

CORRECTED COPY

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 11, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.

West Group
Publisher

To authorize, on an emergency basis, the Mayor to establish an easy out retirement incentive program for District of Columbia Public Library for fiscal year 2008, an independent personnel authority under the pay authority of the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Library Retirement Incentive Emergency Act of 2007".

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 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 § 1-611.06) ("CMPA"), the Council of the District of Columbia adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") for eligible District of Columbia Public Library ("DCPL") employees under its independent personnel authority and the pay authority of the Mayor. The Easy Out Program may be implemented by DCPL's personnel authority during fiscal year 2008.

(2) The Easy Out Program shall be limited to employees who are:

(i) Retiring under the optional retirement provisions of 5 U.S.C. §8336(a), (b), or (f); and

(ii) Who are eligible to retire with Social Security (minimum age 62).

(3) The Easy Out Program shall offer a retirement incentive of \$500 for each full year of creditable service towards retirement. The retirement incentive will be paid in a lump sum to be paid within fiscal year 2008.

Note,
§ 1-611.06

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(4) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(5) No incentive pay shall be paid to:

(i) An employee who retires under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1) of the Civil Service Retirement System, or the disability retirement provisions of 5 U.S.C. § 8337;

(ii) A person employed as a reemployed annuitant under the provisions of 5 U.S.C. § 8344 who separates from District service, whether or not he or she applies for a re-computation of his or her annuity;

(iii) An employee who is receiving disability compensation under Title XXIII of the CMPA who retires and who elects to remain on disability compensation in lieu of retirement annuity;

(iv) An employee serving under a time-limited appointment;

(v) An employee who receives a proposal or a final decision notice of removal for cause;

(vi)(I) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after pleas of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony;

(II) For the purposes of sub-sub-subparagraph (I) of this sub-subparagraph, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000;

(vii) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has pled guilty or had been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor;

(viii) An employee who retires after the designated period for retirement, as applicable; and

(ix) An employee who has received written notice that his or her services are essential and are required by the agency until a specific date and who retires before the date cited in the notice.

(6) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement, unless he or she repays the incentive received if reemployed or hired or retained as a sole source consultant or personal services contractor

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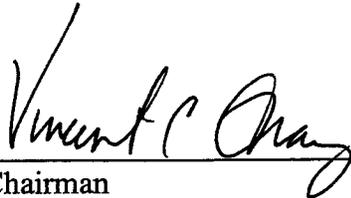
before the end of the 5-year period.

Sec. 3. Fiscal impact statement.

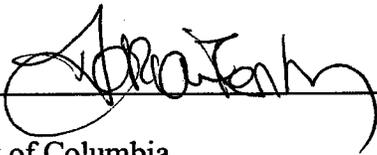
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1- 204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 11, 2008

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2008

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To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish employment without tenure within the Educational Service classification, to require that the Mayor seek a voluntary separation incentive for certain employees of the District of Columbia, and to require the Mayor to submit an evaluation of the personnel reform provisions of the Public Education Personnel Reform Amendment Act of 2008 in September 2012; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Education Personnel Reform Emergency Amendment Act of 2008".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

Amend
§ 1-608.01a

(a) Section 801A (D.C. Official Code § 1-608.01a) is amended as follows:

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

(A) Strike the word "Boards" and insert the word "Board" in its place.

(B) Strike the phrase "the District of Columbia Board of Education for educational employees of the Board of Education and".

(2) Subsection (b) is amended as follows:

(A) The introductory language is amended by striking the word "Boards" both times it appears and inserting the word "Board" in its place.

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

"(2)(A)(i) Excluding those employees in a recognized collective bargaining unit, those employees appointed before January 1, 1980, those employees who are based at a local

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school or who provide direct services to individual students, and those employees required to be excluded pursuant to a court order (collectively, "Excluded Employees"), a person appointed to a position within the Educational Service shall serve without job tenure.

