department who does not reside within 60 miles of the city limits at the time of hire must, as a condition of employment, establish residency within 60 miles within six (6) months of date of hire.

**Tenn. Code Ann. § 8-50-107**

**Copy Citation**

Current through the 2022 Regular Session.

TN - Tennessee Code Annotated Title 8 Public Officers And Employees Chapter 50  
Miscellaneous Provisions Part 1 General Provisions

**8-50-107. Discrimination concerning employees of local government on basis of nonresidence prohibited — Exceptions — First responders.**

**(a)** Notwithstanding any public law, private act, or municipal charter to the contrary, no person currently under employment with any municipality, county, or metropolitan form of government, shall be dismissed or penalized solely on the basis of nonresidence in such local government.

**(b)** This section shall not apply to those counties having a metropolitan form of government.

**(c)** This section shall not apply to any county with a population of not less than two hundred seventy-five thousand (275,000) nor more than four hundred thousand (400,000), according to the 1970 federal census or any subsequent federal census.

**(d)**

**(1)** Notwithstanding any law, private act, charter, resolution, or ordinance to the contrary, a local government shall not dismiss, discipline, fine, or penalize a first responder employed by a local government, or deny employment to a person applying to be a first responder, based on where the first responder or person applying to be a first responder resides.

**(2)** As used in this subsection (d):

**(A)** "First responder" means paid, full-time law enforcement officers, firefighters, emergency medical personnel, and dispatchers of law enforcement, fire, and emergency medical service departments. "First responder" does not mean the chief or head of the department; and

**(B)**

**(i)** "Local government" means a county, metropolitan government, municipality, or other political subdivision of this state;

(II) "Local government" does not include a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 federal census or any subsequent federal census.

(3) This subsection (d) does not affect a local agency's policies:

(A) Regarding the use of a department vehicle while not on duty; or

(B) That require responses by employees who, based upon their assignment, are required to respond to an emergency or call out within a specific time period.

## History

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Acts 1977, ch. 52, §§ 1, 2; T.C.A., § 8-4135; 2022, ch. 720, § 1.

TENNESSEE CODE ANNOTATED

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