

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend An Act Relating to the Metropolitan Police Department of the District of Columbia, An Act To classify the officers and members of the fire department of the District of Columbia, and the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require the Fire Chief and the Chief of Police to establish criteria for command staff promotions, and to require that candidates for certain command staff positions be of good standing with no disciplinary action resulting in more than a 14-day suspension or termination within the past 3 years; to require the Fire Chief to design an education and training program, and develop a program of certification for firefighters, paramedics, and emergency medical technicians; to amend the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to change the name of the District of Columbia Police Training and Standards Board to the District of Columbia Police Officers Standards and Training Board, to require one member of the Board to be a police representative appointed by the union, to require the appointment to the Board of a Metropolitan Police Department Reserve Corps representative as an advisory, nonvoting member, to require the Board to establish minimum selection and training standards for the District of Columbia Housing Authority Police Department, and to require the Board to review and make recommendations for certain departmental programs; to amend the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982 to authorize the establishment of a cadet program in the Fire and Emergency Medical Services Department; to require the Fire and Emergency Medical Services Department and the Metropolitan Police Department to provide notice of an adverse or corrective action within 90 days of the date that the Fire and Emergency Medical Services Department or the Metropolitan Police Department knew or should have known of the incident constituting cause, and to require the Chief of Police and the Fire Chief to submit an annual report to the Mayor and Council on misconduct of department members; to amend the Policemen and Firemen's Retirement and Disability Act to require the Fire and Emergency Medical Services Department and

the Metropolitan Police Department to determine whether an injury or illness was sustained in the performance of duty within 30 days of the claim being reported, and to provide that members of the Fire and Emergency Medical Services Department and the Metropolitan Police Department who are unable to perform the full range of duties may be retired as disabled even if they are capable of performing other useful and efficient services; to establish a limited-duty program for members of the Fire and Emergency Medical Services Department and the Metropolitan Police Department who are unable to perform the full range of duties due to injury or illness, but are capable of performing other services, to require that members of the Fire and Emergency Medical Services Department and Metropolitan Police Department who will be unable to perform the full range of duties after achieving maximum medical improvement be processed for disability retirement, to provide that members unable to perform the full range of duties or work in a limited-duty status due to a performance-of-duty injury or illness are entitled to non-chargeable medical leave and administrative pay for up to 2 years, to provide that members of the Fire and Emergency Medical Services Department and Metropolitan Police Department who are unable to perform the full range of duties due to a non-performance-of-duty injury or illness are entitled to chargeable medical leave to the extent they have available sick or annual leave, to require that Metropolitan Police Department members who spend 172 cumulative work days in a less-than-full-duty status over any 2-year period due to an injury or illness other than pregnancy be processed for disability retirement, and to require that Fire and Emergency Medical Services Department members who spend 64 cumulative work days in a less-than-full-duty status over any 2-year period due to an injury or illness other than pregnancy be processed for disability retirement; to amend the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to require physical examinations and agility testing for members of the Metropolitan Police Department at least biennially; to require physical examinations and agility testing for members of the Fire and Emergency Medical Services Department at least biennially; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that the Mayor may delegate his personnel authority only to the Director of Personnel; to amend the Office of Citizen Complaint Review Establishment Act of 1998 to change the name of the Citizen Complaint Review Board to the Police Complaints Board and to change the name of the Office of Citizen Complaint Review to the Office of Police Complaints; to establish the Metropolitan Police Department Reserve Corps and to require the Chief of Police to establish criteria for the selection and training of its members; to authorize the Chief of the Metropolitan Police Department to rehire, pursuant to selection standards established through rulemaking, a former detective of the Metropolitan Police Department as a detective adviser without liability for annuity offset, and to amend An Act Relating to the Metropolitan Police Department of the

District of Columbia to provide that the detective advisers will not be subject to annuity offset; and to amend An Act To authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside to eliminate the requirement that members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department must reside within 25 miles of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety Agency Reform Amendment Act of 2004".

TITLE I. PROMOTIONS FOR COMMAND STAFF FOR FIRE AND POLICE

Sec. 101. Short title.

This title may be cited as the "Command Staff Promotions for Fire and Police Amendment Act of 2004".

Sec. 102. Section 1 of An Act Relating to the Metropolitan Police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended as follows:

**Amend
§ 5-105.01**

(a) Designate the existing language as subsection (a).

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

“(b)(1) The Chief of Police shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to Inspector, Commander, and Assistant Chief of Police that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

“(2) All candidates for the positions of Inspector, Commander, and Assistant Chief of Police shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.”.

Sec. 103. Section 2 of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-402), is amended as follows:

**Amend
§ 5-402**

(a) Designate the existing language as subsection (a).

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

ENROLLED ORIGINAL

“(b)(1) The Fire Chief shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to Battalion Fire Chief and Deputy Fire Chief that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Fire Chief shall review national standards, such as the National Fire Protection Association’s Standard on Fire Officer Professional Qualifications.

“(2) All candidates for the position of Battalion Fire Chief and Deputy Fire Chief shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.”.

Sec. 104. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 6-101.01 *et seq.*), is amended as follows:

(a) Section 801 (D.C. Official Code § 1-608.01) is amended by adding new subsections (d-2) and (d-3) to read as follows:

**Amend
§ 1-608.01**

“(d-2)(1) The Chief of Police shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to the positions of Inspector, Commander, and Assistant Chief of Police that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

“(2) All candidates for the positions of Inspector, Commander, and Assistant Chief of Police shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.

“(d-3)(1) The Fire Chief shall recommend to the Mayor criteria for Career Service promotions and Excepted Service appointments to the positions of Battalion Fire Chief and Deputy Fire Chief that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Fire Chief shall review national standards, such as the National Fire Protection Association’s Standard on Fire Officer Professional Qualifications.

“(2) All candidates for the positions of Battalion Fire Chief and Deputy Fire Chief shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.”.

(b) Section 3203(a) (D.C. Official Code § 1-632.03(a)) is amended as follows:

(1) Paragraph (1) is amended as follows:

**Amend
§ 1-632.03**

(A) Subparagraph (B) is amended by striking the phrase “5-105.01,” and inserting the phrase “5-105.01(a),” in its place.

(B) Subparagraph (L) is amended by striking the phrase “5-402,” and inserting the phrase “5-402(a),” in its place.

TITLE II. TRAINING FOR FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

Sec. 201. Short title.

This title may be cited as the “Fire and Emergency Medical Services Department Training Act of 2004”.

Sec. 202. Fire and Emergency Medical Services education and training program; certification of firefighters, paramedics, and emergency medical technicians.

(a) The Chief of the Fire and Emergency Medical Services Department shall design an education and training program that encompasses entry-level and in-service training and addresses issues such as skills with specialized equipment acquired to address special hazards, knowledge of new construction techniques, and emergency medicine skills for target audiences, such as the disabled, elderly, and very young. The education and training program shall be based upon the department’s mission and operational performance measures.

(b) The Fire Chief shall develop and implement a program of certification for firefighters, paramedics, and emergency medical technicians.

TITLE III. POLICE OFFICERS STANDARDS AND TRAINING BOARD

Sec. 301. Short title.

This title may be cited as the “Police Officers Standards and Training Board Technical Amendment Act of 2004”.

Sec. 302. The Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

(1) The section heading is amended by striking the phrase “District of Columbia Police Training and Standards Board” and inserting the phrase “District of Columbia Police Officers Standards and Training Board” in its place.

(2) Subsection (a) is amended by striking the phrase “District of Columbia Police Training and Standards Board” and inserting the phrase “District of Columbia Police Officers Standards and Training Board” in its place.

(3) Subsection (b)(8) is amended to read as follows:

Amend
§ 5-107.03

“(8) One police representative appointed by the certified collective bargaining agent, and one police representative appointed by the Mayor in consultation with the Chief of Police.”.

(4) A new subsection (b-1) is added to read as follows:

“(b-1) The Mayor, in consultation with the Chief of Police, shall appoint one Metropolitan Police Department Reserve Corps representative as an advisory, nonvoting member of the Board.”.

(5) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the word “Commission” and inserting the word “Commissions” in its place.

(B) Paragraph (2) is amended to read as follows:

“(2) The Director, Division of Training and Standards, Virginia Department of Criminal Justice.”.

(b) Section 205 (D.C. Official Code § 5-107.04) is amended as follows:

Amend
§ 5-107.04

(1) Subsection (d) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

(B) Paragraph (1) is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

(2) Subsection (e) is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

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

(A) The lead-in language is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

(B) Subparagraph (B) is amended by striking the phrase “November 31” and inserting the phrase “October 31” in its place.

(4) A new subsection (f-1) is added to read as follows:

“(f-1) Within 24 months of the effective date of the Police Officers Standards and Training Board Technical Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32), the Board shall:

“(1) Review the tuition assistance program;

“(2) Evaluate and make recommendations on the issue of creating separate career tracks for patrol and investigations;

“(3) Establish minimum selection and training standards for members of the District of Columbia Housing Authority Police Department; and

“(4) Review the Metropolitan Police Department Reserve Corps program’s training and standards and make recommendations, as necessary.”.

(5) Subsection (i) is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

(6) Subsection (k) is amended by striking the phrase “Training and Standards Board” and inserting the word “Board” in its place.

TITLE IV. FIRE AND EMERGENCY MEDICAL SERVICES CADET PROGRAM

Sec. 401. Short title.

This title may be cited as the "Fire and Emergency Medical Services Cadet Program Amendment Act of 2004".

Sec. 402. Section 2 of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; D.C. Official Code §§ 5-109.01 and 5-418), is amended as follows:

(a) Subsection (b) (D.C. Official Code § 5-418(a)) is amended to read as follows:

Amend
§ 5-418

"(b) The Chief of the Fire and Emergency Medical Services Department may establish a cadet program for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the operations of the Fire and Emergency Medical Services Department and the duties, tasks, and responsibilities of serving as a dual-trained firefighter/paramedic/emergency medical technician with the Fire and Emergency Medical Services Department. The Fire Chief shall establish performance measures for the program."

(b) Subsection (c) (D.C. Official Code §§ 5-109.01(b) and 5-418(b)) is amended by striking the phrase "District of Columbia Fire Department" and inserting the phrase "Fire and Emergency Medical Services Department" in its place.

§§ 5-109.01
5-418

TITLE V. DISCIPLINARY ACTIONS

Sec. 501. Short title.

This title may be cited as the "Fire and Police Disciplinary Action Procedure Act of 2004".

Sec. 502. Commencement of corrective or adverse action.

(a) Except as provided in subsection (b) of this section, no corrective or adverse action against any sworn member or civilian employee of the Fire and Emergency Medical Services Department or the Metropolitan Police Department shall be commenced more than 90 days, not including Saturdays, Sundays, or legal holidays, after the date that the Fire and Emergency Medical Services Department or the Metropolitan Police Department knew or should have known of the act or occurrence allegedly constituting cause.

(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department, the Office of the United States Attorney for the District of Columbia, or the Office of Corporation Counsel, or an investigation by the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.

Sec. 503. Report on misconduct allegations and grievances.

The Chief of Police and the Fire Chief shall, not later than January 15 of each calendar year, beginning in 2006, deliver a report to the Mayor and the Council concerning misconduct

and grievances filed by or against members of their respective departments. The report shall contain:

(1) The number of individuals, of all rank and services, investigated and disciplined for misconduct, categorized by the nature of the misconduct allegations, the nature of those misconduct allegations that are substantiated, and the discipline given for substantiated allegations; and

(2) The number of formal grievances filed by individuals, including complaints filed with each agency's Equal Employment Opportunity Officer, categorized by the nature of the grievance filed and the nature of those grievances that are substantiated.

TITLE VI. MEDICAL LEAVE AND LIMITED DUTY PROGRAM

Sec. 601. Short title.

This title may be cited as the "Fire and Police Medical Leave and Limited Duty Amendment Act of 2004".

SUBTITLE A

Sec. 602. The Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *et seq.*), is amended as follows:

(a) Subsection (a) (D.C. Official Code § 5-701) is amended by adding a new paragraph (19) to read as follows:

"(19) The term "full range of duties" means the ability of a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department to perform all of the essential functions of police work or fire suppression as determined by the established policies and procedures of the Metropolitan Police Department or the Fire and Emergency Medical Services Department and to meet the physical examination and physical agility standards established under the Police and Fire Minimum Standards Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32)."

