

COUNCIL OF THE DISTRICT OF COLUMBIA

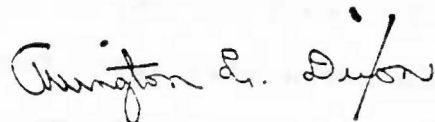
NOTICE

D.C. LAW 3-81

"District of Columbia Government Comprehensive Merit Personnel Act Amendments of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-236, on first and second readings, April 22, 1980 and May 20, 1980, respectively. Following the signature of the Mayor on June 4, 1980, this legislation was assigned Act No. 3-195, published in the June 20, 1980, edition of the D.C. Register, (Vol. 27 page 2632) and transmitted to Congress on June 10, 1980 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites this enactment as D.C. Law 3-81 effective August 7, 1980.



ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June	10,11,12,13,16,17,18,19,20,23,24,25,26,27,30
July	1,2,21,22,23,24,25,28,29,30,31
August	1,4,5,6

D.C. LAW 3-81  
EFFECTIVE DATE AUG 7 1979

Enrolled Original

AN ACT

D.C. ACT 3 - 195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 04 1980

To amend the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139, with respect to the rate of compensation paid to members of boards and commissions; the appointment of attorneys; the transfer of personnel and cases from the Board of Labor Relations to the Public Employee Relations Board; the temporary continuation of authority in the Mayor to hear administrative personnel appeals; the provisions of Title XXIII relating to disability compensation; and for other purposes.

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 Act Amendments of 1980".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-331 et seq.) is amended as follows:

(a) Section 202(c) is amended to read as follows:

CODIFICATION  
D.C. Code,  
sec. 1-332.2

"(c) Except as otherwise provided in this act, each member of a board or commission appointed to perform part-time, temporary or intermittent duties is entitled to pay as provided in section 1108 of this act. Full-time employees who serve on boards and commissions shall be paid in accordance with the provisions of sections 1104 or 1111 of this act. Members of boards and commissions are covered by the provisions of titles XVIII, XXIII, XXV, XXIX, XXX, and XXXI and sections 408 and 801(e) of this act and shall, if eligible under the terms of an agreement entered into by the Mayor and a federal agency under the provisions of title XXVIII of this act, be covered by the provisions of titles XXI, XXII, and XXVI of this act. This section shall not apply to compensation received by the Board of Education as provided in section 1110 of this act."

(b) Section 204(c) is amended by striking the phrase "VIII A or section 904" and inserting the phrase "VIII A or sections 904 or 909" in lieu thereof.

D.C. Code,  
sec. 1-332.4

(c) Section 301(b) is amended to read as follows:

D.C. Code,  
sec. 1-333.1

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"(b) The term 'boards and commissions' means bodies established by law or by order of the Mayor of the District of Columbia consisting of appointed members to perform a trust or execute official functions on behalf of the District of Columbia government. Compensation or reimbursement of expenses, if any, to such members shall be provided according to section 1108 of this act: PROVIDED, HOWEVER, That full-time employees shall be paid in accordance with the provisions of sections 1104 or 1111 of this act."

(d) Section 503 is amended by changing the heading thereof to "Transition Procedures" and by adding at the end of the section a new subsection (c) to read as follows:

D.C. Code,  
sec. 1-335.3

"(c) All cases pending before the Board of Labor Relations shall be transferred to the Public Employee Relations Board on the effective date of titles V and XVII of this act as prescribed by section 3602(1) of this act. The Public Employee Relations Board, with respect to any such transferred case, shall take such action as could have been taken by the Board of Labor Relations pursuant to labor-management relations

programs as they existed when the case was filed, including those programs referred to in section 3207(a) of this act."

(e) Section 501(f) is amended to read as follows:

D.C.Code,  
sec. 1-336.1

"(f) Each member of the Office is entitled to compensation at the rate of one hundred twenty-five dollars (\$125) per diem or fifteen dollars sixty-two cents (\$15.62) per hour whichever provides less, while actually in the service of the Office. Should a member serve in excess of eight (8) hours on a particular day, such member may be paid additional compensation for such period of service, to a maximum of two (2) per diem payments for any consecutive twenty-four (24) hour period. Adjustment to such rates of compensation shall be made in accordance with section 1108(b) of this act."