"(ii) Except for Excluded Employees, the provisions of this paragraph shall apply to all nonschool-based personnel, as defined in section 301(13C), including:

"(I) All Educational Service employees within the District of Columbia Public Schools ("DCPS");

"(II) All Educational Service employees within the Office of Public Education Facilities Modernization; and

"(III) All Educational Service employees within the Office of the State Superintendent for Education transferred pursuant to the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D. C. Official Code § 38-171 *et seq.*).

"(B)(i) A person employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization as of the effective date of the Public Education Personnel Reform Emergency Amendment Act of 2008, passed on emergency basis on January 8, 2008 (Enrolled version of Bill 17-567) ("Emergency Act"), who is not an Excluded Employee shall be reappointed noncompetitively to the Educational Service, in accordance with subparagraph (A) of this paragraph.

"(ii) Within 30 days of the effective date of the Emergency Act, the Mayor shall notify in writing each employee of his or her reappointment. The employee shall accept or decline such reappointment within 10 days of receipt of the reappointment notice.

"(iii) A person declining such reappointment shall receive a written 15-day separation notice and shall be entitled to severance pay pursuant to section 2409.

"(iv) An employee who accepts reappointment who is subsequently terminated shall be terminated in accordance with subparagraph (C)(ii) and (iii) of this paragraph.

"(C)(i) A person employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, or the Office of Public Education Facilities Modernization who is not an Excluded Employee, shall be a probationary employee for one year from his or her date of hire ("probationary period") and may be terminated without notice or evaluation.

"(ii) Following the probationary period, an employee may be terminated, at the discretion of the Mayor; provided, that the employee has been provided a 15-day separation notice and has had at least one evaluation within the preceding 6 months, a minimum of 30 days prior to the issuance of the separation notice.

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“(iii) An employee terminated for non-disciplinary reasons may be given severance pay in accordance with section 903(f).

“(D) The Mayor may terminate without notice or evaluation an employee for the following reasons:

“(i) Conviction of a felony at any time following submission of an employee’s job application;

“(ii) Conviction of another crime at any time following submission of an employee’s job application when the crime is relevant to the employee’s position, job duties, or job activities;

“(iii) Commission of any knowing or negligent material misrepresentation on an employment application or other document given to a government agency;

“(iv) Commission of any on-duty or employment-related act or omission that the employee knew or reasonably should have known is a violation of law; or

“(v) Commission of any on-duty or employment-related act that is gross insubordination, misfeasance, or malfeasance.

“(E) A terminated employee shall retain his or her veterans preference eligibility, if any, in accordance with federal laws and regulations issued by the United States Office of Personnel Management but shall be separated without competition, assignment rights, retreat rights, a right to re-assignment under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to section 2400 of the District of Columbia Personnel Manual, or a right to any internal or administrative review, subject to any right under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), federal law, or common law.

“(F)(i) The Mayor shall establish:

“(I) A positive recruitment program designed to meet current and projected personnel needs;

“(II) A procedure for open competition for initial appointment to the Educational Service, designed to achieve maximum objectivity, reliability, and validity through a practical assessment of attributes necessary to successful job performance and career development, and appointments of persons, made on the basis of merit, by selection from the highest qualified available eligible persons based on specific job requirements, with appropriate regard for affirmative-action goals and veterans preference as provided in Title VII; and

“(III) Written position descriptions for each position within Educational Service and a process for updating the descriptions to maintain accurate and current position descriptions.

“(ii) The Mayor shall provide a written copy of the relevant position description to each new employee and to each reappointed employee upon employment

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or reappointment.

“(G) Appointments to the Educational Service of persons shall be made in accordance with equal employment opportunity principles, as set forth in Title VII.

“(H) Temporary and other time-limited appointments, which do not confer permanent status, may be made in appropriate cases, at the discretion of the Mayor, including emergency appointments to provide for the maintenance of essential services in situations of natural disaster or catastrophes, where normal-employment procedures are impracticable.