(b) A new subsection (e-1) is added to read as follows:

"(e-1) Processing claims of injuries allegedly sustained within the performance of duty.

"(1) For the purposes of this subsection, the term:

"(A) "Department" means the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

"(B) "Director" means either the director of medical services for the Metropolitan Police Department, or the medical services officer for the Fire and Emergency Medical Services Department.

"(C) "Member" means a sworn employee of the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

"(2) The Director shall determine, based on a review of the unit commander's report on the cause of the injury or illness and after consultation with the Police and Fire Clinic physicians on the nature of the injury or illness, whether a member's injury or illness was sustained by the member in the performance of duty within 30 calendar days of a claim being

Amend
§ 5-701

reported to the department. If the Director fails to meet the 30-day deadline, there shall be a rebuttable presumption that the member's injury or illness was sustained in the performance of duty. Until the presumption is rebutted by a finding by the Director that the injury or illness was not sustained in the performance of duty, the member's department shall be responsible for all treatment costs and disability compensation pay."

(c) Subsection (f) (D.C. Official Code § 5-709) is amended as follows:

Amend
§ 5-709

(1) Paragraph (1) is amended by striking the phrase "paragraph (2)" and inserting the phrase "paragraphs (2) and (3)" in its place.

(2) A new paragraph (3) is added to read as follows:

"(3) Whenever the Board of Police and Fire Surgeons receives a recommendation from the Director for a disability retirement of a Metropolitan Police Department or Fire and Emergency Medical Services Department member pursuant to Subtitle B of Title VI of the Omnibus Public Safety Agency Reform Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32), the Board of Police and Fire Surgeons shall make a disability assessment, and if the member is unable to perform the full range of duties, shall retire the member as disabled regardless of whether the member is performing useful and efficient services that are less than the full range of duties. The member shall be retired on an annuity determined in accordance with paragraph (2) of this subsection".

(d) Subsection (g) (D.C. Official Code § 5-710) is amended as follows:

Amend
§ 5-710

(1) Paragraph (1) is amended by striking the phrase "paragraph (5)" and inserting the phrase "paragraphs (5) and (5A)" in its place.

(2) A new paragraph (5A) is added to read as follows:

"(5A) Whenever the Board of Police and Fire Surgeons receives a recommendation from the Director for a disability retirement of a Metropolitan Police Department or Fire and Emergency Medical Services Department member pursuant to Subtitle B of Title VI of the Omnibus Public Safety Agency Reform Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32), the Board of Police and Fire Surgeons shall make a disability assessment and, if the member is unable to perform the full range of duties, shall retire the member as disabled regardless of whether the member is performing useful and efficient services that are less than the full range of duties. The member shall be retired on an annuity determined in accordance with paragraph (5)(B) of this subsection."

SUBTITLE B LIMITED DUTY

Sec. 621. Definitions.

For the purposes of this subtitle, the term:

(1) "Act" means the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718: D.C. Official Code § 5-701 *et seq.*).

(2) "Chief" means either the Chief of the Metropolitan Police Department or the Chief of the Fire and Emergency Medical Services Department.

(3) “Department” means the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

(4) “Director” means either the director of medical services for the Metropolitan Police Department , or the medical services officer for the Fire and Emergency Medical Services Department.

(5) “Full range of duties” means the ability of a member to perform all of the essential functions of police work or fire suppression as determined by the established policies and procedures of the Metropolitan Police Department or the Fire and Emergency Medical Services Department, and to meet the physical examination and physical agility standards established under the Police and Fire Minimum Standards Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32).

(6) “Limited duty” means a temporary status for members who, because of injury or other temporary medical disability, are not able to perform the full range of duties, but are certified by a Police and Fire Clinic physician as being capable of effectively performing certain types of work within the department.

(7) “Member” means a sworn employee of the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

Sec. 622. Limited duty.

(a) If the Director, in consultation with Police and Fire Clinic physicians, determines that a member, because of injury or other temporary medical disability is unable to perform the full range of duties, but is capable of effectively performing certain types of work within the department, and the prognosis is that the member will be able to perform a full range of duties after achieving maximum medical improvement, the Director may recommend to the Chief that the member perform work in a limited-duty status.

(b) Members in a limited-duty status shall:

(1) Undertake in-service training as required by the Chief;

(2) Not be permitted to work voluntary overtime; and

(3) Not accept or continue any off-duty employment without the specific approval of the Chief.

(c) No less than every 30 days, the Director shall evaluate members in a limited-duty status to determine their health status and to ensure that they are complying with their medical treatment plans.

(d) If at any time the Director, in consultation with the Police and Fire Clinic physicians, determines that a member in a limited-duty status is unable to perform the full range of duties after achieving maximum medical improvement, the Director shall recommend the member for retirement pursuant to subsection (f) or (g) of the Act, as appropriate.

Sec. 623. Medical leave for performance of duty injuries and illnesses; referral for disability retirement.

(a) Except as provided in subsection (e) of this section, if the Director, in consultation with the Police and Fire Clinic physicians, determines that a member can neither perform the full range of duties nor work in a limited-duty status due to a performance-of-duty injury or illness, the member shall be entitled to non-chargeable medical leave and shall receive administrative pay for a period of not more than 2 years in accordance with rules established by the Mayor.

(b) If at any time the Director, in consultation with the Police and Fire Clinic physicians, determines that a member who has sustained a performance-of-duty injury or illness will not be able to perform the full range of duties after achieving maximum medical improvement, the Director shall recommend the member for retirement pursuant to subsection (g) of the Act.

(c) Except as provided in subsections (e) and (f) of this section, and regardless of whether the prognosis is that the member will be able to perform the full range of duties after achieving maximum medical improvement, the Director shall process for retirement pursuant to subsection (g) of the Act, those members of the Metropolitan Police Department who spend all or part of 172 cumulative work days in a less-than-full-duty status over any 2-year period as a result of any one performance-of-duty injury or illness, including any complications relating to the injury or illness.

(d) Except as provided in subsections (e) and (f) of this section, and regardless of whether the prognosis is that the member will be able to perform the full range of duties after achieving maximum medical improvement, the Director shall process for retirement pursuant to subsection (g) of the Act, those Fire and Emergency Medical Services members who spend 64 cumulative work days in a less-than-full-duty status over any 2-year period as a result of any one performance-of-duty injury or illness, including any complications relating to the injury or illness.

(e) If a member has sustained a serious or life-threatening injury or illness in the performance of duty that may require more than 2 years of medical treatment for the member to achieve maximum medical improvement, and the prognosis is that the member eventually will be able to perform the full range of duties, the Director, in consultation with Police and Fire Clinic physicians, may recommend to the Chief that the member be provided with additional non-chargeable medical leave and disability compensation pay until the member achieves maximum medical improvement.

(f) The provisions of subsections (c) and (d) of this section shall not apply to members who are unable to perform the full range of duties as a result of pregnancy.

Sec. 624. Medical leave for non-performance-of-duty illnesses and injuries; referral for disability retirement.

(a) If the Director, in consultation with the Police and Fire Clinic physicians, determines that a member can neither perform the full range of duties nor work in a limited-

duty status due to a non-performance-of-duty injury or illness, the member shall be entitled to chargeable medical leave to the extent the member has leave in his or her sick leave and annual leave accounts, and in accordance with rules established by the Mayor under 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 *et seq.*), and the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).

(b) If at any time the Director, in consultation with the Police and Fire Clinic physicians, determines that a member who has sustained a non-performance-of-duty injury or illness will not be able to perform the full range of duties after achieving maximum medical improvement, the Director shall recommend the member for retirement pursuant to subsection (f) of the Act.

(c) Except as provided in subsection (e) of this section, and regardless of whether the prognosis is that the member who has sustained a non-performance-of-duty injury or illness will be able to perform a full range of duties after achieving maximum medical improvement, the Director shall process for retirement pursuant to subsection (f) of the Act, those Metropolitan Police Department members who spend all or part of 172 cumulative work days in a less-than-full-duty status over any 2-year period as a result of any one non-performance-of-duty injury or illness, including any complications relating to the injury or illness.

