

AN ACT

D.C. ACT 19-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 16, 2011

*Codification
District of
Columbia
Official Code*

2001 Edition

2012 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to approve the proposed salaries of the Chief of the Metropolitan Police Department, the Chief of the Fire and Emergency Medical Services Department, the Chancellor of the District of Columbia Public Schools, and the Chief Medical Examiner, to prevent officeholders in these positions from receiving additional financial incentive pay, including longevity and bonus pay, to ensure that salaries for future officeholders in these positions are not set by virtue of what the current officeholders receive and that such future officeholders in these positions will be paid within the limits of the DX Schedule; and to amend the District of Columbia Police and Firemen’s Salary Act of 1958 to eliminate longevity pay for the Chief of Police and Fire Chief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Executive Service Compensation Amendment Act of 2011”.

Sec. 2 Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-134; D.C. Official Code § 1-610.51 *et seq.*), is amended as follows:

(a) Section 1052(b) (D.C. Official Code § 1-610.52(b)) is amended to read as follows:

Amend
§ 1-610.52

“(b)(1) The Mayor shall designate the appropriate pay level within the range of the DX Schedule for each subordinate agency head position.

“(2) Notwithstanding paragraph (1) of this subsection, the Council approves the existing level of compensation for the positions of the Chief of the Metropolitan Police Department Cathy Lanier (\$253,817), the Chief of the Fire and Emergency Medical Services Department Kenneth Ellerbe (\$187,302), the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$275,000), and the Chief Medical Examiner Dr. Marie Pierre-Louis (\$185,000).

“(3) The levels of compensation as provided in paragraph (2) of this subsection shall be the total annual salary amount that the present officeholder may receive. The officeholder may not receive longevity pay, bonus pay, including performance bonus pay, retention pay, per annum percentage increases for cost-of-living purposes or due to any collective bargaining activity within the officeholder’s respective agency or department, or any equivalent financial

ENROLLED ORIGINAL

incentives or salary enhancements; provided, that the Chancellor may be paid an additional income allowance of \$12,500, for School Year 2010, in order for the parties to meet the terms and conditions of the November 1, 2010 agreement.

“(4) The existing levels of compensation for the positions in paragraph (2) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chief of Police, Fire Chief, Chief Medical Examiner, Chancellor of the District of Columbia Public Schools, who takes office after the effective date of the Executive Service Compensation Amendment Act of 2011, passed on 2nd reading on December 6, 2011 (Enrolled version of Bill 19-197). Each position in paragraph (2) of this subsection shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.”.

(b) A new section 1064 is added to read as follows:

“Sec. 1064. Employment contracts with subordinate agency heads.

“(a) The Mayor shall not enter into an employment contract with a subordinate agency head that contains terms and conditions of employment that are inconsistent with existing law.

“(b) If the Mayor executes an employment contract with a subordinate agency head in the Executive Service, the contract shall be posted to the website of the District of Columbia Department of Human Resources within 30 days of signing. The requirement to post the contract shall be subject to relevant exemptions pursuant to section 204 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534), and required disclosures pursuant to section 206 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-536).

“(c) An employment contract, if any, with a subordinate agency head shall be transmitted to the Council simultaneously with the transmittal of the nomination of the subordinate agency head.”.

Sec. 3. Section 401(a) of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 481; D.C. Official Code § 5-544.01(a)), is amended as follows:

**Amend
§ 5-544.01**

(a) Paragraph (1) is amended by striking the phrase “In recognition of long and faithful continuous service, except as provided in paragraph (1A) of this subsection, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen’s Salary Act Amendments of 1972 shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101 of this Act, an amount computed in accordance with the following table:” and inserting the phrase “In recognition of long and faithful continuous service, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen’s Salary Act Amendments of 1972, except for the Chief of Police and the Fire Chief, shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101, an amount computed in accordance with the following table:” in its place.

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(b) Paragraph (1A) is repealed.

Sec. 4. Fiscal impact statement.

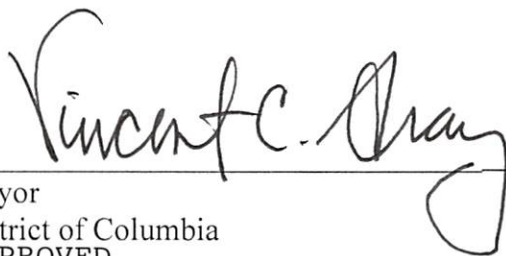
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 16, 2011



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-197**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-01-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-13-11

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-06-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

12-13-11

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result _____ (_____)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown					Catania					Orange				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown, M					Mendelson									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD



Secretary to the Council

Date