

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001 to authorize the Mayor to designate emergency medical technicians and paramedics that are not firefighters as All Hazards/Emergency Medical Services Specialists, and to require that they receive pay parity, retirement benefits, and all hazards training; and to amend section 12 of the Police and Firemen’s Retirement and Disability Act to include All Hazards/Emergency Medical Services Specialists in the definition of member and to specify the retirement benefits available to transitioned employees of the Fire and Emergency Medical Services Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Paramedic and Emergency Medical Technician Transition Amendment Act of 2008”.

Sec. 2. Section 202 of the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 5-409.01), is amended as follows:

Amend  
§ 5-409.01

(a) Subsection (a) is amended as follows:

(1) The lead-in text is amended by striking the word “technicians” and inserting the phrase “technicians, or All Hazards/Emergency Medical Services (“EMS”) Specialists,” in its place.

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

“(2) Transferred employees may elect to participate in the District of Columbia Police Officers’ and Fire Fighters’ Retirement Program established pursuant to the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*)(“Program”).”.

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

“(a-1)(1) As of the effective date of the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2<sup>nd</sup> reading on December 16, 2008 (Enrolled version of Bill 17-768)(“Transition Act”), the Mayor is authorized to provide for the designation

of Fire and Emergency Medical Services Department personnel holding valid certificates as paramedics or emergency medical technicians to be All Hazards/EMS Specialists.

“(2) The Mayor shall develop pay parity, that reflects training and responsibility, between All Hazards/EMS Specialists and uniformed fire fighters; provided, that the rate of pay earned by each employee shall not be lower than the rate of pay immediately prior to the effective date of this act.

“(3) Employees transferred pursuant to this subsection may elect to participate in the Program.

“(4)(A) All Hazards/EMS Specialists who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), may elect to participate in the Program.

“(B) All Hazards/EMS Specialists who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code and who are not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act may make an irrevocable, one-time election to participate in the Program .”.

“(5)(A) If an All Hazards/EMS Specialist is a participant in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), and elects to participate in the Program, all of the employee’s interest in contributions and earnings under the defined contribution plan shall be transferred from the defined contribution plan to the District of Columbia Police Officers and Fire Fighters’ Retirement Fund in accordance with section 12(c)(9)(B)(ii) or (iii) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704(i)(2)(B) or (C)). Upon such transfer of funds, the All Hazard(s)/EMS Specialist shall cease to be a participant in or have an account under the defined contribution plan.

“(B) An All Hazards/EMS Specialist who is a participant in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code, who is not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act, and who elects to participate in the Program may elect to receive credit for prior service covered by the defined benefit plan in accordance with section 12(c)(9)(B)(iv) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704(i)(2)(D)).

“(6) The Mayor shall provide for basic training for all hazards and allow All Hazards/EMS Specialists to meet adjusted fitness standards that fairly and reasonably accommodate their incumbent status, including their age and level of experience.

“(7) The Mayor shall provide MSS Paramedic Supervisory Personnel (“Supervisory”) designated as All Hazards/EMS Specialists with appropriate promotional opportunities and shall avoid pay compression between Supervisory and non-Supervisory All Hazards/EMS Specialists.”.

Sec. 3. Section 12 of 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)(1) (D.C. Official Code § 5-701(1)) is amended as follows:

Amend § 5-701

- (1) Designate the existing text as subparagraph (A).
- (2) A new subparagraph (B) is added to read as follows:

“(B) As of the effective date of the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2<sup>nd</sup> reading on December 16, 2008 (Enrolled version of Bill 17-768 ), the term “member” shall include any All Hazards/Emergency Medical Services Specialist within the District of Columbia Fire and Emergency Medical Services Department.”.

(b) Subsection (c)(9) (D.C. Official Code § 5-704(9)) is amended to read as follows:

Amend § 5-704

“(9)(A) Any member who is an officer or member of the District of Columbia Fire and Emergency Medical Services Department who was transferred pursuant to the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 5-409.01), and who elects to, shall be covered by the Police Officers and Fire Fighters’ Retirement Program established under the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*)(“Program”), and shall receive credit for prior years of service within the District of Columbia Fire and Emergency Medical Services Department. Members who elect coverage under this subsection shall receive credit for prior service, make deposits to and receive benefits under the Program as provided in subparagraph (B) of this section.