(d) Except as provided in subsection (e) of this section, and regardless of whether the prognosis is that the member who has sustained a non-performance-of-duty injury or illness will be able to perform the full range of duties after achieving maximum medical improvement, the Director shall process for retirement pursuant to subsection (f) of the Act, those Fire and Emergency Medical Services members who spend 64 cumulative work days in a less-than-full-duty status over any 2-year period as a result of any one non-performance-of-duty injury or illness, including any complications relating to the injury or illness.

(e) The provisions of subsections (c) and (d) of this section shall not apply to members who are unable to perform a full range of duties as a result of pregnancy.

Sec. 625. Rules

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subtitle.

SUBTITLE C

Sec. 641. Applicability subject to availability of appropriations.

This title shall be subject to the availability of appropriations.

TITLE VII. METROPOLITAN POLICE DEPARTMENT AND FIRE AND
EMERGENCY MEDICAL SERVICES DEPARTMENT MINIMUM STANDARDS

Sec. 701. Short title.

This title may be cited as the "Police and Fire Minimum Standards Amendment Act of 2004".

SUBTITLE A

Sec. 702. The Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

Amend
§ 5-107.01

(a) Section 202 (D.C. Official Code § 5-107.01) is amended as follows:

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

"(a)(1) Except as provided in paragraph (2) of this subsection, to be eligible for appointment as a sworn member of the Metropolitan Police Department, as of December 31, 2003, an applicant shall have successfully completed at least 60 post-secondary semester hours from an accredited university.

(2) A candidate for appointment as a sworn member of the Metropolitan Police Department whose application is pending as of December 31, 2003, and who is subsequently appointed shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004."

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

"(d) A sworn Metropolitan Police Department officer appointed after January 11, 2000, and prior to December 31, 2003, shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004."

(b) A new section 203a is added to read as follows:

"Sec. 203a. Physical examinations and agility standards.

"(a) All sworn members of the Metropolitan Police Department shall be required to pass, at least biennially, a physical examination and a physical agility test. The physical examination shall be performed by a physician at the Police and Fire Clinic using current medical standards adopted after consultation with medical professionals within 180 days of the effective date of the Police and Fire Minimum Standards Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32) ("Act"). The physical agility testing shall be based on full-duty physical performance standards adopted within 180 days of the effective date of the Act.

"(b) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section within 180 days of the effective date of the Act."

SUBTITLE B

Sec. 721. Physical examinations and agility standards.

(a) All sworn members of the Fire and Emergency Medical Services Department shall be required to pass, at least biennially, a physical examination and a physical agility test. The physical examination shall be performed by a physician at the Police and Fire Clinic using current medical standards adopted after consultation with medical professionals within 180 days of the effective date of the Police and Fire Minimum Standards Amendment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32) (“Act”). The physical agility testing shall be based on full-duty physical performance standards adopted within 180 days of the effective date of the Act.

(b) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section within 180 days of the effective date of the Act.

TITLE VIII. PERSONNEL AUTHORITY

Sec. 801. Short title.

This title may be cited as the “District of Columbia Government Comprehensive Merit Personnel Technical Amendment Act of 2004”.

Sec. 802. Section 402(d) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.02(d)), is amended by striking the phrase “to the Director of Personnel” and inserting the phrase “exclusively to the Director of Personnel” in its place.

Amend
§ 1-604.02

TITLE IX. OFFICE OF POLICE COMPLAINTS; POLICE COMPLAINTS BOARD

Sec. 901. Short title.

This title may be cited as the “Police Complaints Amendment Act of 2004”.

Sec. 902. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 5-1103) is amended as follows:

Amend
§ 5-1103

(1) Paragraph (1) is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place

(2) Paragraph (3) is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place.

(3) Paragraph (4) is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place.

Amend
§ 5-1104

(b) Section 5 (D.C. Official Code § 5-1104) is amended as follows:

(1) The section heading is amended by striking the phrase “Citizen Complaint Review Board” and inserting the phrase “Police Complaints Board” in its place.

(2) Subsection (a) is amended by striking the phrase “Citizen Complaint Review Board” and inserting the phrase “Police Complaints Board” in its place.

(3) Subsection (d) is amended by striking the phrase “the Financial Responsibility and Management Assistance Authority,”.

(4) Subsection (e) is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place.

Amend
§ 5-1105

(c) Section 6 (D.C. Official Code § 5-1105) is amended as follows:

(1) The section heading is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place.