“(I) Within 180 days of the effective date of the Emergency Act, the Mayor shall submit a list to the Council, for informational purposes, of those people employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization as of the effective date of the Emergency Act, who, pursuant to subparagraph (B) of this paragraph, declined reappointment and were terminated and who accepted reappointment but were subsequently terminated. The Mayor shall maintain a database of this information on an ongoing basis to be submitted to Council pursuant to section 5 of the Public Education Personnel Reform Amendment Act of 2008, passed on 2nd reading on January 8, 2008 (Enrolled version of Bill 17-450).

“(J)(i) The Mayor shall establish reduction-in-force procedures, including:

“(I) A prescribed order of separation based on District residency and veterans preference;

“(II) Priority reemployment consideration of separated employees; and

“(III) Job sharing and reduced hours, if feasible.

“(ii) Notwithstanding any other provision of law or regulation, an Excluded Employee or a nonschool-based employee shall not be assigned or reassigned to replace a classroom teacher.

“(iii) For the purposes of this subparagraph, the term "reduction-in-force" means a reduction in personnel, the need for which shall be declared by the Mayor, that is necessary due to a lack of funding or the discontinuance of a department, program, or function of an agency. A reduction-in-force shall not be considered a punitive or corrective action as it relates to an employee separated pursuant to the reduction in force and no blemish on an employee's record shall ensue.”.

(3) Subsection (c)(3) is amended by striking the word “Boards” and inserting the word “Board” in its place.

(4) Subsection (d) is amended by striking the word “Boards” wherever it appears and inserting the phrase “Mayor or Board” in its place.

(b) Section 903(a)(4) (D.C. Official Code § 1-609.03(a)(4)) is amended to read as follows:

“(4)(A) The Mayor may appoint 25 persons to the District of Columbia Public

Amend
§ 1-609.03

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Schools; provided, that each person appointed pursuant to this paragraph shall be domiciled in the District within 180 days of appointment and shall remain domiciled in the District of Columbia throughout the term of his or her appointment.

“(B) The Mayor shall make his or her best efforts to ensure ward diversity in the appointments.”

(c) Section 1111(a-1) (D.C. Official Code § 1-611.11(a-1)) is amended to read as follows:

Amend § 1-611.11

“(a-1) Notwithstanding any other provision of law, rule, or regulation:

“(1) Except for the Chancellor and any Excepted Service employees appointed pursuant to section 903(a)(4), every employee of the District of Columbia Public Schools shall be:

- “(A) Classified as an Educational Service employee;
- “(B) Placed under the personnel authority of the Mayor; and
- “(C) Subject to all rules of the District of Columbia Public Schools;

“(2) Except for the Director and any Excepted Service employees appointed pursuant to section 903(a)(7), every employee of the Office of Public Education Facilities Modernization shall be:

- “(A) Classified as an Educational Service employee; and
- “(B) Placed under the personnel authority of the Mayor; and

“(3) Except for the State Superintendent for Education and any Excepted Service employees appointed pursuant to section 903(a)(7), every employee transferred from the District of Columbia Public Schools to the Office of the State Superintendent for Education shall be:

- “(A) Classified as an Educational Service employee; and
- “(B) Placed under the personnel authority of the Mayor.”

(d) Section 1709(b) (D.C. Official Code § 1-617.09(b)) is amended as follows:

Amend § 1-617.09

(1) Paragraph (1) is amended by striking the phrase “Board of Education” and inserting the phrase “Public Schools” in its place.

(2) Paragraph (5) is amended by striking the phrase “unit; or” and inserting the phrase “or;” in its place.

(3) Paragraph (6) is amended by striking the phrase “of Columbia.” and inserting the phrase “of Columbia; or” in its place.

(4) A new paragraph (7) is added to read as follows:

“(7) Employees within the Educational Service in the District of Columbia Public Schools, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization who serve without tenure pursuant to the Public Education Personnel Reform Emergency Amendment Act of 2008, passed on emergency basis on January 8, 2008 (Enrolled version of Bill 17-567).”

(e) Section 2402(a) (D.C. Official Code § 1-624.02(a)) is amended by striking the

Amend § 1-624.02

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phrase "Educational Service and" and inserting the phrase "Educational Service, except those persons separated pursuant to section 801A(b)(2), and" in its place.

Sec. 3. Rulemaking.

The Mayor shall issue rules to implement the provisions of section 2. The proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 4. Voluntary early-retirement request.

The Mayor shall submit a request to the United States Office of Personnel Management that it authorize voluntary early retirement to employees in the Educational Service classification of the District of Columbia Public Schools, the Office of the State Superintendent of Education, and the Office of Public Education Facilities Modernization hired prior to 1987 and entitled to federal benefit payments.

Sec. 5. Evaluation and re-authorization.

On September 15, 2012, the Mayor shall submit to the Council an assessment of the personnel reform enacted by the Public Education Personnel Reform Amendment Act of 2008, passed on 2nd reading on January 8, 2008 (Enrolled version of Bill 17-450) ("PEPRA act"), which shall include:

(1) A comprehensive list of the employees terminated pursuant to the PEPRA act, as described in section 801A(b)(2)(I) 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 § 1-608.01a(b)(2)(I); and

(2) An assessment of the progress in public education achieved as a result of the PEPRA act that warrants continuation of the provisions of the PEPRA act.

Sec. 6. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended to read as follows:

Amend
§ 38-453

"(6) Direct and manage the modernization or new construction of District of Columbia Public Schools ("DCPS") facilities by approving and authorizing decisions at every stage of school modernization, including planning, design, maintenance, procurement, and construction, in accordance with the Facilities Master Plan required by the School Modernization Financing Act, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.01 *et seq.*); provided, that it shall not manage cleaning and janitorial services at DCPS facilities."

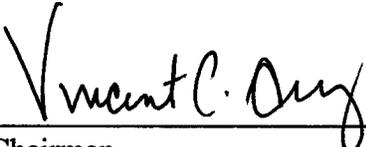
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Sec. 7. Fiscal impact statement.

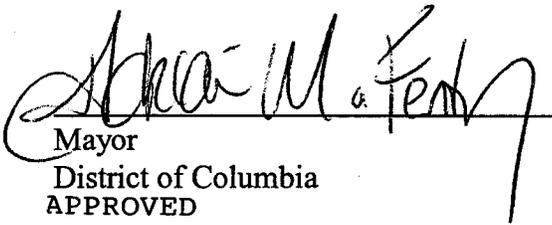
The Council adopts the fiscal impact statement for the Public Education Personnel Reform Amendment Act of 2008, passed on 2nd reading on January 8, 2008 (Enrolled version of Bill 17-450), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

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To establish a Commission on Fashion Arts and Events; and to amend the Confirmation Act of 1978 to reflect the establishment of the Commission on Fashion Arts and Events.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Fashion Arts and Events Establishment Act of 2008".

Sec. 2. Establishment of the Commission on Fashion Arts and Events.

There is established a Commission on Fashion Arts and Events ("Commission") to advise the Mayor, the Council, and the public on the views and needs of the fashion and beauty communities in the District. The Commission shall implement the following programs and initiatives:

- (1) Promoting the District as a location for holding fashion and beauty events, which will enhance the District's economic development through tourism, cultural affairs, job opportunities, entertainment, business development, and national and international exposure;
- (2) Providing community initiatives to benefit school-aged children living in the District, including encouraging the pursuit of career technical skills and higher education by implementing a school-based program in the fields of fashion design, merchandising, and beauty, and offering scholarships and internships to students pursuing careers in beauty and fashion industries to help students in transitioning from school to career;
- (3) Making recommendations on fashion retail development projects throughout the city, including researching and making recommendations for the development, construction, and implementation of a Fashion Retail Corridor that will serve as a centralized shopping destination featuring local, national, and international fashion designers and boutiques in the District; and
- (4) Creating partnerships between the fashion and business communities that will stimulate economic development through targeted fashion marketing, workforce development, and training and business development, and reposition the District as a fashion destination.

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Sec. 3. Members; procedures; meetings.

(a) The Commission shall consist of 15 members, 8 of whom shall be nominated by the Mayor subject to the advice and consent of the Council, in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

(b)(1) There shall be 7 ex-officio, nonvoting members, including the directors or their designees of the following agencies and organizations:

- (A) Washington, D.C. Convention and Tourism Corporation;
- (B) Washington, DC Economic Partnership or the Office of Planning;
- (C) Department of Small and Local Business Development;
- (D) Office of the Deputy Mayor for Planning and Economic

Development;

- (E) Department of Education;
- (F) District of Columbia Sports and Entertainment Commission; and
- (G) Commission on the Arts and Humanities.

(2) Ex-officio members of the Commission shall have full privileges of Commission membership.

(c)(1) Appointed members of the Commission shall be residents of the District and shall include prominent business, civic, and fashion or beauty leaders with experience and understanding of the financial and organizational structure of fashion retail houses, branding and marketing, and youth education or vocational education, and who have extensive experience in the fashion industry.

(2) Appointed members of the Commission shall serve 4-year terms, with the exception that of the members first appointed, one member shall be appointed to a one-year term, 2 members shall be appointed to 2-year terms, 2 members shall be appointed to 3-year terms, and 3 members shall be appointed to 4-year terms.

(3) Members of the Commission may be reappointed.

(d) A vacancy on the Commission shall be filled in the same manner that the original appointment was made. A person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed.

(e) A member of the Commission, whose term has expired, may continue to serve until a new member is appointed.

(f) The Mayor shall appoint the chairperson of the Commission from among the voting members.

(g) All members of the Commission shall serve without compensation.

(h) The Mayor may remove, after notice and hearing, any member of the Commission for neglect of duty, incompetence, misconduct, or malfeasance in office.

(i) The Commission shall develop its own rules of procedure.

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(j) The Commission shall meet at least 4 times a year. The meetings shall be held in the District and shall be open to the public. A quorum to transact business shall consist of a majority, plus one, of the voting members.

Sec. 4. Powers of the Commission.

(a) The Commission shall:

(1) Serve as an advocate for fashion retailers, designers, and beauty businesses in the District;

(2) Advise and make recommendations to the Mayor and the Council concerning needs of the people of the District for fashion-design activities and concerning the development and improvement of fashion and cultural affairs programs in the District;

(3) Stimulate and encourage study and review of the status of fashion arts projects and serve as the clearinghouse for activities aimed at realizing a fashion retail corridor that will serve as a centralized shopping destination featuring local, national, and international fashion designers and boutiques in the District;

(4) Prepare and recommend to the Mayor and the Council an annual plan for fashion arts projects and events in the District; and

(5) Work with District departments and agencies, private organizations, and the fashion-design community to develop and undertake programs which will encourage maximum participation in fashion art and cultural affairs activities and which will promote greater appreciation and enjoyment of the trade.

(b) The Commission may:

(1) Nominate special advisors to serve and provide technical and expert advice on matters relevant to the functions of the Commission; provided, that decision-making shall reside with the Commission;

(2) Form task forces, as required, composed of Commission members, special advisors, and others interested in serving;

(3) Apply for and receive grants to fund its program activities in accordance with procedures relating to grants management and recommend to the Mayor and the Council applications for federal grants-in-aid to projects or productions in fashion design; and

(4) Accept private gifts and donations to carry out the purposes of this act.

Sec. 5. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended by adding a new paragraph (30) to read as follows:

Amend
§ 1-523.01

“(30) Commission on Fashion Arts and Events.”.

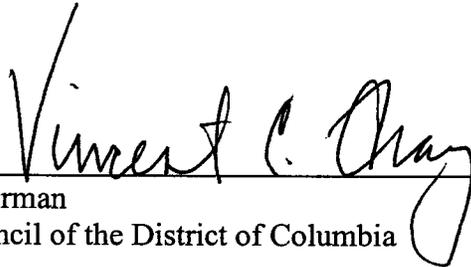
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Sec. 6. Fiscal impact statement.

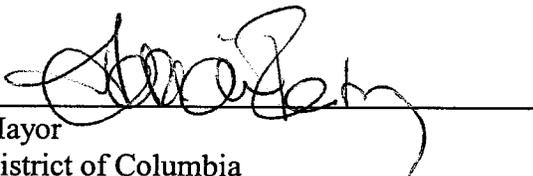
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

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To amend section 47-340.23(c)(2)(Q) of the District of Columbia Official Code to modify the authorized use of funds from the Neighborhood Revitalization Commercial Corridor Redevelopment Project, within the capital budget, for a project on Georgia Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Park East Assistance Act of 2008".

Sec. 2. Section 47-340.23(c)(2)(Q) of the District of Columbia Official Code is amended to read as follows: Amend
§ 47-340.23

“(Q) The amount of \$1.5 million shall be allocated to the Deputy Mayor for Planning and Economic Development for the purpose of issuing a grant to Georgia Avenue Investment Partners, LLC, to support the development of affordable housing units or neighborhood-serving retail in the 6400 block of Georgia Avenue, N.W.;”.

Sec. 3. Fiscal impact statement.

The Council adopts the January 7, 2008 fiscal impact statement of the Chief Financial Officer 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. 4. Effective date.

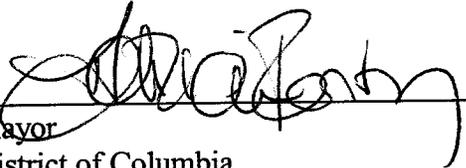
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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
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February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-294

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To amend, on a temporary basis, the Choice in Drug Treatment Act of 2000 to establish the Access to Recovery Voucher Program to provide District residents with access to culturally sensitive, substance abuse treatment and recovery support services, to establish a segregated account within the Addiction Recovery Fund into which shall be deposited the federal grant funds awarded to the Addiction Prevention and Recovery Administration for the Access to Recovery Voucher Program, to be expended solely for the purposes of the Access to Recovery Voucher Program, and to require that any rules promulgated to apply specifically to the Access to Recovery Voucher Program be submitted to the Council for approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Choice in Drug Treatment Temporary Amendment Act of 2008".

Sec. 2. The Choice in Drug Treatment Act of 2000, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3001 *et seq.*), is amended as follows:

(a) A new section 4a is added to read as follows:

"Sec. 4a. Establishment of the Access to Recovery Voucher Program.

"(a) There is established the Access to Recovery Voucher Program ("ATR"), which shall be administered by APRA. The purpose of ATR shall be to provide District residents with access to culturally sensitive, substance abuse treatment and recovery support services for the duration of the 3-year federal Access to Recovery grant awarded to APRA and to serve as an addition and complement to the Choice in Drug Treatment Program, established by section 4.

"(b) The duty of APRA to administer ATR shall include:

"(1) Community outreach and education;

"(2) Collaborating with federal and local agencies in regard to individuals returning to the community after being incarcerated who require substance abuse treatment or recovery support services; and

"(3) Ensuring that ATR achieves the projected target of serving over 11,000 individuals."

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(b) Section 5 (D.C. Official Code § 7-3004) is amended as follows:

Note,
§ 7-3004

(1) Subsection (a) is amended by striking the phrase "The Fund shall be comprised" and inserting the phrase "Except as provided in subsection (a-1) of this section, the Fund shall be comprised" in its place.

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

"(a-1) There is established within the Fund a segregated account to be known as the ATR Account, into which shall be deposited the federal grant funds awarded to APRA for ATR, to be expended solely for the purposes of ATR, in accordance with federal requirements and regulations promulgated to implement this act."

(3) Subsection (b) is amended by striking the phrase "The Fund shall be used only for" and inserting the phrase "Except as provided in subsection (a-1) of this section, the Fund shall be used only for" in its place.

(c) Section 16(a) (D.C. Official Code § 7-3015(a)) is amended as follows:

Note,
§ 7-3015

(1) Designate the existing text as paragraph (1).

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

"(2)(A) Except as provided in subparagraph (B) of this paragraph, all rules promulgated pursuant to paragraph (1) of this subsection shall apply to the provisions of the Choice in Drug Treatment Temporary Amendment Act of 2008, passed on 2nd reading on February 5, 2008 (Enrolled version of Bill 17-566) ("temporary 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.*), may issue rules to apply specifically to the provisions of the temporary act. Any such rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer 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. 4. Effective date.

(a) 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

ENROLLED ORIGINAL

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

(b) This act shall expire after 225 days of its having taking effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

Codification
District of
Columbia
Official Code

2001 Edition

2008 Summer
Supp.

West Group
Publisher

To amend, on a temporary basis, the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to require that members of the Fire and Emergency Medical Services Department with severe burn injuries shall have an extension of the allowable work days in a less-than-full-duty status from 64 days to 170 days.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Burned Fire Fighter Relief Temporary Amendment Act of 2008".

Sec. 2. Section 623 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-633), is amended as follows:

Note,
§ 5-633

(a) Subsection (d) is amended by striking the phrase "subsections (e) and (f)" and inserting the phrase "subsections (e), (f), and (g)" in its place.

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

"(g) If a member of the Fire and Emergency Medical Services Department has sustained, in the performance of duty at the scene of a fire, 2nd- or 3rd-degree burns over 15% or more of the member's body for which the member requires critical care treatment in a hospital intensive care unit or its equivalent, the member shall not be processed for retirement pursuant to subsection (d) of this section unless the member, as a result of the burns sustained, has spent more than 170 cumulative work days in a less-than-full-duty status over the 2-year period following the date the member sustained the burns."

Sec. 3. Fiscal impact statement.

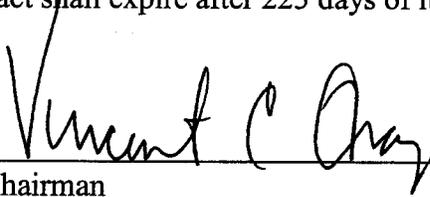
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

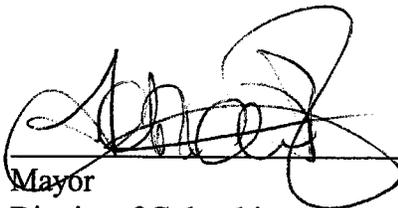
Sec. 4. Effective date.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-296

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

To authorize, on an emergency basis, payment to International Business Machines Corporation for software licensing and maintenance-support services provided to the Office of the Chief Technology Officer without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "International Business Machines Corporation Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 105(d)(5)(F) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)(5)(F)), the Council authorizes the Office of the Chief Technology Officer to pay International Business Machines Corporation \$930,016.67 for software licensing and maintenance-support services for the District's 2 IBM mainframe computers received from October 1, 2006 through April 30, 2007, such costs being incurred without a valid written contract.

Sec. 3. Fiscal impact statement

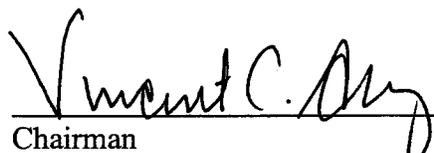
The Council adopts the fiscal impact statement of the Budget Director, dated February 4, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

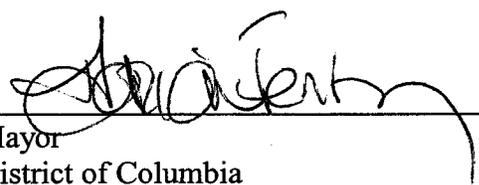
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 22, 2008

To approve, on an emergency basis, Contract No. RM-08-SAS-003-AS with Community Connections, Inc., for the provision of residential services to Department of Mental Health consumers, and to authorize payment for the services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Mental Health Community Connections, Inc., Residential Services Contract Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51, and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. RM-08-SAS-003-AS with Community Connections, Inc., for the provision of residential services to Department of Mental Health consumers in the amount of \$2,964,600 and authorizes payment for services received under the contract.

Sec. 3. Fiscal impact statement.

