

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in section 3(h) of the Life Insurance Amendments Reform Act of 1984 [adding a new section 28 to chapter V of the Life Insurance Act, approved June 19, 1934 (48 Stat. 1125)], effective March 14, 1985 (D.C. Law 5-160; D.C. Official Code § 31-4728 (2001)), hereby gives notice of his intent to adopt the following amendments to Chapter 30 (Valuation of Life Insurance Policies) of Title 26 (Insurance) of the District of Columbia Municipal Regulations in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The proposed amendments will authorize the use of the 2001 CSO Preferred Class Structure Mortality Table in determining minimum reserve liabilities for life insurance companies.

Chapter 30 (Valuation of Life Insurance Policies) of Title 26 (Insurance) of the District of Columbia Municipal Regulations is amended as follows:

The first paragraph on subsection 3004.1 is amended to read as follows:

3004.1 The definition of terms found in D.C. Official Code §§ 31-4701 et seq. (2001 and 2007 Supp.) shall apply to this chapter. For purposes of this chapter, the following terms shall have the meanings ascribed below:

The definition of “2001 CSO Mortality Table” in subsection 3004.1 is amended to read as follows:

“2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners (“NAIC”) in December 2002 and supplemented by the NAIC in September 2006. The 2001 CSO Mortality Table is included in the Proceedings of the National Association of Insurance Commissioners (2nd Quarter 2002) and is supplemented by the 2001 CSO Preferred Class Structure Mortality Table included in the Proceedings of the NAIC (3rd Quarter 2006). Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

Add the following definitions in subsection 3004.1:

“2001 CSO Preferred Class Structure Mortality Table” means mortality tables with separate rates of mortality for the super preferred nonsmokers, preferred nonsmokers, residual standard nonsmokers, preferred smokers, and residual standard smoker splits of the 2001 CSO nonsmoker and smoker tables as adopted by the NAIC in September 2006 and published in the Proceedings of the NAIC (3rd Quarter 2006). Unless the context indicates otherwise, the phrase “2001 CSO Preferred Class Structure Mortality Table” includes: both the ultimate form of that table and the select and ultimate form of that table; both the smoker and nonsmoker mortality tables; both the male and female mortality tables and the gender composite mortality tables; and both the age-nearest-birthday and age-last-birthday bases of the mortality table.

“Statistical agent” means an entity with: proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

Subsection 3005.1(b) is amended by adding the phrase “through § 3005.5” after the phrase “§ 3005.2”.

The lead-in text of subsection 3005.2 is amended by adding the phrase “under § 3005.1” after the phrase “2001 CSO Mortality Table”.

Subsection 3005.4 is amended to read as follows:

3005.4 At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions set forth in this section, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this section, shall be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to this section.

New subsections 3005.5 and 3005.6 are added to read as follows:

3005.5 The following conditions shall apply to the use of the 2001 CSO Preferred Class Structure Mortality Table:

- (a) For each plan of insurance with separate rates for preferred and standard nonsmoker lives, an insurer may use the super preferred nonsmoker, preferred nonsmoker, and residual standard nonsmoker tables to substitute for the nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the residual standard nonsmoker table, the appointed actuary shall certify that:
 - (1) The present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class; and
 - (2) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.
- (b) For each plan of insurance with separate rates for preferred and standard smoker lives, an insurer may use the preferred smoker and residual standard smoker tables to substitute for the smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the preferred smoker table, the appointed actuary shall certify that:

- (1) The present value of death benefits over the next ten (10) years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basis table corresponding to the valuation table being used for that class; and
 - (2) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.
- (c) Unless exempted by the Commissioner, every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the Commissioner, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the Commissioner, statistical reports showing mortality and such other information as the Commissioner may deem necessary or expedient for the administration of the provisions of this subsection. The form of the reports shall be established by the Commissioner or the Commissioner may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the Commissioner.

3005.6 If any provision of these regulations or its application to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of the provision to other persons or circumstances shall not be affected.

Persons desiring to comment on these proposed rules should submit comments in writing to Mrs. Leslie E. Johnson, Hearing Officer, Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Copies of the proposed rules may be obtained from the Department at the address stated above.

METROPOLITAN POLICE DEPARTMENT**NOTICE OF PROPOSED RULEMAKING**

The Chief, Metropolitan Police Department, pursuant to section 205(l) of the Omnibus Police Reform Amendment Act of 2000 (Act), effective October 4, 2000 (D.C. Law 13-160, D.C. Official Code § 5-107.04(l)) and Mayor's Order 2000-83 (Order), dated May 30, 2000, hereby gives notice of her intent to adopt the following rules governing the appointment and training of sworn members of the Metropolitan Police Department and District of Columbia Housing Authority Police Department. The proposed rules establish application and appointment criteria; standards for the development and implementation of initial training, continuing education, and firearms (service pistol and special firearms) initial training and re-qualification training; and standards for the probationary period. The proposed rules are promulgated to codify the application and appointment criteria developed by the District of Columbia Police Officers Standards and Training Board pursuant to section 205 of the Act.

The Chief, Metropolitan Police Department also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

These proposed rules will add new chapters 13 through 19 and 99 to Title 6A, Police Personnel, District of Columbia Municipal Regulations (DCMR) as follows:

**CHAPTER 13 APPOINTMENT OF METROPOLITAN POLICE
DEPARTMENT ENTRY-LEVEL AND LATERAL
TRANSFER POLICE OFFICERS**

Secs.	
1300	Purpose
1301	General Provisions
1302	Application
1303	Entrance Examination
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1305	Medical and Psychological Evaluations
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1309	Appointment
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1300 PURPOSE

1300.1 This chapter establishes the standards for the appointment of Metropolitan Police Department entry-level and lateral transfer police officers,

including the appointment of Department police officer cadets as entry-level police officers.

