

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 198

A bill to prohibit certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Employment contract" means a contractual employment
3 relationship that may be oral or written and may be for a term of
4 years or at will.

5 (b) "Public employer" means this state or a county, town-
6 ship, village, city, authority, school district, or other politi-
7 cal subdivision of this state and includes any entity jointly
8 created by 2 or more public employers.

9 (c) "School district" means a school district, local act
10 school district, or intermediate school district as those terms

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1 are defined in the revised school code, 1976 PA 451, MCL 380.1 to
2 380.1852, or a public school academy established under the
3 revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

4 Sec. 2. (1) Except as provided in subsection (3), a public
5 employer shall not require, as a condition of employment or pro-
6 motion by the public employer, that an individual reside within a
7 specified geographic area or within a specified distance or
8 travel time from his or her place of employment.

9 (2) A public employer or employee shall not harass or,
10 except as specifically allowed by this act, discriminate against
11 a public employee who resides outside the public employer's geo-
12 graphic boundaries or use a residency requirement as a condition
13 of employment or promotion.

14 (3) A public employer may require, as a condition of employ-
15 ment or promotion by the public employer, that an individual
16 reside within a specified geographic area or within a specified
17 distance or travel time from his or her place of employment, only
18 if the residency requirement is included in a personal service
19 contract with the employee, is included in an employment contract
20 with the employee, or is included in a collective bargaining
21 agreement. The question of the inclusion of a residency require-
22 ment is a mandatory subject of bargaining and shall be negotiated
23 between the parties to a personal service contract, an employment
24 contract, or a collective bargaining agreement. If a public
25 employer provides residency requirements under this subsection,
26 the personal service contract, employment contract, or collective
27 bargaining agreement shall not require that an individual reside

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1 within a specified geographic area or within a specified distance
2 or travel time from his or her place of employment if the indi-
3 vidual is married to an individual who is both of the following:

4 (a) Employed by another public employer.

5 (b) Meeting a condition of employment or promotion by resid-
6 ing within a specified geographic area or within a specified dis-
7 tance or travel time from his or her place of employment that is
8 in conflict with the public employer's residency requirement.

9 (4) This section does not apply to an individual who is a
10 volunteer or paid on-call firefighter, an elected official, an
11 appointed official, a city manager, or a department head of a
12 public employer.

13 Sec. 3. In accordance with the prohibition against impair-
14 ment of contracts provided by section 10 of article I of the
15 state constitution of 1963, this act applies only to personal
16 service contracts, employment contracts, and collective bargain-
17 ing agreements entered into, renewed, or renegotiated after the
18 effective date of this act.