(f) Section 703(a) is amended by striking the phrase "conditions 511(d)" and inserting the phrase "conditions as provided under section 511(d)" in lieu thereof.

D.C.Code,  
sec. 1-337.3

(q) Section 801(e)(3) is amended by striking the phrase "of paragraph (3)" and inserting the phrase "of paragraph (2)" in lieu thereof.

D.C.Code,  
sec. 1-338.1

(h) Section 801A is amended as follows: (a) in subsection (b)(2)(D) by striking the phrase "paragraphs (1), (2) and (3) of this subsection" and inserting the phrase "subparagraphs (A), (B), and (C) of this paragraph" in lieu thereof; (b) in subsection (b)(2)(E), (F), and (G) by striking the phrase "paragraph (4) of this subsection" and inserting the phrase "subparagraph (D) of this paragraph" in lieu thereof wherever it appears; and (c) in subsection (d)(3) by striking the phrase "paragraph (3)" and inserting the phrase "paragraph (2)" in lieu thereof.

D.C.Code,  
sec. 1-338.2

(i) Section 902 is amended by deleting the phrase "section 904(a) and (b) of this act" and inserting the phrase "sections 904(a) and (b) or section 909 of this act".

D.C.Code,  
sec. 1-339.2

(j) A new section 909 is added at the end of title IX to read as follows:

D.C.Code,  
sec. 1-339.9

"Sec. 909. Appointment of Attorneys

"All individuals hired as attorneys by the Mayor, an agency under the personnel authority of

the Mayor, or any independent agency shall meet qualification and classification standards and shall enjoy such employment rights as are in effect for individuals appointed as attorneys by the Mayor, an agency under the personnel authority of the Mayor, or an independent agency on December 31, 1979."

(k) Section 1108 is amended to read as follows:

D.C. Code,  
sec. 1-341.8

"(a) Each member of any board or commission who receives compensation or reimbursement of expenses on January 1, 1980, shall receive such rates of compensation or reimbursement of expenses as are provided in existing law, rule, regulation or order, or in this act, except as may be modified from time to time by rules and regulations published pursuant to section 1108(b).

"(b) The Mayor of the District of Columbia is authorized to establish by rule and regulation the rates of compensation or reimbursement of expenses for members of any board or commission, including any board or commission established after January 1, 1980. Any such rules

and regulations proposed by the Mayor shall be transmitted to the Council of the District of Columbia for a thirty (30) day (excluding Saturdays, Sundays, holidays, and days on which the Council of the District of Columbia is on recess) review period. Such rules and regulations shall become effective only if the Council of the District of Columbia does not adopt, within thirty (30) days (excluding Saturdays, Sundays, holidays, and days on which the Council of the District of Columbia is on recess) from the date of the Mayor's submission, a resolution disapproving such rules and regulations in whole or in part. Notwithstanding the provisions of section 405 of this act, rules and regulations published under this subsection shall be effective no earlier than thirty (30) days after their publication in the District of Columbia Register."

(l) Section 1111(c) is amended by striking the phrase "fear or" and inserting the phrase "fear of" in lieu thereof.

D.C. Code,  
sec. 1-341.11

(m) Section 1112(b) is amended by striking the phrase "as provided in section 3502(c)(1), (2) and (3)."

D.C. Code,  
sec. 1-341.12



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(n) Section 1112(c) is amended to read as follows: "Adjustments to the rate of compensation provided in this section shall be made in accordance with section 1108(b) of this title."

D.C.Code,  
sec. 1-341.12

(o) Section 1203(m)(2) is amended by striking the reference "601 et seq." and inserting the reference "608" in lieu thereof.

D.C.Code,  
sec. 1-342.3

(p) Section 2306(c) is amended to read as follows:

D.C.Code,  
sec. 1-353.6

"(c) a partially disabled employee who--

"(1) refuses to seek suitable work;

or

"(2) refuses or neglects to work after suitable work is offered to, procured by or secured for him or her, is not entitled to compensation and such payment shall be suspended."

(q) Section 2307(c)(5) is amended by striking the phrase "one hundred six (106)" and inserting the phrase "one hundred sixty (160)" in lieu thereof.