1301 GENERAL PROVISIONS

- 1301.1 The appointment process shall consist of application, entrance examination, background investigation, medical evaluation, psychological evaluation, controlled substance screening, and other components as approved by the Chief of Police and the District of Columbia Police Officer Standards and Training Board.
- 1301.2 Pursuant to the American With Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*), the Department may not make medical inquiries of an applicant prior to extending a conditional offer of employment.
- 1301.3 All non-medical information shall be gathered prior to the conditional offer of employment unless doing so is prohibited by law or would be impractical and lead to excessive cost or delay.
- 1301.4 The Department shall not charge an applicant any fee for participating in any component of the appointment process.
- 1301.5 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, appointment standards that exceed these minimum requirements.
- 1301.6 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1302 APPLICATION

- 1302.1 Each police officer application shall be accepted by the Department in response to a written announcement that allows sufficient time for appropriate recruitment activities and allows an applicant not less than five (5) working days within which to submit an application.
- 1302.2 At the time of formal application, an applicant shall be informed, in writing, of all elements of the appointment process, the expected duration of the process, and the Department policy on reapplying for a police officer position.
- 1302.3 An applicant shall apply using the forms approved by the Chief of Police or designee.

- 1302.4 The Department shall not accept an application for appointment as an entry-level police officer from an individual unless, on the date of application, the applicant meets the following qualifications:
- (a) Is a citizen of the United States;
 - (b) Is at least twenty (20) years, six (6) months of age, except for a police officer cadet, who must be at least nineteen (19) years, six (6) months of age;
 - (c) Has successfully completed at least sixty (60) semester credit hours, or the equivalent, of education at an accredited post-secondary institution; or
 - (1) At least three (3) years of honorable full-duty active service with the armed forces of the United States, including the Reserves and National Guard; or
 - (2) At least five (5) years of full-duty service in good standing with a full service police department in a municipality or state within the United States; and
 - (d) Possesses a driver's license from the jurisdiction of legal residence which is not under suspension or revocation and can qualify for a District of Columbia driver's license.
- 1302.5 The Department shall not accept an application for appointment as a lateral transfer police officer unless, on the date of application, the applicant meets the qualifications in subsection 1302.4, and the individual has performed in one of the following capacities within twelve (12) months of his or her application to the Department:
- (a) Member of the United States Capitol Police;
 - (b) Member of the United States Park Police;
 - (c) Member of the Federal Protective Services;
 - (d) Member of the United States Secret Service Uniformed Division; or
 - (e) Employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States of America or any state of the United States of America, including the positions of county sheriff and municipal police officer.

- 1302.6 Each applicant shall sign a statement that the applicant knows, and acknowledges knowing, that if the applicant falsifies any part of the information required during the appointment process, that act, in and of itself, constitutes grounds for the termination of the employment of the individual, whether discovered prior or subsequent to service as a police officer.
- 1302.7 The Chief of Police or designee shall acknowledge receipt of each application, periodically inform the applicant of the status of the application, and document and log each applicant contact.
- 1302.8 An application shall not be rejected by the Department because of any minor omission or deficiency that can be corrected prior to the onset of the initial component of the appointment process, provided the applicant takes timely action to correct the omission or deficiency.
- 1302.9 The Department may cease processing an application at any time the Department has verifiable information or documentation that shows that the applicant should be disqualified pursuant to these regulations.

1303 ENTRANCE EXAMINATION

- 1303.1 Job-related entrance examination(s) shall be administered to determine if an applicant can read, write, communicate, analyze, problem solve, and/or demonstrate other aptitudes and competencies essential to performing the essential duties of a police officer.
- 1303.2 An entrance examination may be a group-administered or individually administered written, oral, or performance examination.
- 1303.3 Each entrance examination shall be administered, scored, evaluated, and interpreted in a uniform manner.
- 1303.4 The Chief of Police or designee may permit the rescheduling, or alternate scheduling, of an examination for an applicant who was unable to attend an examination because of the following:
- (a) United States Reserve or National Guard service;
 - (b) *Bona fide* religious belief;
 - (c) Illness or injury of sufficient seriousness as to require hospitalization;
 - (d) *Bona fide* error on the part of the Department; or

- (e) Other reason acceptable to the Chief of Police or designee.
- 1303.5 The Chief of Police or designee shall prescribe the absolute and relative weights to be assigned each entrance examination and whether the examination shall result in a numerical or categorical rating (such as "Pass" or "Fail").
- 1303.6 When a numerical rating is used, the rating shall be assigned using a scale with a maximum value of one hundred (100).
- 1303.7 An applicant must receive a final rating of at least seventy (70) on any examination for which a numerical rating is used, and a final rating of at least "Meets Expectations," or the equivalent (such as "Pass"), on any examination for which a categorical rating is used.
- 1303.8 The Chief of Police or designee shall inform each applicant, in writing, of the results of his or her performance on an examination within thirty (30) days of the date of the scoring of the examination.
- 1303.9 A written and an oral examination rating shall be valid for no more than three (3) years from the date of the examination. A performance examination rating shall be valid for no more than one (1) year from the date of the examination.
- 1303.10 An applicant may be re-administered a written or oral examination:
- (a) No sooner than (90) days after the initial examination, when there is only a single version of the examination; or
 - (b) No sooner than (30) days after the initial examination, when there is an alternate version of the examination and the alternate version is administered.
- 1303.11 An applicant who engages in one or more of the following types of conduct during the examination process shall have his or her examination results declared invalid and shall be ineligible to re-take any entrance examination for five (5) years from the date of the conduct that caused the invalidation:
- (a) Removes examination material from an examination room or site;
 - (b) Reproduces or reconstructs any portion of any examination;
 - (c) Aids another in the removal, reproduction, or reconstruction of any portion of an examination;

- (d) Sells, distributes, buys, receives, or has unauthorized possession of any portion of any past, current, or future examination;
- (e) Reveals an examination question or other information that compromises the integrity of an examination;
- (f) Communicates with any other applicant during an examination in violation of the administration instructions;
- (g) Copies answers from another applicant, or intentionally allows answers to be copied by another applicant, during an examination;
- (h) Uses, during an examination, prohibited aids such as, but not limited to, books, notes, written or printed material, and electronic and digital equipment;
- (i) Fails to comply with an examination administrator's instructions;
- (j) Disrupts an examination administration;
- (k) Falsifies or misrepresents the information required for admission to an examination;
- (l) Impersonates another applicant; or
- (m) Has an impersonator take an examination on the applicant's behalf.

