

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 20, 2012

*Codification
District of
Columbia
Official Code*

2001 Edition

2012 Summer
Supp.

West Group
Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require Excepted Service appointees to be well qualified, to classify Excepted Service appointees as persons placed in the Executive Office of the Mayor or the Office of the City Administrator, to prohibit any person holding an Excepted Service position from being appointed to a Career, Management Supervisory, or Educational Service position in the 3 months after a Mayoral general election, to require all Excepted Service appointees to be subject to a credit check and criminal background check, to require Excepted Service positions to be published in the District of Columbia Register and on a website available to the public, to limit the number of Excepted Service appointments available to the Mayor, Inspector General, Chief of the Fire and Emergency Medical Services Department, University of the District of Columbia, Chief of Police, Criminal Justice Coordinating Council, and the Sentencing and Criminal Code Revision Commission, to limit the amount of severance pay awarded to Excepted and Management Supervisory Service employees, to lower the cap on relocation pay and temporary housing allowances, to limit the amount of severance pay awarded to Excepted and Management Supervisory Service employees, to limit the pay of any person newly hired to the government to an amount up to the midpoint of the grade or pay level for the position, to require that any amount paid above the midpoint be accompanied by an explanation by the agency head and filed in the employee's official personnel file, to prohibit the payment of salaries higher than the maximum annualized rate, and to prohibit nepotism in all District government employment; and to require that the District of Columbia Department of Human Resources conduct a comprehensive review of all regulations, policies, and standard operating procedures and ensure their compliance with all local and federal laws.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is

ENROLLED ORIGINAL

amended as follows:

(a) Section 801(c) (D.C. Official Code § 1-608.01(c)) is repealed.

Amend
§ 1-608.01
Amend
§ 1-609.01

(b) Section 901 (D.C. Official Code § 1-609.01) is amended by striking the phrase “must meet the minimum standards prescribed” and inserting the phrase “must be well qualified” in its place.

(c) Section 902 (D.C. Official Code § 1-609.02) is amended to read as follows:

Amend
§ 1-609.02

“Sec. 902. Nature of positions in the Excepted Service and conversion rights.

“(a) Each person holding an excepted appointment under the authority of this section and sections 901 and 903 shall be an individual:

“(1) Whose primary duties are of a policy determining, confidential, or policy advocacy nature; and

“(2) Who either reports directly to the head of an agency or is placed in the Executive Office of the Mayor or the Office of the City Administrator.

“(b) No person holding an Excepted Service appointment pursuant to sections 903 or 908 may be appointed to a position in the Career, Management Supervisory, or Educational Service during the period that begins 6 months before the Mayoral primary election and ends 3 months after the Mayoral general election; provided, that an Excepted Service appointee may compete for a position in the Career, Management Supervisory, or Educational Service during this time period; provided further, that, upon termination, a person with Career or Educational Service status may return, at the discretion of the terminating personnel authority, within 3 months of termination to a vacant position in such service for which he or she is qualified.

“(c) All persons appointed to the Excepted Service shall be subject to a credit check and a criminal background check, pursuant to the procedures established in the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*). The suitability determination shall be made by the appointing personnel authority.”.

(d) Section 903 (D.C. Official Code § 1-609.03) is amended as follows:

Amend
§ 1-609.03

(1) Subsection (a) is amended to read as follows:

“(a) Under qualifications issued pursuant to section 901, each appropriate personnel authority may appoint persons to the Excepted Service as follows:

“(1) The Mayor may appoint no more than 160 persons, no more than 2 of whom may be appointed or detailed to a single agency, other than the Executive Office of the Mayor or the Office of the City Administrator;

“(2) The Members of the Council of the District of Columbia may appoint persons to their staffs, except those permanent technical and clerical employees appointed by the Secretary or General Counsel and those in the Legal Service;

“(3) The Inspector General may appoint no more than 15 persons;

“(4) The District of Columbia Auditor may appoint no more than 4 persons;

“(5) The Chief of Police may appoint no more than 6 persons;

“(6) The Chief of the Fire and Emergency Medical Services Department may

appoint no more than 6 persons;

“(7) The Board of Trustees of the University of the District of Columbia may appoint officers of the University, persons who report directly to the President, persons who head major units of the University, academic administrators, and persons in a confidential relationship to the foregoing, exclusive of those listed in the definition of the Educational Service; provided, that the total number of persons appointed by the University to the Excepted Service shall not exceed 20;

“(8) The Criminal Justice Coordinating Council may appoint no more than 9 persons;

“(9) The District of Columbia Sentencing and Criminal Code Revision Commission may appoint no more than 6 persons; and

“(10) Each other personnel authority not expressly designated in paragraphs (1) through (9) of this subsection may appoint 2 persons.”.

(2) Subsection (c) is amended to read as follows:

“(c) Within 45 days of actual appointment and within 45 days of any change in such appointment, the names, position titles, and agency placements of all persons appointed to Excepted Service positions under the authority of this section shall be:

“(1) Published in the District of Columbia Register; and

“(2) Posted online on a website accessible to the public.”.