(2) Subsection (a) is amended by striking the phrase “Citizen Complaint Review” and inserting the phrase “Police Complaints” in its place.

TITLE X. METROPOLITAN POLICE DEPARTMENT RESERVE CORPS

Sec. 1001. Short title.

This title may be cited as the “Metropolitan Police Department Reserve Corps Establishment Act of 2004”.

Sec. 1002. Metropolitan Police Department Reserve Corps.

(a) The Mayor shall establish a Metropolitan Police Department Reserve Corps (“Reserve Corps”) in the District of Columbia. The purpose of the Reserve Corps shall be to assist full-time, sworn police personnel in both the day-to-day and emergency delivery of law enforcement services, consistent with applicable law.

(b) The Reserve Corps shall have as its membership a corps of unpaid volunteers who fulfill police duties and responsibilities as determined by the Chief of the Metropolitan Police Department.

(c) The selection criteria required for and training provided to members of the Reserve Corps shall be similar to the selection criteria required for and training provided to full-time, sworn police personnel. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

(d) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section within 180 days of the effective date of the Metropolitan Police Department Reserve Corps Establishment Act of 2004, passed on 2nd reading on June 1, 2004 (Enrolled version of Bill 15-32). The rules shall:

(1) Prescribe the duties and responsibilities of Reserve Corps members;

(2) Define the scope of Reserve Corps members’ authority and discretion in carrying out their duties and responsibilities, including any limitations on or restrictions to their authority and discretion; and

(3) Delineate the supervision Reserve Corps members are to receive.

TITLE XI. DETECTIVE ADVISERS

Sec. 1101. Short title.

This title may be cited as the "Detective Adviser Act of 2004".

SUBTITLE A

Sec. 1102. Detective advisers.

(a) Pursuant to section 903(a)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.03(a)(2)), the Chief of Police may designate up to 4 Excepted Services positions to be filled by former Metropolitan Police Department detectives who shall serve as civilian detective advisers on a temporary full-time or part-time basis.

(b) A former Metropolitan Police Department detective shall be eligible for rehire by the Chief of Police as a detective adviser pursuant to standards established through rulemaking without jeopardizing the retirement benefits for the former detective.

(c) Service under this section shall not count as credible service for the purposes of subsection (c) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704).

(d) A detective adviser who is hired under this section shall be paid a salary of no more than that equal to the salary paid a Class 3, Step 5 Detective, and shall not be eligible for longevity pay.

(e) No detective adviser who is hired under this section shall be detailed to any agency of the District of Columbia government other than the Metropolitan Police Department.

(f) Within 180 days of the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules governing the selection standards for detective advisers. The standards shall include consideration of an applicant's disciplinary history, physical and mental health, and past job performance with the Metropolitan Police Department.

(g) This title shall expire 2 years after the effective date of this act.

SUBTITLE B

Sec. 1121. Conforming amendments.

Subsection (n) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-723(e)), is amended by striking the phrase "the Retired Police Officer Redeployment Amendment Act of 1992" and inserting the phrase "the Retired Police Officer Redeployment Amendment Act of 1992 or the Detective Adviser Act of 2004" in its place.

Amend
§ 5-723

TITLE XII. REPEALERS; CONFORMING AMENDMENTS

Sec. 1201. An Act To authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside, approved July 25, 1956 (70 Stat. 646; D.C. Official Code §§ 5-105.08 and 5-410), is amended as follows:

Repeal
§ 5-105.08
Amend
§ 5-410

- (a) Section 1 (D.C. Official Code § 5-105.08) is repealed.
- (b) Section 2 (D.C. Official Code § 5-410), is amended by striking the second sentence.

Repeal
§ 1-610.75

Sec. 1202. Section 1075(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.75(b)), is repealed.

TITLE XIII. APPLICABILITY TO PRE-1980 EMPLOYEES

Sec. 1301. Titles I and VI of this act shall apply to pre-1980 employees of the Metropolitan Police Department and the Fire and Emergency Medical Services Department upon their enactment by Congress.

TITLE XIV. FISCAL IMPACT STATEMENT

Sec. 1401. 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)).

TITLE XV. EFFECTIVE DATE

Sec. 1501. 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