1303.12 Based on the results of the examination(s) administered in response to a written announcement issued pursuant to subsection 1302.1, the Chief of Police shall establish a Register of Eligibles (Register) that identifies the applicants who have successfully completed the required examination(s), that shall remain in effect for one (1) year from the date established, unless otherwise extended or rescinded by the Chief of Police.

1303.13 When the examination process generates one (1) or more numerical ratings, the position of applicants on the Register shall be in order of the applicants' final combined numerical ratings, adding any applicable veterans and residency preference points as follows:

- (a) Five (5) points shall be added to the final numerical rating of an applicant who claims residency preference pursuant to the requirements of District Government Personnel Manual, Chapter 3, *Residency*;
- (b) Veteran's preference points shall be added to the final numerical rating of an applicant who claims veteran's preference pursuant to the

requirements of District Government Personnel Manual, Chapter 7A, *Veterans Preference*;

- (c) If after the addition of a residency preference and/or a veterans preference, there is a tie in a final numerical rating, a residency preference applicant shall have the designation "RP" placed next to his or her name on the Register and shall be listed ahead of the non-preference applicant with the same rating; and
- (d) In the case of residency preference applicants with identical numerical ratings, and non-preference applicants with identical numerical ratings, the names of the applicants with the identical ratings shall be placed on the Register in descending order beginning with the residency preference applicant whose Social Security Number has the highest last digit.

1303.14 When the examination process generates only categorical ratings, the names of the applicants shall be listed on the Register by alphabetical order by surname, first name, middle name. In the case of identical surnames, first names, and middle names, the applicants shall be listed in descending order beginning with the applicant whose Social Security Number has the highest last digit.

1303.15 Unless otherwise required by a Department affirmative action plan, or by law, or court order, the Chief of Police shall make applicants whose names are on the Register, in order of their relative standing on the Register, in writing, a conditional offer of employment stating the intent of the Department to appoint the applicant pending the successful completion by the applicant of all of the remaining components of the appointment process, including the medical and psychological evaluations.

1304 BACKGROUND INVESTIGATION

1304.1 A background investigation is required in order to determine if an applicant has engaged in conduct that constitutes a reasonable basis for concluding that the applicant will not faithfully discharge the essential duties of police officer.

1304.2 In conducting the background investigation of an applicant, the Department, at a minimum, shall:

- (a) Require the applicant to complete and submit, on a form prescribed by the Chief of Police or designee, a personal history statement;

- (b) Require the applicant to submit proof of citizenship, age, education, possession of a valid driver's license, and, when appropriate, military service discharge;
- (c) Fingerprint and photograph the applicant;
- (d) Conduct a search of national fingerprint files and local and state files in areas that the applicant has frequently visited and in which the applicant has resided and worked;
- (e) Examine the following personal history areas of the applicant:
 - (1) Criminal history in the jurisdictions that the applicant has visited frequently and in which the applicant has resided and worked;
 - (2) Military experience in service of the United States, jurisdictions therein, and any foreign government;
 - (3) Motor vehicle driving history in any United States municipality, county, state, and military installation in which the applicant has resided;
 - (4) Educational history;
 - (5) Employment history;
 - (6) Residential history;
 - (7) Financial history;
 - (8) Use of controlled substances; and
 - (9) Within practical limits, current home environment;
- (f) Interview, preferably in person, and within practical limits:
 - (1) The adult members of the applicant's immediate family;
 - (2) Three (3) personal references supplied by the applicant who have personal knowledge of the applicant, but who are not related to the applicant and who are not, or have not been, employment supervisors of the applicant;
 - (3) School officials for schools attended by the applicant within five (5) years of the date of application;

(4) Neighbors and landlords of the applicant within five (5) years of the date of application; and

(5) Former employers and co-workers of the applicant within five (5) years of the date of application.

- 1304.3 The Department shall use the services of investigators with prior experience and/or training in conducting the background investigations.
- 1304.4 A background investigation, or part thereof, may be performed by another law enforcement agency, or an approved private background investigation agency.
- 1304.5 In conducting the background investigation, the investigator shall attempt to verify any derogatory information obtained concerning an applicant.
- 1304.6 Based on the background investigation, an applicant shall be disqualified when it is determined that the applicant:
- (a) Was convicted of a felony for conduct that would have constituted a felony in the District of Columbia at the time the conduct occurred;
 - (b) Was convicted of a misdemeanor for conduct that would have constituted a misdemeanor in the District of Columbia at the time the conduct occurred when the misdemeanor involved:
 - (1) Violence, including, but not limited to, an intra-family offense; simple assault; violence toward the aged, a spouse, an incompetent person, or a child; or threats of violence;
 - (2) Lying or false representation, including, but not limited to, False Personation of a Police Officer and Making False or Fictitious Reports to the Police or Fire Department;
 - (3) Any sexual offense, including, but not limited to, indecent exposure; promoting, procuring, compelling, soliciting or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism (peeping tom); committing sex acts in public; incest; and sexual battery;
 - (4) Any offense involving a violation of the civil rights of any person under the Constitution or laws of the United States or of any United States municipality, county, state, or military installation;
 - (5) Any theft;

- (6) Any conduct that would constitute an offense pursuant to the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*), the Anti-Loitering Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1001 *et seq.*), the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), and the section 150 of the D.C. Appropriations Act of 2001, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 48-1121) or any later enacted legislation codified in Subtitle III, "Illegal Drugs", of Title 48 of the District of Columbia Official Code;
 - (7) Driving Under the Influence (DUI) of any controlled substance used illegally;
 - (8) Fleeing from the Scene of Accident With Injury;
 - (9) Prison Breach;
 - (10) Any offense involving the possession or use of a firearm; or
 - (11) Any bias-related crime as that phrase is defined in section 2 of the Bias-Related Crime Act of 1989; effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701);
- (c) Is currently on parole or probation for a criminal offense;
- (d) Was convicted of Driving While Intoxicated or Under the Influence from alcohol on a single occasion within three (3) years of the date of application, or was convicted of Driving While Intoxicated or Under the Influence from alcohol on two (2) or more occasions any time prior to the date of application;
- (e) Either admitted to or was adjudicated responsible for three (3) or more moving violations, within one (1) year of the date of application, within any United States municipality, county, state, or military installation, as the result of at least three (3) separate motor vehicle incidents;
- (f) Demonstrated an unacceptable driving record, within five (5) years of the date of application, in any United States municipality, county, state, or military installation, as evidenced by:
- (1) Two (2) or more negligent collisions in which the applicant was at fault;

- (2) Suspension or revocation of driving privileges for one (1) or more moving violations; or
- (3) Conviction of operating a motor vehicle after suspension or revocation of driving privileges;
- (g) Was dishonorably discharged from the military service;
- (h) Was discharged, was forced to resign, or voluntarily resigned, from a commissioned or sworn position with a law enforcement agency, due to any disciplinary action that the applicant consented to or which was imposed following the completion of any applicable hearing and appeal process;
- (i) Was discharged, was forced to resign, or voluntarily resigned, from an employment position with other than a law enforcement agency, two (2) or more times within (5) years of the date of application, due to any disciplinary action that the applicant consented to or which was imposed following the completion of any applicable hearing and appeal process;
- (j) Knowingly made any material false statement or falsified in a material manner, by false statement or omission, any document concerning any matter, including those related to the appointment process;
- (k) Failed to document that he or she meets the application requirements of these regulations;
- (l) Advocates the overthrow of the government of the United States, the District of Columbia, or both, by unconstitutional means; or
- (m) Used one (1) or more controlled substances at an automatically disqualifying level as defined by the confidential standard of the Department.

1304.7

Based on the background investigation, an applicant may be disqualified, following a review of the totality of the involved circumstances, when the applicant:

- (a) Has engaged in any conduct that would have constituted a felony or a misdemeanor in the District of Columbia at the time the conduct occurred, whether or not the conduct resulted in the filing of criminal charges or an arrest;
- (b) Has a pending criminal charge that has not received a final disposition;

- (c) Has established a driving record that includes any of the following:
- (1) Conviction of Driving While Intoxicated or Under the Influence from alcohol on a single occasion more than three (3) years prior to the date of application;
 - (2) Conviction of Driving While Impaired from alcohol at any time;
 - (3) Either admitted to or was adjudicated responsible for one (1) or more moving violations, within one (1) year of the date of application, within any United States municipality, county, state, or military installation at any time;
 - (4) Involvement within five (5) years of the date of application in a single negligent collision in which the applicant was at fault, or involvement more than five (5) years prior to the date of application in one (1) or more negligent collisions in which the applicant was at fault; or
 - (5) More than five (5) years prior to the date of application, had his or her driving privileges suspended or revoked due to one (1) or more moving violations, or was convicted of a traffic offense involving operating a motor vehicle following the suspension or revocation of his or her driving privileges.
- (d) Received a less than honorable discharge from any branch of the United States Armed Forces or an honorable discharge with an unfavorable re-entry code;
- (e) Established an employment record that contains any of the following:
- (1) Termination, forced resignation, or voluntary resignation, from any position for lack of proficiency in a job-related training or education program;
 - (2) Voluntary or forced resignation from any position, prior to or during an administrative or criminal investigation, in order to avoid potential or proposed disciplinary action;

- (3) One (1) or more disciplinary actions, that the applicant consented to or which was imposed following the completion of any applicable hearing and appeal process, not resulting in employment termination or resignation, within three (3) years of the date of application, including, but not limited to, failure to obey orders, insubordination, using unnecessary and wanton force in arresting or imprisoning any person, drinking or being under the influence of an alcoholic beverage while on duty, improper use of confidential information, illegally accepting money or other valuable consideration; or any conduct that would constitute grounds for dismissal under District Government Personnel Regulations, Chapter 16, *General Discipline and Grievances*;
- (4) Three (3) or more disciplinary actions, that the applicant consented to or which were imposed following the completion of any applicable hearing and appeal process; within five (5) years of the date of application;
- (5) Three (3) or more unexcused absences, or eight (8) or more incidents of tardiness, during the applicant's most recent twelve (12) months of employment; or
- (6) Poor job performance as documented by a job performance evaluation of less than "Meets Expectations" or the equivalent on three (3) or more of the applicant's five (5) most recent job performance evaluations;
- (f) Received an unfavorable recommendation from one (1) or more past employers;
- (g) Established a pattern of debt that demonstrates a lack of honesty and integrity including, but not limited to, failing to make alimony or support payments, failing to pay a court-ordered fine, and/or having debts in collection;
- (h) Failed, during the appointment process, without prior notification and approval, to meet mandated deadlines, including those for submitting additional and updated information or documents, or to keep scheduled appointments with Department staff and others connected with the appointment process; or

- (i) Used one (1) or more controlled substances at a potentially disqualifying level as defined by the confidential standard of the Department.

1304.8 The review of the totality of the involved circumstances required by subsection 1304.7 shall include, but not be limited to, the following factors:

- (a) Age at the time of the conduct;
- (b) Frequency and duration of the conduct;
- (c) Whether a controlled substance was involved and, if so, the nature of the substance;
- (d) Harm caused the applicant and/or others by the conduct;
- (e) Method by which the conduct came to the attention of the background investigation staff; and
- (f) Mitigating factors such as the motivation or reason for the conduct, reason the conduct ceased, social or environmental conditions, absence or presence of rehabilitation or efforts toward rehabilitation, and, for controlled substances, how the substance was obtained.

1304.9 The Chief of Police may deny an applicant further consideration for appointment based upon conduct occurring while the applicant was a minor when, following a review of the totality of the involved circumstances, the Chief of Police determines that the applicant's conduct as a minor would not have met the standards established by this section.

1304.10 The results of the background investigation shall be summarized, in writing, by the Department employee primarily responsible for the investigation.

1305 MEDICAL AND PSYCHOLOGICAL EVALUATIONS

1305.1 A medical evaluation and a psychological evaluation are required in order to determine the medical and psychological fitness of an applicant for carrying out the essential duties of a police officer.

1305.2 The following categories are established for classifying medical and psychological circumstances in order to determine eligibility for appointment:

- (a) Category 1: No medical, physical, or psychological condition exists that would limit the applicant's ability to effectively perform the essential duties of a police officer or would create a reasonable probability of substantial harm to the applicant or others; and
- (b) Category 2: A medical, physical and/or psychological condition exists that could limit the applicant's ability to effectively perform the essential duties of a police officer on a continuing basis or that may create a reasonable probability of substantial harm to the applicant or others.

