

ENROLLMENT(S)

(5)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-134

"Omnibus Budget Support Temporary Act
of 1992".

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. 9-485 on first and second readings, April 7, 1992, and May 6, 1992, respectively. The legislation was deemed approved without the signature of the Mayor on May 29, 1992, pursuant to Section 404(e) of "the Act", and was assigned Act No. 219, published in the June 12, 1992, edition of the D.C. Register, (Vol. 39 page 4066) and transmitted to Congress on June 1, 1992 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 9-134, effective July 23, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,
29,30

July 1,2,7,8,9,20,21,22

Codification

AN ACT

District of Columbia Code

D.C. ACT 9-219

(1993 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 1992

To amend, on a temporary basis, the District of Columbia Public Space Rental Act to modify the public space rental rates for sidewalk cafes; to amend Resolution 69-75 to establish a new public space rental rate for owners of property abutting public space, excluding enclosed and unenclosed sidewalk cafes; to amend Resolution 69-71 to establish new subsurface space rental rates for owners of property abutting public space in which a vault is located; to amend the District of Columbia Income and Franchise Tax Act of 1947 to increase the annual fee for a professional license from \$100 to \$250 and for other purposes; to amend section 16-3903 of the District of Columbia Code to allow the courts to prescribe the fees for the Small Claims Branch of the Superior Court; to amend the Real Property Tax Rates for Tax Year 1987 Act of 1986 to revise the Senior Citizen Homestead Tax Relief Program; to amend the Personal Property Tax Amendment Act of 1986 to increase the tax imposed on the personal property of businesses established in the District of Columbia; to amend the District of Columbia Sales Tax Act to impose a 6% sales tax on laundering services sold or charged within the District of Columbia and to increase the sales tax on alcohol beverages sold for consumption off the premises where sold; to amend An Act To provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, to increase the tax imposed on motor vehicle fuels within the District of Columbia from 18 cents per gallon to 20 cents per gallon; to amend the District of Columbia Cigarette Tax Act to increase the tax imposed on cigarettes from 1.50 cents per individual cigarette to 2.50 cents per individual cigarette; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes to extend the 9.7% tax on gross receipts to include sales by companies selling cable television services and to exempt the personal property of cable television companies subject to the gross receipts tax and all companies subject to the gross receipts tax and currently subject to the personal property tax from the personal property tax, and to amend the District of Columbia Sales Tax Act to exempt the sale of cable television services for residential usage from the sales tax; to amend the District of Columbia Revenue Act of 1937 to increase the gross premium tax on insurance companies to 2.25%; to authorize an annual transfer of funds from the Water and Sewer Enterprise Fund to the General Fund for a

payment in lieu of taxes on the real and personal property, which is located in the District of Columbia, used in the operation of the water and sewer utility and to make conforming amendments; to establish procedures for the furlough of employees of agencies, offices, and instrumentalities of the District of Columbia for 12 days during the fiscal year ending September 30, 1993, and to delay within-grade salary increases for employees of agencies, offices, and instrumentalities of the District of Columbia for the fiscal year ending September 30, 1993; to reorganize the Office of Criminal Justice Plans and Analysis by transferring the functions to the Mayor's Office of Policy and Program Evaluation and to make conforming amendments; to amend An Act Relating to the Metropolitan police of the District of Columbia to abolish the Police and Fire Clinic; and to amend the District of Columbia Retirement Reform Act to conform the budgeting process for the Retirement Board with the budgeting process for other agencies of the District of Columbia government, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Budget Support Temporary Act of 1992".

TITLE I - REVENUE INCREASES.

Sec. 101. Section 202 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1158; D.C. Code §7-1005), is amended by striking the phrase "that the annual rent for public space used in an enclosed sidewalk cafe shall be double the annual rent for equivalent public space used as an unenclosed sidewalk cafe" and inserting the phrase "that the annual rent for public space used as an unenclosed sidewalk cafe shall be \$5.00 per square foot and the annual rent for public space used as an enclosed sidewalk cafe shall be \$10.00 per square foot" in its place.

Note,
Section
7-1005

Sec. 102. (a) Resolution 69-75, effective September 16, 1969 (16 DCR 73), is amended by striking the phrase "5%" and inserting the phrase "7%" in its place.