D.C.Code,  
sec. 1-353.7

(r) Section 2310(a) is amended by striking the phrase "Notwithstanding Paragraph (3)" and

D.C.Code,  
sec. 1-353.10

inserting the phrase "Notwithstanding paragraph (2)" in lieu thereof.

(s) Section 2313(b) is amended to read as follows:

D.C.Code,  
sec. 1-353.13

"If an individual without good cause fails to apply for and undergo vocational rehabilitation when so directed under section 2304 of this title, the Mayor may review such failure under section 2328 of this title. If the Mayor upon review, finds that in the absence of such failure the wage-earning capacity of the individual would probably have substantially increased, the Mayor may reduce prospectively the monetary compensation of the individual in accordance with what would probably have been his or her wage-earning capacity in the absence of the failure, until such time as the individual in good faith complies with the direction of the Mayor."

(t) Section 2316(a)(4) is amended by striking the phrase "subchapter II" and inserting the phrase "subchapter III" in lieu thereof.

D.C.Code,  
sec. 1-353.16

(u) Section 2316(b) is amended by striking the phrase "purchased entirely by employee contributions."

D.C.Code,  
sec. 1-353.16

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(v) Section 2317(a) is amended by striking the phrase "first two (2) days" and inserting the phrase "first three (3) days".

D.C. Code,  
sec. 1-353.17 -

(w) Section 2318(a) is amended by striking the phrase "paragraph (1)" and inserting the phrase "subsection (a)" in lieu thereof and by striking the phrase "(other than those referred to in subparagraph (B))".

D.C. Code,  
sec. 1-353.18

(x) Section 2321(f) is amended by striking the phrase "paragraphs (3) through (6)" and inserting the phrase "subsections (c) through (f)" in lieu thereof.

D.C. Code,  
sec. 1-353.21

(y) Section 2322 is amended by striking out the number "eighteen (18)" and inserting the number "twenty-one (21)" in lieu thereof.

D.C. Code,  
sec. 1-353.22

(z) Section 2324(b)(2) is amended by inserting immediately following the word "procedure," the phrase "or by the provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1501 et seq.)".

D.C. Code,  
sec. 1-353.24

(aa) Section 2328 is amended by adding at the end a new subsection (c) as follows:

D.C. Code,  
sec. 1-353.28

Original

"(c) Notwithstanding subsection (b) of this section, an action in which the United States Department of Labor (or other federal authority) participated at any stage of the adjudication allowing or denying payment under this title pursuant to an agreement with the District of Columbia is:

"(1) final and conclusive for all purposes and with respect to all questions of law or fact, and

"(2) not subject to review by a court by mandamus or otherwise."

(bc) Section 2332 is amended by inserting immediately following the phrase "shall refund to the District of Columbia government" the phrase "the amount of compensation paid by the District of Columbia government"; and by striking the phrase "distribution, an amount" and inserting the phrase "distribution, to retain an amount" in lieu thereof.

D.C.Code,  
sec. 1-353.32

(cc) Section 2337(a)(2) is amended by striking the phrase "place irrespective of the basis adopted, the Mayor may at any time:" and inserting the phrase "place. Irrespective of the

D.C.Code,  
sec. 1-353.37

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basis adopted, the Mayor may at any time:" in lieu thereof.

(dd) Section 2343 is amended by striking the phrase "shall have such leave restored to his or her credit at no cost to the employee" and inserting the phrase "may have such leave restored to his or her credit" in lieu thereof.

D.C.Code,  
sec. 1-353.43

(ee) Section 2502 is amended by striking the phrase "Except as provided in section 2603 of this act, existing" and inserting the word "Existing" in lieu thereof.

D.C.Code,  
sec. 1-356.2

(ff) Section 2805 is added to read as follows:

D.C.Code,  
sec. 1-358.5

"The Mayor is authorized to enter into agreements with appropriate federal agencies to authorize them to continue the processing of administrative appeals of personnel actions by District government employees, until such time as the rules and regulations of the Office of the Employee appeals are issued and the provisions of title XVI of this act become effective. The agreement of the Mayor may provide for the existing standards of cause for disciplinary

actions to continue in effect for the duration of the agreement.".