- 1305.3 The criteria used to assign an applicant to Category 1 or Category 2 shall include, but not be limited to, height and weight guidelines, physiological fitness and health standards, and psychological fitness and health standards.
- 1305.4 The applicant shall complete a statement of his or her medical and psychological history, that is reviewed in the medical and psychological evaluations, and that covers past and present diseases, injuries, operations, medications taken, alcohol and drug use and abuse, immunization status, hospitalizations, and prolonged loss of employment time due to medical and/or psychological conditions.
- 1305.5 The applicant shall be examined by health care practitioner(s) licensed to practice in the District of Columbia, as approved by the D.C. Police and Fire Liaison Clinic Medical Director, who shall determine if any Category 2 medical condition exists and describe how the condition affects the applicant's ability to perform one (1) or more duties of a police officer.
- 1305.6 The applicant shall be examined by an individual licensed to practice psychiatry or psychology in the District of Columbia, as approved by the D.C. Police and Fire Liaison Clinic Medical Director, who shall determine if any Category 2 psychological condition exists and describe how the condition affects the applicant's ability to perform one (1) or more duties of a police officer.
- 1305.7 The health care practitioners, psychiatrists, and psychologists who conduct the medical and psychological evaluations shall be familiar with the duties of a police officer.
- 1305.8 A minimum of two (2) psychological tests shall be administered to the applicant, one (1) that identifies patterns of abnormal behavior, and one (1) that assesses job-related dimensions of normal behavior.

- 1305.9 A clinical face-to-face interview with the applicant shall be conducted as part of the psychological evaluation.
- 1305.10 The expenses of the medical and psychological evaluations, and any review of the findings by an external medical or psychological consultant that is requested by the Department, shall be the responsibility of the Department.
- 1305.11 The D.C. Police and Fire Liaison Clinic Medical Director shall determine whether an applicant is placed in Category 1 or Category 2 based on the results of the medical and psychological evaluations.
- 1305.12 The D.C. Police and Fire Liaison Clinic Medical Director shall summarize in writing the results of medical and psychological evaluations and make a recommendation to the Human Resources Management Director as to whether the applicant is suitable for police officer.
- 1305.13 For a Category 2 determination, the D.C. Police and Fire Liaison Clinic Medical Director shall recommend to the Human Resources Management Director whether the applicant, with reasonable accommodation, can function as a police officer without creating a reasonable probability of substantial harm to the applicant or others.

1306 CONTROLLED SUBSTANCE SCREENING

- 1306.1 A controlled substance screening is required in order to determine if an applicant is in violation of the illegal drug provisions listed in section 1304.6(b)(6) of this chapter.
- 1306.2 The controlled substance screening shall test for the presence of phencyclidine (PCP), cocaine, amphetamines, benzodiazepines, barbiturates, cannabinoids (marijuana), opiates, and any other substance required by the Chief of Police.
- 1306.3 The D.C. Police and Fire Clinic Medical Director or designee shall ensure that chain-of-custody procedures are maintained to control and account for controlled substance screening samples from receipt through analysis of the samples, and, when necessary, confirmation through re-analysis of the samples.
- 1306.4 The laboratory conducting the controlled substance screening tests shall be certified for federal workplace drug testing programs and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples and the interpretation of test results.

1306.5 An initial positive finding for the presence of a controlled substance shall be confirmed and verified by a second analytical procedure that uses a different technique and chemical principle from that of the initial testing such as, but not limited to, gas chromatography/mass spectrometry (GC/MS).

1306.6 An applicant who tests positive for the presence of a controlled substance shall be disqualified unless the positive screening test was determined to be the result of legitimate ingestion or exposure and the proper medical documentation has been obtained.

1306.7 An applicant who refuses to submit to any controlled substance screening test shall be disqualified.

1307 TRUTH VERIFICATION PROCEDURE

1307.1 A truth verification procedure, such as polygraphy or voice stress analysis, may be required in order to determine if an applicant has engaged in conduct that constitutes a reasonable basis for concluding that the applicant will not faithfully discharge the essential duties of a police officer.

1307.2 The truth verification procedure shall cover, but not be limited to, questions concerning information provided by an applicant and/or others regarding the qualifications of the applicant for police officer.

1307.3 Prior to the administration of a truth verification procedure, an applicant shall be provided with a list of areas from which the questions will be drawn.

1307.4 The truth verification procedure shall be conducted by examiner(s) who are certified by a nationally recognized truth verification institution or organization.

1307.5 An applicant who refuses to participate in a truth verification procedure shall be disqualified.

1307.6 An applicant may not be denied appointment solely on the results of a truth verification procedure.

1308 APPOINTMENT DECISION

1308.1 If the background investigation, medical evaluation, psychological evaluation, or truth verification procedure will have been completed more than one hundred eighty (180) days prior to the anticipated date of reporting as a police officer, or the controlled substance screening

procedure will have been completed more than sixty (60) days prior to the anticipated date of reporting as a police officer, the Human Resources Management Director or designee shall require that the evaluation and/or screening be updated. The updated results and reports shall be considered in making the appointment decision. The applicant shall provide any updated information or updated controlled substance screening test as may be required by this subsection.

1308.2 The Human Resources Management Director shall review the performance of the applicant in all components of the appointment process in determining whether to disqualify or recommend an applicant for an appointment.

1308.3 When the Human Resources Management Director determines that an applicant shall be disqualified for appointment, the Human Services Director or designee, within thirty (30) days of the decision, shall inform the applicant of the reason(s) for the disqualification and, when disqualified based on the background investigation and/or medical or psychological evaluation, the procedures the applicant shall follow if he or she wishes to appeal the disqualification.

1308.4 The Human Resources Management Director or designee shall attest in writing that an applicant recommended for an appointment as a police officer has successfully completed all components of the appointment process and is suitable for the appointment.

1309 APPOINTMENT

1309.1 An entry-level police officer or a police cadet applicant may be appointed as a police officer if, on the date of appointment, the applicant:

- (a) Meets the requirements of subsections 1302.4(a) and 1302.4(b) through 1302.4(d);
- (b) Is at least twenty-one (21) years of age, except that an applicant who has successfully completed the Department's police officer cadet program shall be at least twenty (20) years of age;
- (c) Has successfully completed all components of the appointment process, including any required updated background investigation, medical evaluation, psychological evaluation, truth verification procedure, and/or controlled substance screening;
- (d) Is recommended by the Human Resources Management Director; and
- (e) Is approved by the Chief of Police.