“(B)(i) Any member who is an officer or member of the District of Columbia Fire and Emergency Medical Services Department who was transitioned to an All Hazards/Emergency Medical Services Specialists pursuant to the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2<sup>nd</sup> reading on December 16, 2008 (Enrolled version of Bill 17-768)(“Transition Act”), and who is a participant in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall be covered by the Program commencing on the date of transition. All such members shall receive credit for prior years of service within the District of Columbia Fire and Emergency Medical Services Department for the purpose of determining vesting and retirement eligibility under the Program, but not for the purpose of calculating the

amount of benefits to be received under the Program, except as provided in sub-subparagraphs (ii) and (iii) of this subparagraph. Any such transitioned member who is a participant in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code who is not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act and who elects to participate in the Program shall be covered by the Program commencing on the date of election and shall receive credit for prior years of service as provided in sub-subparagraph (iv) of this subparagraph. Transitioned members who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code and who are eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act or who elect not to participate in the Program and to remain in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code, shall not be covered by the Program and shall receive no credit under the Program for any service.

“(ii)(I) Members described in sub-subparagraph (i) of this subparagraph who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall, unless they make the election described in sub-subparagraph (iii) of this subparagraph, have their entire interest in contributions and earnings under the defined contribution plan transferred to the District of Columbia Police Officers and Fire Fighters' Retirement Fund. These members shall cease to participate in the defined contribution plan and receive instead an amount of benefits under the Program that is equal to the actuarial equivalent of the dollar amount of contributions and earnings transferred, calculated on the actuarial assumptions and methods used to calculate the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03)(a)(3)(B)), for the applicable fiscal year. In no event shall the total of payments of benefits to a member described in this paragraph be less than the dollar amount of the contributions and earnings transferred.

“(II) If, upon the death of the member there is no survivor eligible to received an annuity, the dollar amount of the contributions and earnings transferred exceeds the benefits that have been paid to the member, the excess shall be paid to the member's designated beneficiaries, or, if no beneficiary is designated, in accordance with the order of preference in the subsection (n)(4) of this section, or estate. Upon separation from District of Columbia employment for reasons other than retirement, any member who elected to purchase a benefit under this paragraph may receive a refund of the dollar amount of contributions and earnings transferred to make the purchase, without interest. Any member who receives a refund of the transferred amount and is later reinstated shall not be entitled to prior service credit until the amount of the refund, plus interest, is again deposited.

“(iii)(I) Members described in sub-subparagraph (i) of this subparagraph who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall, as an alternative to the partial transfer credit described in sub-subparagraph (ii) of this subparagraph, be given a one-time irrevocable election, which must be made by the date of retirement, to purchase benefit accrual service for all of the time they were employed by the District of Columbia Fire and Emergency Medical Services Department. The member making the election shall deposit or cause to be deposited to the credit of the District of Columbia Police Officers and Fire Fighters' Retirement Fund an amount that is equal to the present value of future benefits that results from crediting the prior service. This deposit may be made by transfer of the member's entire interest in contributions and earnings under the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)). If the present value of future benefits exceeds the amount transferred from the defined contribution plan, the excess amount shall be deposited by direct transfer from another retirement plan in accordance with subsection (d) of this section, if permissible under such other retirement plan, or by contributions of after-tax monies by the member that may be made in equal monthly installments prior to retirement. The District of Columbia Police Officers and Fire Fighters' Retirement Fund shall separately account for any deposits of after-tax monies. The present value of future benefits shall be calculated on the actuarial assumptions and methods used to calculate the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03)(a)(3)(B)), for the applicable fiscal year.

“(II) In no event shall the total of payments of benefits to the member making an election under this paragraph be less than the dollar amount of the contributions and earnings transferred from the defined contribution plan. If, upon the death of the member, there is no survivor eligible to receive an annuity, the dollar amount of the contributions and earnings transferred from the defined contribution plan exceeds the benefits that have been paid to the member, the excess shall be paid to the member's designated beneficiaries, or, if no beneficiary is designated, in accordance with the order of preference in subsection (n)(4) of this section, or estate. Upon separation from District of Columbia employment for reasons other than retirement, any member who elected to purchase service under this paragraph may receive a refund of the dollar amount used to make such purchase, without interest. Any member who receives a refund of the purchased amount and is later reinstated shall not be entitled to prior service credit until the amount of the refund, plus interest based on earnings of the trust since the deposit was made, is again deposited.

“(iv) Members described in sub-subparagraph (i) of this

subparagraph who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code on the date of transition, and who are not eligible to retire under the Civil Service Retirement System on or within 31 days after the effective date of the Transition Act, shall be given a one-time irrevocable election, which must be made by the date of retirement, to receive credit for service covered by the defined benefit plan as provided in paragraph (5) of this subsection as applied to members of the Fire Department.

“(C) For the purposes of this paragraph, the term "prior service" means any prior service in the District of Columbia Fire and Emergency Medical Services Department, regardless of whether there is a break in service.”.

**Sec. 4. Applicability.**

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

**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 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia