

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

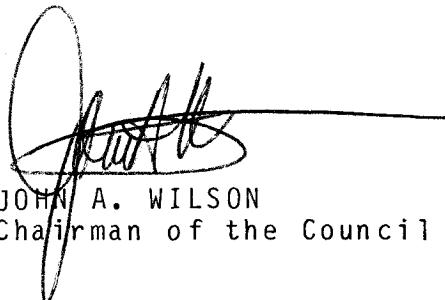
NOTICE

D.C. LAW 9-47

"District of Columbia Government Comprehensive Merit Personnel Act of 1978 Temporary Amendment Act of 1991".

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. 9-270 on first and second readings, July 2, 1991, and October 1, 1991, respectively. Following the signature of the Mayor on October 15, 1991, this legislation was assigned Act No. 9-85, published in the October 25, 1991, edition of the D.C. Register, (Vol. 38 page 6460) and transmitted to Congress on October 18, 1991 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 this legislation became effective on the date that the President of the United States signed P. L. 102-205\* on December 10, 1991, and therefore, cites this enactment as D.C. Law 9-47, effective December 10, 1991.



JOHN A. WILSON  
Chairman of the Council

\* Public Law 102-205 waived the 30-day Congressional Review Period for this Law.

**Enrolled Original**

AN ACT

**Codification**

**District of Columbia Code**

D.C. ACT 9-85

( 1992 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 15, 1991

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize a modified reduction-in-force procedure and to establish that the provisions of this act are nonseverable.

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 of 1978 Temporary Amendment Act of 1991".

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 §1-601.1 et seq.), is amended as follows:

(a) By adding a new section 2405, to read as follows:

"Sec. 2405. Abolishment of Excess Positions.

"(a) Notwithstanding any other provision of law, each agency head is authorized, within the agency head's discretion, to identify positions, outside existing collective bargaining units, and at grades 11 and above of the District Service Schedule or at equivalent levels of other salary or pay schedules, for abolishment as excess positions.

"(b) The Mayor shall make a final determination that a position within the personnel authority of the Mayor is an excess position upon the recommendation of an Executive Review Committee, consisting of the City Administrator, the Deputy Mayor for Financial Management, the Corporation Counsel, the Director of the D.C. Office of Personnel, and the Director of the Office of Labor Relations and Collective Bargaining.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position determined to be an excess position shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of an excess position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level and shall not include positions in existing collective bargaining units.

Note, Section  
1-625.1

## Enrolled Original

"(e) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(f) Neither the determination that a specific position is an excess position nor separation pursuant to this section shall be subject to review except as follows:

"(1) The employee may file a complaint contesting the determination or the separation pursuant to title XV of this act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §1-2543); and

"(2) The employee may file with the Temporary Panel of the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (e) of this section were not properly applied.

"(g) A separated employee's entitlement to severance pay shall be determined in accordance with title XI of this act. The following shall be included in computing creditable service for severance pay for employees separated pursuant to this section: (1) 4 years for an employee who qualifies for veteran's preference under this act; and (2) 3 years for an employee who qualifies for residency preference under this act.

"(h) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(i) The Mayor shall submit a listing to the Council of all positions determined to be excess by agency and responsibility center by September 1, 1991, or upon the delivery of termination notices to individual employees."

(b) By adding a new section 611 to read as follows:

"Sec. 611. Temporary Panel of the Office of Employee Appeals.

"(a) There is established a Temporary Panel of the Office of Employee Appeals in addition to, and independent of, the existing Office of Employee Appeals. The Temporary Panel shall have exclusive authority to adjudicate appeals by employees separated pursuant to section 2405, in accordance with existing rules of procedure of the Office of Employee Appeals. The Temporary Panel shall consist of 3 persons appointed by the Mayor with the approval of the Council by resolution which shall take effect immediately upon adoption. The Temporary Panel shall not be subject to sections 601 through 610 of this act (relating to the powers and functions of the Office of Employee Appeals) except to the extent that these sections relate to the adjudication of appeals by the Temporary Panel pursuant to section 2405 of this act.

"(b) Any employee or agency may appeal the decision of the Temporary Panel to the Superior Court of the District of Columbia for a review of the record and such Court may affirm, reverse, remove or modify such decision, or take any other appropriate action the Court may deem necessary.

"(c) Members of the Temporary Panel shall be paid compensation not to exceed \$250 a day.

"(d) The Mayor shall make available to the Temporary Panel from funds appropriated for Governmental Direction and Support such office

Note, Section  
1-606.1

space, equipment, and staff, including hearing examiners and necessary support staff, as the Temporary Panel shall require."


Sec. 3. At no time shall the total number of positions, outside existing collective bargaining units, at grades 11 and above on the District Service Schedule and at equivalent levels in other salary or pay schedules, exceed the number of such positions in an agency on July 1, 1991, minus the number of positions abolished by the agency pursuant to this act. Note, Section 1-625.1


Sec. 4. If any provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991 or its application to any person or circumstance is held to be unconstitutional, beyond the statutory authority of the Council of the District of Columbia, or otherwise invalid, then all provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991 shall be deemed invalid.

Sec. 5. Effective Date.

(a) This act shall take effect on the later of: (a) its enactment (after a 30-day period of Congressional review following approval by the Mayor, or in the event of a 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; and (2) enactment of an amendment to section 422(3) of the Self-Government and Governmental Reorganization Act (D.C. Code §1-242(3)) enabling the District of Columbia to enact the substance of section 2 of this act.

(b) This act shall expire on the 225th day of its having taken effect or upon the effective date of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Amendment Act of 1991, whichever occurs first.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED: October 15, 1991



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-270

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-2-91

VOICE VOTE: Approved, Councilmember Crawford voted no

Recorded vote on request

Absent: Smith

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Stephen James, Secretary to the Council

Date: October 9, 1991

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-1-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Stephen James, Secretary to the Council

Date: October 9, 1991

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date