1309.2 A lateral transfer police officer applicant may be appointed as a police officer if the applicant meets the requirements established by subsections 1302.5 and 1309.1.

1309.3 A police officer cadet who is approved for appointment by the Chief of Police for an entry-level police officer position shall be given preference over all other approved police office applicants for appointment to the next available police officer position.

1310 APPEALS

1310.1 The Chief of Police shall grant a review to an applicant who wishes to appeal his or her disqualification for appointment as a result of the background investigation, medical evaluation, truth verification procedure, or psychological evaluation, who, within fifteen (15) days of receipt of the notice of disqualification, submits to the Chief of Police a signed written request for a review based on any of the following causes:

- (a) Error in the admission or rejection of evidence and information;
- (b) Availability of newly discovered material evidence that could not have been discovered and/or produced with reasonable diligence prior to the appeal;
- (c) The decision was not justified by the evidence or information; or
- (d) The decision was made contrary to law and/or regulation.

1310.2 The applicant shall state in the request the basis for the request and attach to the request any available supporting information or documentation.

1310.3 The Chief of Police or designee shall, upon a written request of an appealing applicant, make available to the applicant the medical, psychological, truth verification, and/or background investigation information upon which the disqualification is based consistent with District Government Personnel Manual, Chapter 4, *Organization for Personnel Management*, and Chapter 31, *Records Management and Privacy of Records*.

1310.4 The Chief of Police shall appoint an appeals officer to process each appeal, who shall determine if the review shall consist solely of a review of the written record, or of a review of the written record and a hearing at which oral testimony can be required and presented; schedule and staff any hearing; regulate and control the course of any hearing; administer oaths and/or affirmations; receive information and evidence; take official

notice of facts of common knowledge; dispose of procedural requests; hold informal conferences; interview and examine parties and witnesses; consider and evaluate facts and evidence; prepare a summary report with recommendations, and take any other actions necessary to process each appeal in a fair and timely manner.

1310.5 Oral testimony shall be required and given upon the written authority of the appeals officer only when it is impractical or impossible to otherwise obtain the evidence.

1310.6 The Human Resources Management Director or designee shall provide all involved parties, including the applicant, written notice of each scheduled oral hearing, by personal service or U.S. mail, postage and delivery confirmation prepaid, addressed to the party's residence or place of business, as listed on the applicant's request for appeal, not less than twenty (20) days prior to the hearing and not more than thirty (30) days after the receipt of the appeal. The notice shall contain:

- (a) Time, date, and place of the hearing;
- (b) Authority under which the hearing is compelled;
- (c) Brief description of the scope of the required testimony;
- (d) Procedural rules relative to the conduct of the hearing;
- (e) Appellant's right to be represented by counsel;
- (f) Appellant's right to present documents or other information at the hearing;
- (g) Appellant's right to testify, to present witnesses, and to cross-examine adverse witnesses;
- (h) Necessity for the appellant or others to produce documents at the hearing; and
- (i) Consequence(s) of failing to appear for the hearing.

1310.7 In the case of an appeal based on the medical and/or psychological evaluation, the appeals officer may consult with medical or psychological authorities, persons experienced in rehabilitation, and/or any other person who could provide relevant information regarding the appeal.

1310.8 When the Department issues a request for information or the personal appearance of a witness at an oral hearing at the request of the appellant,

all fees and transportation and other hearing-related expenses caused by the request shall be paid by the appellant.

- 1310.9 The Department shall ensure that each hearing is recorded and the recording made available to all parties for copying.
- 1310.10 At the onset of a hearing, each party shall announce the presence of legal counsel for the record and the appeals officer shall advise each party without legal counsel that the party is entitled to counsel at his or her own expense.
- 1310.11 Testimony received at a hearing shall be under oath or affirmation.
- 1310.12 The appellant or his/her representative shall be permitted to cross-examine witnesses and present evidence and witnesses on his or her behalf.
- 1310.13 All relevant, material evidence shall be admissible.
- 1310.14 If, after proper notification and without cause, an appellant fails to appear for a hearing, the appeals officer may make a decision based upon the written record.
- 1310.15 The appeals officer shall determine when to adjourn and when to continue an oral hearing.
- 1310.16 In both the review of the record and the hearing, the burden of proof rests with the appellant.
- 1310.17 The appeals officer shall submit to the Chief of Police, in writing, within fifteen (15) days of the close of the record, proposed findings of fact and conclusions of law and a recommendation for the disposition of the appeal.
- 1310.18 The Chief of Police shall notify the appellant, in writing, within sixty (60) days of the close of the record, of his or her decision, as follows:
- (a) The notice shall include findings of fact and conclusions of law; and
 - (b) The notice shall be served upon the appellant by personal delivery or U.S. mail, postage and delivery confirmation prepaid, addressed to the party's residence or place of business, as listed on the applicant's request for appeal.
- 1310.19 The decision of the Chief of Police concerning an appeal shall be final.

1311 RECORDS AND FILES

- 1311.1 The Human Resources Management Director or designee shall establish a file for each applicant that shall contain all correspondence, documents, reports, records, and other information related to the appointment decision.
- 1311.2 The files established pursuant to this section shall be considered confidential and shall be maintained and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data, including District Government Personnel Manual, Chapter 8, *Career Service*, and Chapter 31, *Records Management and Privacy of Records*.
- 1311.3 The Human Resources Management Director or designee shall ensure that all appointment files and materials are stored in a secure area when not being used and are disposed of in a manner that prevents improper disclosure of the information within.
- 1311.4 The records and files for an applicant who is not appointed to the Department shall be retained for three (3) years from the date of the disqualification, and then destroyed.
- 1311.5 The records and files for an applicant who is appointed to the Department shall be made a permanent part of the member's official personnel file, but shall be maintained in a location separate from the member's official personnel folder.

1312 EVALUATIONS

- 1312.1 The Human Resources Management Director on an annual basis, shall establish measurable entry-level and lateral transfer police officer appointment goals and objectives.
- 1312.2 The Human Resources Management Director shall assess the achievement of the goals and objectives and effect in a timely manner any necessary programmatic and other types of change(s).
- 1312.3 The Human Resources Management Director or designee, on an annual basis, shall conduct a review of the effectiveness of the appointment process in identifying qualified police officers and, as appropriate, effect, or recommend to the Board any necessary change(s).
- 1312.4 The annual program review shall include, but not be limited to, feedback from applicants and staff.

1312.5 The Human Resources Management Director or designee shall regularly review professional research on the appointment of police officers in order to make recommendations to affirm and/or improve the appointment process.

1313 REPORTS

1313.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, a report, which does not include entry-level and lateral transfer applicants to be covered by a separate report, that contains:

- (a) Number of applications received;
- (b) Number of applicants appointed;
- (c) Number of applicants disqualified in each component of the appointment process;
- (d) Number of applicants who declined conditional and final offers of employment;
- (e) Number of disqualification decision appeals and their disposition(s);
- (f) Performance of the demographic groups represented in the appointment process in each component;
- (g) Results of any validation or other research conducted regarding the appointment process;
- (h) Copies of any amended written procedures governing the appointment process;
- (i) Results of any administrative or judicial review or litigation of the appointment process;
- (j) Results of the annual review;
- (k) Plan for the recruiting efforts for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (l) Statement attesting that the requirements of these regulations have been met by each appointment process component and appointee.

1313.2 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1313.3 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1314 INSPECTIONS

1314.1 The Board shall inspect the appointment records and files as often as deemed necessary to determine compliance with these regulations.

1314.2 An inspection shall include, but not be limited to, a review of any documents, records, and files required to be maintained by these regulations, on-site observation(s), and interview(s) with appointment staff and applicants.

1314.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1314.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

1314.5 The Chief of Police or designee, within sixty (60) days of receipt of an inspection report that requires remedial action, shall submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 14 INITIAL TRAINING OF METROPOLITAN POLICE DEPARTMENT ENTRY-LEVEL AND LATERAL TRANSFER POLICE OFFICERS

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1400 PURPOSE

1400.1 This chapter establishes the standards for the initial training of Metropolitan Police Department (Department) entry-level and lateral transfer police officers.

1401 GENERAL PROVISIONS

1401.1 Each Department entry-level and lateral transfer police officer (police officer), prior to being administered the law enforcement officer oath of allegiance and carrying out duties that include the exercise of police powers, including using a firearm and making an arrest, shall successfully complete the initial training required by this chapter.

1401.2 The initial training shall provide the police officer with the knowledge and skills that are essential to effectively perform the essential duties of a police officer as identified by job, needs, and risk management analyses.

1401.3 Academic credit for education at a post-secondary institution shall not be accepted in lieu of the initial training required by this chapter.

1401.4 Community and interdisciplinary resources, as practicable, shall be used to enhance the development and delivery of initial training.

1401.5 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, initial training standards that exceed these minimum requirements.

1401.6 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1402 FACILITY REQUIREMENTS

1402.1 The Department shall establish and maintain an initial training facility that complies with applicable federal and District occupational safety, occupational health, and fire safety laws, rules, and regulations.

1402.2 The training facility, when practical and consistent with applicable occupational safety, occupational health, and fire safety requirements, shall meet the following minimum requirements:

- (a) Contain training spaces that are consistent with the curriculum being taught;

- (b) Contain classrooms that are designed to further the purpose of the training by:
 - (1) Containing sufficient adult-sized desks, tables, and chairs that provide an adequate writing surface and space for training materials;
 - (2) Providing adequate lighting intensity;
 - (3) Possessing adequate ventilation and temperature control;
 - (4) Possessing adequate acoustic qualities; and
 - (5) Being equipped with training material display surfaces (such as chalkboards, easels, and screens) sufficient in size and positioned to permit adequate viewing by all training participants;
- (c) Provide the training staff the resources, tools, and equipment, including information technology equipment, necessary to the delivery of effective training;
- (d) Provide the training participants the instructional and study materials and information technology support necessary to the effective receipt of training;
- (e) Contain library and reference resources that support the curriculum;
- (f) Contain adequate separate restroom, locker, and shower facilities for males and females;
- (g) Provide drinking water pursuant to federal and District requirements;
- (h) Contain at least one all-weather accessible firearms firing range that provides for the safe execution of firearms training and meets the following specifications:
 - (1) Sufficient handgun firing points that possess a minimum of four-(4) foot centers and at least a twenty-five (25) yard depth at each point;
 - (2) A special firearms course;
 - (3) A public address system of sufficient volume to be audible to persons wearing ear plugs or other hearing protection while firearms are being discharged;

- (4) Access restricted to persons authorized to be present during practical firearms training;
 - (5) Warning signs posted at all access points that clearly identify the area as a firing range;
 - (6) Serviceable and safe firearms training equipment; and
 - (7) Adequate functional emergency first aid equipment;
- (i) Contain at least one area suitable for the safe execution of emergency vehicle operations training that meets the following specifications:
- (1) Closed to all non-training pedestrian and vehicular traffic while training is being conducted;
 - (2) Warning signs posted at all vehicular access points that clearly identify the area as a driving training area;
 - (3) Access restricted to persons authorized to be present during practical emergency vehicle operations training;
 - (4) Serviceable and safe vehicles and other vehicle operations training equipment; and
 - (5) Adequate functional emergency first aid equipment;
- (j) Contain at least one area suitable for the safe execution of defensive tactics training that meets the following specifications:
- (1) Permanent or portable cushioned floor mats;
 - (2) Serviceable and safe defensive tactics training equipment; and
 - (3) Adequate functional emergency first aid equipment;
- (k) Contain at least one area suitable for the safe execution of physical conditioning training that meets the following specifications:
- (1) Appropriate safe space for running laps, weight training, calisthenics, and aerobics;
 - (2) Measured running and/or obstacle course;
 - (3) Serviceable and safe physical conditioning equipment; and

(4) Adequate functional emergency first-aid equipment;

(l) Contain adequate administrative office space for instructors, administrators, and other staff, and for maintaining and securing training records, documents, and data; and

(m) Contain adequate parking, or access by public transportation, for the staff, training participants, and visitors.

