



San Diego Community College District

City College · Mesa College · Miramar College · College of Continuing Education

Administrative Procedure

Chapter 7 – Human Resources

AP 7180 – Employee Residency

In order to promote overall efficiency, operational coverage and quality of service, community involvement, and local economic development, pursuant to Board Policy 7100 – Recruitment and Hiring, and Article XI, Section 10.5 of the California Constitution, the Chancellor has established the following requirements regarding employee residency and distance from District worksite location.

Out-of-state residency creates tax and other liabilities to the district, including, but not limited to, business license requirements, compliance with various labor and employment laws, unemployment insurance provisions, worker's compensation, and state mandated training requirements. Pursuant to the California Emergency Services Act, any person employed by a county, city, state agency, or public district in California is a public employee and Disaster Service Worker. In the event of an emergency, a Disaster Service Worker may be called into work and required to report for duty on short notice. Employees performing work out-of-state cannot fulfill the Disaster Service Worker requirements of state law.

DISTANCE REQUIREMENT

All employees are required to maintain a permanent residence within 200 road miles, along any designated roadway in whichever direction, from their regularly designated District worksite.

All applicants for employment on or after the Effective Date, below, shall certify that they are, or that, if offered employment, within 90 days of accepting the position shall become, compliant with this Administrative Procedure.

The failure to comply with this Administrative Procedure is grounds for discipline up to and including termination in accordance with the applicable Collective Bargaining Agreement or Meet and Confer Agreement.

PERMANENT RESIDENCE

For purpose of this Administrative Procedure, an applicants or employee's permanent residence is defined as the primary place intended as their one, true, permanent home or domicile to which they intend to return following any absence. The residence determination is made using a variety of factors including where the applicant/employee maintains living quarters, place of filing tax returns, property ownership, driver's license and vehicle registration, among other indicia of residency. The establishment of a P.O. Box does not satisfy residency requirements for purposes of this Administrative Procedure. Further, per Administrative Procedure 7170 –

Remote Work, the employee's work location (remote or onsite) must be within the state of California.

EFFECTIVE DATE; APPLICATION TO EXISTING EMPLOYEES

The distance requirement set forth in this Administrative Procedure shall apply only to new hires made on or after the Effective Date set forth below. All employees hired prior to the Effective Date are exempt from the requirements of this Administrative Procedure while continuously employed with the District including any approved absences, and provided they continue to reside in the same state in which they resided at the time of hire or the adoption of this AP, as the case may be.

APPROVAL OF EXCEPTIONS

The Chancellor may, upon request of the appropriate campus president or vice chancellor, waive the requirements of this Administrative Procedure.

See also: Board Policy 7120 – Recruiting and Hiring

REFERENCES: California Constitution, Article XI, Section 10.5

Approved:

Revised:

NOTE for all documents: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current adopted board policies. The language in **blue ink** is included for consideration.