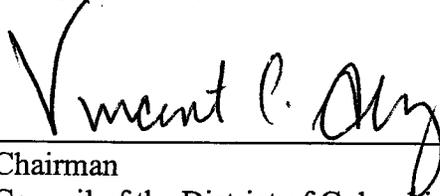
The Council adopts the February 5, 2008 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

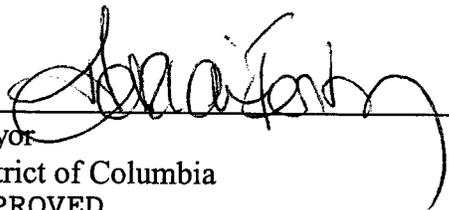
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

To approve, on an emergency basis, Contract No. DCHC-2008-C-9091 with Unity Health Care, Inc., to provide pharmacy-staffing and pharmacy-management services at 7 public-health clinics, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-C-9091 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCHC-2008-C-9091 to provide pharmacy-staffing and pharmacy-management services at 7 public-health clinics and authorizes payment in the amount of \$3,215,014 to Unity Health Care, Inc., for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

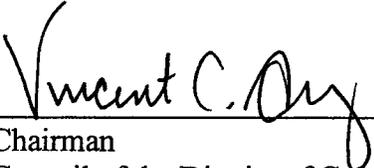
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

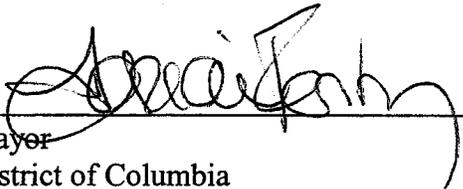
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

To approve, on an emergency basis, Contract No. RM-08-SAS-141-AS with Community Connections, Inc., for the provision of supported independent-living services to Department of Mental Health consumers, and to authorize payment for the services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. RM-08-SAS-141-AS Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. RM-08-SAS-141-AS with Community Connections, Inc., for the provision of supported independent-living services to Department of Mental Health consumers, in the amount of \$1,193,952, and authorizes payment for services received under the contract.

Sec. 3. Fiscal impact statement.

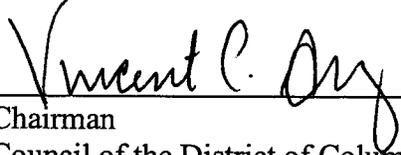
The Council adopts the February 5, 2008 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

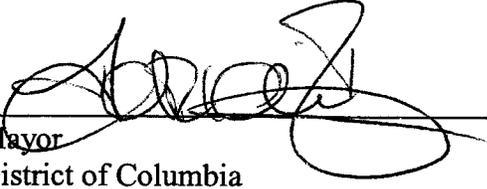
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

To approve, on an emergency basis, Contract No. RM-08-SAS-001-AS with Life Stride, Inc., and Contract No. RM-08-SAS-002-AS with Careco Mental Health Services, Inc., for the provision of residential services to Department of Mental Health consumers, and to authorize payment for the services received under these contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract Nos. RM-08-SAS-001-AS and RM-08-SAS-002-AS Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. RM-08-SAS-001-AS with Life Stride, Inc., and Contract No. RM-08-SAS-002-AS with Careco Mental Health Services, Inc., for the provision of residential services to Department of Mental Health consumers, in the amounts of \$2,305,800 and \$1,573,800, respectively, and authorizes payment for services received under the contracts.

Sec. 3. Fiscal impact statement.

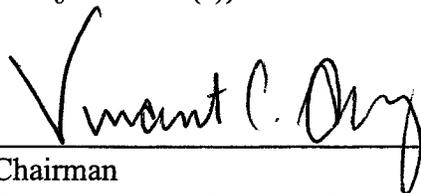
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

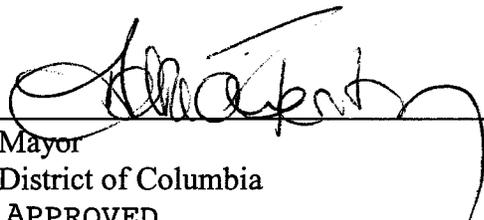
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 22, 2008