(b) Resolution 69-71, effective September 16, 1969 (16 DCR 72), is amended as follows:

- (1) By striking the phrase "1%" and inserting the phrase "1.5%" in its place; and
- (2) By adding the phrase "of 1.5" after the figure "1/4".

Sec. 103. Title XIV of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 357; D.C. Code §§ 47-1814.1 through 47-1814.6), is amended as follows:

(a) Section 1 (D.C. Code § 47-1814.1) is amended to read as follows:

"Sec. 1. Requirement for a professional license.

"(a) Except as provided in sections 1a(b) and 10, for the license year beginning January 1, 1992 and ending December 31, 1992, and for each license year thereafter, every person who engages in a profession

Note, Sec.
47-1814.1

in the District of Columbia, as defined in accordance with section 1a(a), shall file with the Mayor, prior to December 1st of each preceding year, an application for a professional license and shall pay an annual license fee of \$250.

"(b) For the license year beginning January 1, 1993 and ending December 1, 1993, and for each license year thereafter, there shall be no proration of the license fee imposed by this section.

"(c) The license required in subsection (a) of this section shall be in addition to all other licenses, fees, and permits required by law."

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

"Sec. 1a. Persons engaging in a profession.

"(a) Except as provided in subsection (b) of this section, the following persons shall, for purposes of section 1, be deemed to engage in a profession in the District of Columbia and be required to obtain a professional license in accordance with section 1:

"(1) A person certified as a certified public accountant in the District of Columbia pursuant to section 8 of the District of Columbia Public Accountancy Act of 1977, effective March 16, 1978 (D.C. Law 2-59; D.C. Code § 2-107) or registered as a public accountant pursuant to section 10 of the District of Columbia Public Accountancy Act of 1977 (D.C. Code § 2-109);

"(2) A person qualified as an architect or registered architect pursuant to An Act To provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia, approved December 13, 1924 (43 Stat. 713; D.C. Code § 2-201 *et seq.*);

"(3) A person registered as a professional engineer pursuant to the Professional Engineers' Registration Act, approved September 19, 1950 (64 Stat. 854; D.C. Code § 2-2301 *et seq.*);

"(4) A person licensed, certified, or registered to practice medicine, dentistry, or optometry in the District of Columbia pursuant to section 501 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3305.1); and

"(5) A person licensed to practice law in the District of Columbia pursuant to section 11-2501 of the District of Columbia Code, and the rules promulgated by the District of Columbia Court of Appeals pursuant to the authority granted by that section.

"(b) The following persons shall be exempt from the requirement to obtain a professional license pursuant to section 1:

"(1) An officer or employee of the government of the United States, the government of the District of Columbia, or any national, state or local government, or any agency or subdivision of a national, state, or local government, or any international organization subject to the International Organizations Immunity Act, approved December 29, 1945 (59 Stat. 669; 28 U.S.C. 288 *et seq.*), who applies for and is granted an exemption from the license required pursuant to section 1 in accordance with the rules issued by the Mayor pursuant to section 1 of title XVI, and who is not otherwise required to obtain a license pursuant to subsection (a) of this section, but only as for services performed in the officer's or employee's official capacity; and

"(2) An attorney who is an inactive or judicial member of the District of Columbia bar and who applies for and is granted an exemption

Note, Sec.
47-1814.1

from the license required pursuant to section 1 in accordance with the rules issued by the Mayor pursuant to section 1 of title XVI and who is not otherwise required to obtain a license pursuant to subsection (a) of this section.

"(c) Notwithstanding any other provision of this title, a person who would otherwise be liable under section 1 to pay an annual license fee of more than \$250 because that person meets the requirements of more than 1 paragraph of section 1a(a), shall not be required to pay an annual license fee of more than \$250."

(c) Section 5 (D.C. Code § 47-1814.4) is amended by striking the word "tax" and inserting the phrase "the annual fee" in its place.

(d) Section 6 (D.C. Code § 47-1814.5) is amended by striking the word "tax" and inserting the phrase "the annual fee" in its place.