(qq) Sections 3204(f)(1), 3205(v)(1), 3205(y)(1), 3205(mm)(1), 3205(nn), 3205(qq), 3205(ddd)(1), 3205(eee), and 3205(fff) are deleted.

D.C.Code, secs. 31-1714, 1-11 31-2004, 2-1234, 5-426, 5-617, 49-40 2-103, & 32-1319

(hh) Section 3207(a) is amended to read as follows:

D.C.Code, sec. 1-362.5

"(a) Commissioner's Order No. 70-229 (Organization Order No. 25), June 19, 1970; Interim Labor Management Relations Policy for the University of the District of Columbia, May 4, 1978, 24 D.C.R. 1004; Sections 600 through 619 of the Rules of the District of Columbia Board of Education, January 18, 1978, 24 D.C.R. 6445-5475; the September 1975 Armory Board policy relating to labor relations; and any other labor-management relations policy inconsistent with this act are deemed to be Superseded by this act: PROVIDED, HOWEVER, That nothing herein shall preclude the Mayor, the Board of Trustees of the University of the District of Columbia, the Board of Education or the Armory Board from adopting new labor relations policies that are not inconsistent with

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this act or with regulations issued by the Public Employee Relations Board pursuant to this act."

(ii) Section 3602 is amended as follows: (1) subsection (a) is amended by striking the phrase "and 907" and inserting the phrase ", 907, and 909" in lieu thereof; (2) subsection (j) is amended by striking the word "502k" and inserting the word "503" in lieu thereof; (3) subsection (l) is amended by inserting immediately following the phrase "and XVII" the phrase "and section 3203(b)"; (4) subsection (n) is amended by striking the phrase "and 907" and inserting the phrase ", 907, and 909" in lieu thereof; (5) subsection (o) is amended by adding a new paragraph at the end thereof which reads as follows: "(14) Section 3203(a) and (c) shall become effective on January 1, 1980.";

D.C.Code,  
sec. 1-366.1

(jj) The table of contents is amended by (1) striking the phrase "Transfer of Property and Personnel" and inserting the phrase "Transition Procedures" in lieu thereof; (2) adding a new section 909 to the list of section headings at the end of title IX to read as follows:

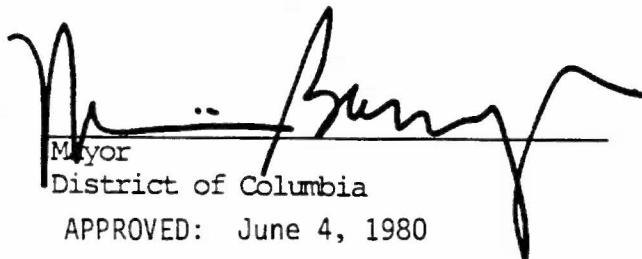
"Appointment of Attorneys"; and (3) adding a new section 2805 to the list of section readings at the end of title XXVIII to read as follows:

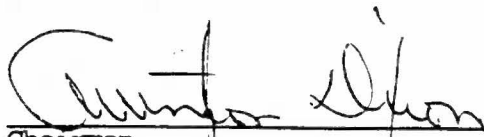
"Agreements for Disciplinary Appeals".

Sec. 3. The amendments made by section 2(p) through (dd) of this act shall not apply to applications for disability compensation filed between May 3, 1979, and August 16, 1979, and on February 19, 1980.

Note,  
D.C. Code,  
sec. 1-353.46

Sec. 4. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED: June 4, 1980

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia



# COUNCIL OF THE DISTRICT OF COLUMBIA

## RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: Bill 3-236

ACTION: To Adopt (4-22-80) First Reading

VOICE VOTE: Unanimous

Absent: All Present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVIS					ROLARK									

CERTIFICATION OF RECORD

*[Signature]*  
Secretary to the Council

ACTION: To Adopt (5-20-80) Final Reading

VOICE VOTE: Unanimous

Absent: Hardy

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVIS					ROLARK									

CERTIFICATION OF RECORD

*[Signature]*  
Secretary to the Council

ACTION: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Absent: \_\_\_\_\_

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TARVIS					ROLARK									

CERTIFICATION OF RECORD

Secretary to the Council