(3) Subsection (f) is amended to read as follows:

“(f) An individual appointed to the Excepted Service pursuant to this section or section 908 may be paid severance pay upon separation for non-disciplinary reasons according to the length of the individual’s employment with the District government as follows:

<u>Length of Employment</u>	<u>Maximum Severance</u>
“Up to 6 months	2 weeks of the employee’s basic pay
“6 months to 1 year	4 weeks of the employee’s basic pay
“1 to 3 years	8 weeks of the employee’s basic pay
“More than 3 years	10 weeks of the employee’s basic pay.”.

(4) Subsection (g) is amended as follows:

(A) Designate the existing lead-in language as paragraph (1).

(B) Redesignate existing paragraph (1) as subparagraph (A).

(C) Redesignate existing paragraph (2) as subparagraph (B).

(D) Redesignate existing paragraph (3) as subparagraph (C).

(E) A new paragraph (2) is added to read as follows:

“(2) In no event shall the sum of pre-employment travel expenses, relocation expenses, and temporary housing allowance exceed \$10,000 or 10% of the appointee’s salary, whichever is less.”.

(e) Section 906(f) (D.C. Official Code § 1-609.06(f)) is repealed.

(f) Section 954(b) (D.C. Official Code § 1-609.54(b)) is amended to read as follows:

“(b) An individual appointed to the Management Supervisory Service pursuant to this

Amend
§ 1-609.06
Amend
§ 1-609.54

section may be paid severance pay upon separation for non-disciplinary reasons according to the length of the individual’s employment with the District government as follows:

<u>Length of Employment</u>	<u>Maximum Severance</u>
“Up to 6 months	2 weeks of the employee’s basic pay
“6 months to 1 year	4 weeks of the employee’s basic pay
“1 to 3 years	8 weeks of the employee’s basic pay
“More than 3 years	10 weeks of the employee’s basic pay.”.

(g) Section 1061 (D.C. Official Code § 1-610.61) is amended as follows:

Amend § 1-610.61

(1) Paragraph 3 is amended by striking the phrase “26 days” and inserting the phrase “208 hours” in its place.

(2) Paragraph 4 is amended by striking the phrase “8 hours” and inserting the phrase “2 hours” in its place.

(3) Paragraph 5 is amended by striking the phrase “5 days” and inserting the phrase “40 hours” in its place.

(h) Section 1106 (D.C. Official Code § 1-611.06) is amended by adding a new subsection (f) to read as follows:

Amend § 1-611.06

“(f)(1) Persons newly hired by the District government may receive an initial rate of pay at any amount up to the midpoint of the grade or pay level for the position.

“(2) The District government may pay new hires above the midpoint of the grade or pay level for that position only if the agency director or other appointing official explains the reasons justifying the salary in a memorandum that shall be filed in the employee’s official personnel folder.”.

(i) Section 1117 (D.C. Official Code § 1-611.16) is amended as follows:

Amend § 1-611.16

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) No employee of the District of Columbia shall be paid at an annualized rate that is higher than the maximum salary for the highest pay grade for which the employee’s position is classified.”.

(j) Section 1203(h) (D.C. Official Code § 1-612.03(h)) is amended by striking the phrase “30 days” wherever it appears and inserting the phrase “20 days” in its place.

Amend § 1-612.03

(k) A new section 1804 is added to read as follows:

“Sec. 1804. Prohibition on nepotism.

“(a) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he or she is serving or over which he or she exercises jurisdiction or control, any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official who is serving in or exercising jurisdiction or control over the agency and is a relative of the individual.

“(b)(1) An individual appointed, employed, promoted, or advanced in violation of this

section is not entitled to pay and may not be compensated.

“(2) A public official who appoints, employs, promotes, or advances, or advocates such appointment, employment, promotion, or advancement of any individual appointed in violation of this section, shall reimburse the District for any funds paid to such individual as a result of the individual’s appointment, employment, promotion, or advancement.

“(c) The Mayor may issue rules and regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

“(d) For the purpose of this section, the term:

“(1) “Public official” means an officer, employee, or any other individual in whom authority by law, rule, or regulation is vested, or to whom the authority has been delegated to select, appoint, employ, promote, reassign, demote, separate, or recommend individuals for any of these actions.

“(2) “Relative” means, with respect to a public official, an individual who is related to the public official as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.”.

Sec. 3. Review of personnel practices.

(a) The District of Columbia Department of Human Resources shall conduct a comprehensive review of all regulations, policies, and standard operating procedures under its control to ensure compliance with all local and federal laws.

(b) On or before March 1, 2012, and every 3 months thereafter until this review is complete, the District of Columbia Department of Human Resources shall report to the Council on the status of this review, the components that have been completed, the components that remain outstanding, and the projected timeline for completion of this project.

Sec. 4. Applicability.

Section 2(d) shall apply as of January 1, 2013.

Sec. 5. 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. 6. Effective date.

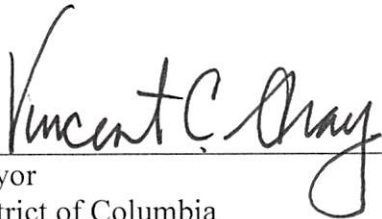
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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
January 20, 2012



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

Docket No. **B19-476**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST 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

1-10-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 01-04-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

THOMAS, JR.

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

1-10-12

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