(e) Section 7 (D.C. Code § 47-1814.6) is amended as follows:

(1) By striking the phrase "Any person" and inserting the phrase "In addition to any other fee, interest or penalty due, any person" in its place; and

(2) By designating the existing section as subsection (a) and adding a new subsection (b) to read as follows:

"(b) The District shall have a lien upon the real and personal property located in the District of any person covered by this title for any license fees, penalties, interest, and fines that are due under this title. The District shall have the priority of a secured creditor."

(f) New sections 8, 9 and 10 are added to read as follows:

"Sec. 8. Certain suits forbidden.

"No suit shall be filed to enjoin the assessment or collection by the District of Columbia, or any of its officers, agents, or employees of any license fee, penalty, interest or fine imposed by this title.

"Sec. 9. Rulemaking.

"The rules issued by the Mayor pursuant to section 1 of title XVI shall:

"(1) Prescribe forms for the professional license application and annual renewal, which form shall be signed by the applicant under penalty of perjury;

"(2) Establish application procedures in the event that a person who is required to obtain a professional license under this title begins engaging in a profession after the beginning of the license year;

"(3) Establish a schedule of interest and penalties if a person who is required to obtain a professional license under this title does not pay the annual license fee on or before the last date prescribed for payment; and

"(4) Establish procedures to permit persons who are exempt, pursuant to section 1a(b), from the requirements of section 1 to apply for an exemption.

"Sec. 10. Applicability Provisions.

"(a) Except as provided in subsection (b) of this section, for the license year beginning January 1, 1992 and ending December 31, 1992, a person liable for the annual fee of \$250 pursuant to section 1, shall pay, prior to July 31, 1992, a prorated fee of \$125 for the license period beginning July 1, 1992 and ending December 31, 1992.

"(b) A person who obtained a trade, business, or professional license for the license year beginning January 1, 1992 and who paid, prior to the effective date of the Omnibus Budget Support Temporary

Note, Sec.
47-1814.4

Note, Sec.
47-1814.5

Note, Sec.
47-1814.6

Note, Sec.
47-1814.6

Act of 1992, the \$100 license fee required pursuant to section 1, shall be exempt from the requirement to pay a prorated fee of \$125 for the license period beginning July 1, 1992 and ending December 31, 1992. Such person shall be liable for any fee imposed by this title for the license year beginning January 1, 1993, and for each license year thereafter."

Sec. 104. Section 16-3903 of the District of Columbia Code is amended by striking the first and second sentences and inserting the sentence "Fees for processing actions in the Small Claims Branch shall be set as the court prescribes." in their place.

Note, Sec.
16-3903

Sec. 105. Section 5 of the Real Property Tax Rates for Tax Year 1987 Act of 1986, effective September 23, 1986 (D.C. Law 6-153; D.C. Code §47-863), is amended to read as follows:

Note, Sec.
47-863

"(a) For the purpose of this section the term:

"(1) "Adjusted gross income" shall have the same meaning as defined in Section 62 of the Internal Revenue Code.

"(2) "Household adjusted gross income" means the adjusted gross income of all individuals residing in a household, excluding the adjusted gross income of any individual who is a tenant by virtue of a written lease.

"(b) All Class 1 property owners, 65 years of age or older, whose annual household adjusted gross income is less than \$100,000, shall be eligible for a 50% decrease in property tax liability.

"(c)(1) For the tax year beginning July 1, 1991, and ending June 30, 1992, the application for the tax relief provided for under subsection (b) of this section shall be properly completed and filed by September 30, 1991.

"(2) An application filed by September 30, 1991, shall apply to the tax year beginning July 1, 1991, and ending June 30, 1992, and for succeeding tax years until the tax year for which quinquennial filing of the application is required pursuant to the regulations implementing the deduction authorized by subsection (b) of this section, provided that the property remains eligible for the tax relief.

"(3) If a residential real property owner who takes advantage of the extended filing period provided for in this section qualifies for the senior citizen's property tax relief provided under subsection (b) of this section, the tax relief for the 2nd half of the tax year beginning July 1, 1991, and ending June 30, 1992, shall be reflected in the 2nd half tax bill which is due and payable by March 31, 1992.

"(4) The difference between the original 1st half tax bill that did not reflect the senior citizen's property tax relief and the 1st half tax actually due as a result of the senior citizen's property tax relief will be refunded by January 15, 1992, if already paid when due by September 16, 1991.

"(5) No penalties or interest shall be owed by a taxpayer on the difference between the original tax bill that did not reflect the senior citizen's property tax relief and the tax due based on the tax relief.

"(d) A property owner who is otherwise eligible for property tax relief under this section shall not lose the eligibility by virtue of a transfer of the property into a revocable trust, so long as the transfer

is without consideration, and the property owner continues to reside in the property before and after the transfer.

"(e) The Mayor shall issue rules necessary to implement the provisions of this section."

Sec. 106. Section 3(a) of the Personal Property Tax Amendment Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Code §47-1522(a)), is amended by striking the figure "\$3.10" and inserting the figure "\$3.40" in its place.

Note,
Section
47-1522

Sec. 107. The District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 113; D.C. Code §47-2001 *et seq.*), is amended as follows:

(a) Section 114(a)(11) (D.C. Code §47-2001(n)(1)(K)) is amended to read as follows:

Note, Sec.
47-2001

"(11) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment, and the rental of textiles to commercial users when the essential part of the rental includes the recurring service of laundering or cleaning thereof;"

(b) Section 125 (D.C. Code §47-2002) is amended by adding the following new subsection:

Note, Sec.
47-2002

"(3a) The rate of tax shall be 8% of the gross receipts of the sales of or charges for spiritous or malt liquors, beers, and wine sold for consumption off the premises where sold;"

Sec. 108. Section 1 of An Act To provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, approved April 23, 1924 (43 Stat. 106; D.C. Code §47-2301(a)), is amended by striking the figure "18.0" and inserting the figure "20.0" in its place.

Note, Sec.
47-2301

Sec. 109. (a) Section 603(a) of the District of Columbia Cigarette Tax Act, approved May 27, 1949 (63 Stat. 137; D.C. Code §47-2402(a)), is amended by striking the figure "1.50" and inserting the figure "2.50" in its place.

Note, Sec.
47-2402

(b) Section 618(a) of the District of Columbia Cigarette Tax Act, effective February 28, 1987 (D.C. Law 6-198; D.C. Code §47-2418(a)) is amended by striking the date "July 1, 1991" wherever it appears and inserting the date "June 1, 1992" in its place.

Note, Sec.
47-2418

Sec. 110. Section 6 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 619; D.C. Code §47-2501 *et seq.*), is amended as follows:

Note, Sec.
47-2501

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

"(5a)(a) Before the 21st of each calendar month, each company that sells or charges for cable television service, satellite relay television service, and any and all other distribution of television, video, or radio service with or without the use of wires provided to subscribers or paying customers, whether for basic service, ancillary service, or other

special service, and any other charges related to providing the services within the District of Columbia, including, but not limited to, rental of signal receiving equipment, shall:

"(1) File an affidavit with the Mayor indicating the amount of its gross receipts for the preceding calendar month from the sale of or charges for the services within the District; and

"(2) Pay to the Mayor 9.7% of these gross receipts.

"(b) Notwithstanding any other provision of law, each company subject to the tax imposed by this paragraph shall pay, in addition to the gross receipts tax, the franchise tax imposed by the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code §47-1801.1 *et seq.*), the real property tax imposed by the District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1052; D.C. Code § 47-801 *et seq.*), the personal property tax imposed by An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 617; D.C. Code §47-1501), and the Personal Property Tax Amendment Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Code §47-1521 *et seq.*), to the extent provided in section 6(10) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 620; D.C. Code §47-1508)."

(b) Section 6(10)(A) (32 Stat. 620; D.C. Code §47-1508) is amended as follows:

Note, Sec.
47-1508

(1) Sub-subparagraph THIRD(B) (D.C. Code §47-1508(a)(3)(B)) is amended by striking the phrase ", except that if the personal property is used both to produce charges subject to the tax imposed by the Toll Telecommunication Service Tax Act of 1989 and charges not subject to the tax imposed by the Toll Telecommunication Service Tax Act of 1989, the personal property tax exemption shall be allocated in accordance with rules issued by the Mayor".

(2) A new sub-subparagraph THIRD(C) is added to read as follows:

"THIRD(C). The personal property of any cable television company regulated under the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code §43-1801 *et seq.*), if the cable television company is subject to a gross receipts tax in force in the District for the period of time or for any portion of the time covered by any return required to be filed by the Personal Property Tax Amendment Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Code §47-1521 *et seq.*)."

(c) Section 128 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code §47-2005), is amended as follows:

Note, Sec.
47-2005

(1) Subsection (y) is amended by striking the word "or";

(2) Subsection (z) is amended by striking the period at the end and inserting "; or" in its place; and

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

"(aa) Sales of residential cable television service and commodities by a cable television company."

Sec. 111. Section 6 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 676; D.C. Code §47-2608(a)(1)), is amended as follows:

Note, Sec. 47-2608

(a) Subsection (a)(1) is amended by striking the figure "2" and inserting the figure "2.25" in its place.

(b) Subsection (b)(2) is amended by striking the period at the end of the second sentence and adding the phrase "; except that for the installments due on or before the 1st day of the months of May, July, and September, 1993, each installment shall be an amount equal to at least 28% of the total tax liability for the 1992 calendar year."

Sec. 112. (a) For the fiscal year beginning October 1, 1992, and for each fiscal year thereafter, the Water and Sewer Utility Administration shall make a transfer of funds from the Water and Sewer Enterprise Fund to the General Fund as a payment in lieu of taxes on the property and operations of the water and sewer utility. The payment in lieu of taxes shall be:

(1) Based on an ad valorem assessment on the real property and the tangible and intangible personal property which are included within the water and sewer utility plant and its operations;

(2) In an amount equal to the amount which would be assessed as taxes on the real and personal property of an investor owned utility; and

(3) Due, and shall bear interest if unpaid, as in the case of taxes on other property.

(b) Payments in lieu of taxes made under this section shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(c) The obligation of the utility to make the payment in lieu of taxes shall be a first lien and charge against the income of the encumbered utility.

(d) The Water and Sewer Utility Administration shall arrange for an independent audit to be conducted at least once every 5 years for use by the Department of Finance and Revenue in making its assessment of the real and personal property of the District's water and sewer utility.

(e) Section 101 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Code §43-1524), is amended by striking the period at the end of the first sentence and inserting the phrase "and of making any payment required by section 112 of the Omnibus Budget Support Temporary Act of 1992."

Note, Sec. 43-1524

(f) Paragraph second of the District of Columbia Appropriations Act, approved March 3, 1917 (39 Stat. 1044; D.C. Code §43-1539(2)(b)), is amended by inserting the phrase "and the cost of any payment required by section 112 of the Omnibus Budget Support Temporary Act of 1992" after the phrase "per annum".

Note, Sec. 43-1539

(g) Section 203 of the Revised Statutes of the District of Columbia, approved December 1, 1973 (D.C. Code §43-1532) is repealed.

Note, Sec. 43-1532

TITLE II - FURLOUGH AND DELAY OF WITHIN-GRADE INCREASES.

Note, Sec. 1-625.1

Sec. 201. Definitions.

For the purposes of this title:

(1) The term "agency" means any agency, office, or instrumentality of the District of Columbia government, including but not limited to independent agencies as defined in section 301(13) of the District of Columbia Government Merit Personnel Act of 1978 ("Merit Personnel Act"), effective March 3, 1979 (D.C. Law 2-139; D.C. Code §1-603.1(13)), subordinate agencies as defined in section 301(17) of the Merit Personnel Act (D.C. Code §1-603.1(17)), the District of Columbia Housing Finance Agency, the Public Defender Service, the Pretrial Services Agency, the Washington Convention Center, and the National Guard of the District of Columbia.

(2) The term "agency head" means the highest ranking executive official of an agency.

(3) The term "personnel authority" means an individual with the authority to administer all or part of a personnel management program as provided in sections 301(14) and 406 of the Merit Personnel Act (D.C. Code §§1-603.1(14) and 1-604.6), the Executive Director of the District of Columbia Housing Finance Agency, the Director of the Public Defender Service, the Director of the Pretrial Services Agency, the individual authorized to serve as personnel authority for civilian employees of the National Guard of the District of Columbia, the General Manager of the Washington Convention Center, and the entity or individual authorized to serve as personnel authority for the District of Columbia court system.

(4) The term "within-grade salary increase" means the advancement of an employee's basic rate of pay to the next higher step or other increment within the same grade, class, or pay level based on quality or length of service or both without regard to whether this or another term is used to describe the advancement within the applicable compensation system.

Sec. 202. Furloughs during Fiscal Year 1993.

(a) Notwithstanding any other provision of law or regulation, and except as provided in subsections (b) and (c) of this section, each agency shall furlough each employee of the respective agency 12 days during the fiscal year ending September 30, 1993, at the rate of 1 day each month or other rate to achieve 12 days over the work year for employees whose work year is less than 12 months.

(b) The District of Columbia Courts and D.C. General Hospital shall be exempt from the furlough requirements of this section.

(c) The following employees shall be exempt from the furlough requirements of this section:

(1) Officers and Members (uniformed) of the Metropolitan Police Department;

(2) Police Communications Operators, DS-392 series, grades 4-11;

(3) Officers and Members (uniformed) of the Fire Department;

(4) Fire Communication Operators, DS-081 series, Fire Department only;

(5) Emergency Medical Technicians (EMT's), Intermediate Paramedics, and Paramedics subject to the Special Rate Schedule, Fire Department only;

(6) Correctional Officers, DS-007 series only; and

(7) Positions in the 24-hour facilities in the Department of Human Services ("DHS"), the incumbents of which have the primary

responsibility of detention, security or direct patient or custodial care. These positions shall be designated by the Director of DHS and shall be approved by the Mayor.

(d) Each agency head shall schedule each covered employee for furlough in full-day increments of no more than 8 hours per day. An employee with a daily tour of duty in excess of 8 hours shall be furloughed for a maximum of 8 hours a day. The remaining hours of the employee's tour of duty shall be duty hours or, at the employee's request, approved leave. An employee whose tour of duty is less than 8 hours a day and 40 hours per week shall have his or her furlough hours prorated based on the employee's tour of duty as provided in the employee's official personnel records. If an employee's tour of duty is officially changed by a personnel action, the employee's furlough schedule shall be adjusted accordingly.

(e) Agency heads shall schedule furlough days to ensure the minimum impact on agency functions and services. To the extent practical, agency heads shall schedule furlough days around weekends or other non-work days.

(f) The effect of a furlough under this section is to place an employee temporarily and involuntarily in a non-pay and non-duty status. No employee may be required or permitted to work and may not be required or permitted to earn overtime pay or compensatory time while in a furlough status.

(g) An agency head shall not increase the work hours of an employee who is employed in a when-actually-employed ("WAE") or other intermittent basis in order to cover absences due to employee furloughs.

(h) Notwithstanding any other law or regulation, an agency head shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date.

(i) Each agency head, with the approval of the personnel authority, shall:

- (1) Designate the pay periods for employee furloughs;
- (2) Schedule each covered employee for furlough in the designated pay periods;
- (3) Prepare a furlough notice for each employee which shall indicate specific furlough dates and hours;
- (4) Serve each furlough notice; and
- (5) Ensure that each employee is furloughed on the designated furlough dates.

Sec. 203. Delay of within-grade salary increases.

(a) Notwithstanding any other provision of law or regulation, no employee of any agency shall receive a within-grade salary increase during the fiscal year ending September 30, 1993.

(b) Time in a pay status during the period beginning on October 1, 1992, and ending on September 30, 1993, shall not be considered creditable service for the purposes of computing an employee's length of service for a within-grade salary increase.

(c) Time in a non-pay status as a result of a furlough conducted pursuant to section 202 shall not affect an employee's waiting period for a within-grade salary increase under title XI of the Merit Personnel Act or other applicable law or regulation.

(d) Time in a non-pay status which is not the result of a furlough conducted pursuant to section 202 shall be included in computing an employee's waiting period for a within-grade salary increase under title XI of the Merit Personnel Act or other applicable law or regulation.

Sec. 204. Rules.

To the extent authorized by the Merit Personnel Act or other applicable law or regulation, each personnel authority may issue regulations to implement this title.

TITLE III - GOVERNMENTAL REORGANIZATIONS.

Sec. 301. (a) In accordance with section 404(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 787; D.C. Code §1-227), the functions of the Office of Criminal Justice Plans and Analysis, established pursuant to section 4(a) of the Criminal Justice Supervisory Board Act of 1978, effective September 13, 1978 (D.C. Law 2-107; D.C. Code §2-1103(a)), and all positions, property, records, and unexpended balances of appropriations, allocations, and other funds available to or to be made available relating to the functions of the Office of Criminal Justice Plans and Analysis are transferred to the Mayor's Office of Policy and Program Evaluation, established pursuant to Mayor's Order 83-22, issued January 3, 1983 (30 DCR 328).

Note, Sec.
2-1103

(b) The Criminal Justice Supervisory Board Act of 1978, effective September 13, 1978 (D.C. Law 2-107; D.C. Code §2-1101 *et seq.*), is amended as follows:

(1) Section 2(e) (D.C. Code §2-1101(5)) is amended to read as follows:

Note, Sec.
2-1101

"(e) "Mayor's Office of Policy and Program Evaluation" means the office, under the direction and control of the Mayor, established pursuant to Mayor's Order 83-22, issued January 3, 1983 (30 DCR 328)."

(2) Section 4(a) (D.C. Code §2-1103(a)) is amended by striking the phrase "There is also hereby created an Office of Criminal Justice Plans and Analysis which" and inserting the phrase "The Mayor's Office of Policy and Program Evaluation" in its place.

Note, Sec.
2-1103

(3) Section 4(h) (D.C. Code §2-1103(h)) is repealed.

Notes,
§2-1103
§2-1106

(4) Section 7(b) (D.C. Code §2-1106(b)) is amended by striking the phrase "OCJPA" and inserting the phrase "Mayor's Office of Policy and Program Evaluation" in its place.

(5) Section 8 (D.C. Code §2-1107) is amended by striking the second sentence in its entirety.

Note, Sec.
2-1107

Sec. 302. (a) Paragraph 7 of An Act Relating to the Metropolitan police of the District of Columbia, approved June 8, 1906 (34 Stat. 221; D.C. Code §4-120) is repealed.

Note, Sec.
4-120

(b) Order of the Commissioner, issued September 28, 1970 (C.O. 70-369), as amended, relating to the Board of Police and Fire Surgeons, is repealed.

(c) The Police and Fire Clinic Division of the Metropolitan Police Department is abolished.

TITLE IV - RETIREMENT BOARD BUDGETING CONFORMITY.

Sec. 401. The District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code §1-701 *et seq.*), is amended as follows:

(a) Section 121(f)(3) (D.C. Code §1-711(f)(3)) is amended to read as follows:

Note, Sec. 1-711

"(3) The Mayor and the Council may establish the amount of funds which will be allocated to the Board for administrative expenses and may establish the sources of such funds."

(b) Section 142(c)(2) (D.C. Code §1-722(c)(2)) is amended by inserting after the phrase "shall include in such budget", the phrase "as appropriated or grant funds".

Note, Sec. 1-722

(c) Section 181(c)(3) and (4) (D.C. Code §1-741(c)(3) and (4)) is amended by inserting after the phrase "party in interest", the phrase "(except the District of Columbia government)".

Note, Sec. 1-741

TITLE V - APPLICABILITY.

Sec. 501. (a) Sections 107(b) and 109 shall apply as of June 1, 1992.

Notes, §47-2001, §47-2002, §47-2402

(b) The following sections shall apply as of July 1, 1992:

Notes, §7-1005

- (1) Section 101 for the rental year beginning July 1, 1992;
- (2) Section 102 for the rental year beginning July 1, 1992;
- (3) Section 105;
- (4) Section 106;
- (5) Section 107(a); and
- (6) Section 110.

§47-863
§47-1522
§47-2001
§§47-2501,

(c) The following sections shall apply as of October 1, 1992:

1508, 2005
§47-2301
§47-2608

- (1) Section 108;
- (2) Section 111;
- (3) Section 301; and
- (4) Section 302.

Notes, §§ 2-1103, 1101, 1106, 1107
Note, §4-120

TITLE VI - EFFECTIVE DATE.

Sec. 601. (a) This act shall take effect after a 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 §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect.



Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT
SIGNATURE UPON EXPIRATION
OF 10-DAY MAYORAL REVIEW PERIOD.
NOT SIGNED

Mayor
District of Columbia

May 29, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

B9-485

DOCKET NO: _____

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Brazil and Evans

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Stephens /ond
Secretary to the Council

May 12, 1992
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-6-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Stephens /ond
Secretary to the Council

May 12, 1992
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date