1402.3 In the event that the Department does not own a training facility that meets any, or all, of the requirements described in subsection 1402.2, the Department's Training Director, with the approval of the Chief of Police, may enter into one or more written agreements with outside entities that shall meet the following requirements:

(a) The agreement shall be in writing;

(b) The agreement shall specify the relationship between the Department and the outside entity, including respective responsibilities and liabilities; and

(c) The agreement shall be made pursuant to District contracting and procurement laws, rules, and regulations and to the applicable requirements of these regulations.

1402.4 For each initial training facility, the Training Director shall develop and implement a written policy concerning occupational safety, occupational health, and fire safety that includes, but is not limited to, the following:

(a) Procedures to be followed to identify and report illnesses, injuries, and/or medical restrictions that may affect the ability to safely participate in a training activity;

(b) Process for documenting, in writing, the details of any personal illness or injury that occurs during a training activity;

(c) Procedures for the training staff to follow when adverse weather conditions are present;

(d) Prohibition against unduly harsh training activities that are designed to humiliate or inappropriately accentuate personal shortcomings;

(e) Prohibition against depriving training participants of adequate food, water, and protective equipment when engaged in physical and other training activities;

- (f) Requirement that the privacy rights of the training participants be respected during the training consistent with federal and District laws, rules, and regulations;
- (g) Requirement that all training participants and training staff be provided a copy of the occupational safety and health/fire safety policy and procedures and acknowledge receipt by witnessed signature and date;
- (h) Requirement that specialized training instructors review the safety policies and procedures related to the training with training participants prior to their engaging in training; and
- (i) Requirement that, on an annual basis, injuries and illnesses resulting from participating in the training be analyzed in order to determine if any training procedures should be modified and, if so, that the appropriate corrective action(s) be implemented.

1403 ADMINISTRATIVE REQUIREMENTS

- 1403.1 Each police officer shall attend all training classes and activities unless excused by the Training Director or designee.
- 1403.2 A police officer who is absent for any reason, and for any duration, shall be responsible for the training missed and shall be required to make up the training according to procedures approved by the Training Director. The make-up procedures shall be documented in writing.
- 1403.3 When a health condition, medical condition, or injury prohibits a police officer from participating in a training activity, the officer shall submit to the Training Director a signed release from the D.C. Police and Fire Clinic Medical Director before the officer is allowed to resume participation in the activity.
- 1403.4 A police officer who accumulates absences exceeding forty (40) hours during the training may be subject to having his or her employment with the Department terminated pursuant to District laws, rules, regulations, and procedures.
- 1403.5 The Chief of Police may grant a police officer an extension of the time limit for completing the training for a time period that is reasonable, taking into account each individual circumstance, and after a showing that all other alternatives to an extension have been considered. The probationary period of the officer shall be extended for an equivalent time period.

- 1403.6 When an extension of the time limit for completing the training shall result in a delay of more than six (6) months, the police officer shall repeat all of the initial training.
- 1403.7 A police officer who fails to successfully complete initial training within eighteen (18) months of appointment to the Department shall be subject to having his or her employment with the Department terminated pursuant to District laws, rules, regulations, and procedures.
- 1403.8 The Chief of Police may suspend training to use police officers in an emergency or unusual situation, but only in activities commensurate with their safety and training, and so long as all involved police officers are under the direct supervision of a Department supervisor. The initial training shall be extended for an equivalent time period subject to the requirement in 1502.6.
- 1403.9 Only provisional instructors, instructors, master instructors, adjunct instructors, guest speakers, and guest participants, who meet the requirements of Chapter 18 of these regulations, shall provide instruction and/or formally participate in training delivery.
- 1403.10 The number of training instructors shall be in proportion to the number of police officers being trained as approved by the Chief of Police.
- 1403.11 Training class size shall be based on professionally acceptable adult education and training standards, including, but not limited to, a consideration of the method of instructional delivery, performance requirements, and safety of the police officers and staff.
- 1403.12 In the event that the Department elects to use the services of another law enforcement agency or other organization to deliver any or all of the training, the Training Director, with the approval of the Chief of Police, may enter into one or more written agreements with an outside entity that shall meet the following requirements:
- (a) The agreement shall be in writing;
 - (b) The agreement shall specify the relationship between the Department and the outside entity, including respective responsibilities and liabilities; and
 - (c) The agreement shall be made pursuant to District contracting and procurement laws, rules, and regulations and to the applicable requirements of these regulations.

1404 EXAMINATION REQUIREMENTS

- 1404.1 Each police officer shall be administered valid and reliable written, oral, and/or performance examinations, including one or more comprehensive examinations, at designated intervals, that determine the achievement of any applicable performance objectives.
- 1404.2 A police officer may not be administered a comprehensive examination until he or she has completed all of the related training.
- 1404.3 A police officer must successfully complete all required examinations in order to be issued proof of completion of initial training.
- 1404.4 For a performance objective that requires the mastery of one or more knowledge areas, the police officer shall be administered one or more written, oral, or performance examinations, or a combination thereof. A written and an oral examination, shall, as practicable, examine the ability to apply the knowledge.
- 1404.5 For a performance objective that requires the mastery of one or more skills, the police officer shall be administered one or more performance examinations that shall, to the extent possible, duplicate essential police officer duties.
- 1404.6 Successful completion of a written examination shall be defined as a score of seventy percent (70%) and higher, except that:
- (a) Eighty percent (80%) and higher, or as otherwise defined by the U.S. Department of Transportation, shall be defined as the standard of successful completion for the "First Responder for Law Enforcement" written examination; and
 - (b) Eighty-four percent (84%) and higher, or as otherwise defined by the American Heart Association, shall be defined as the standard of successful completion for the "Cardiopulmonary Resuscitation (CPR)" written examination.
- 1404.7 Successful completion of an oral and a performance examination shall be defined as a rating of at least "Pass," "Meets Expectations," or an equivalent criterion of acceptable performance.
- 1404.8 The results of each examination shall be reviewed with each police officer for the purpose of correction and/or re-direction.
- 1404.9 A police officer who fails an examination shall be required to complete remedial training based on a documented plan that specifies, but is not

limited to, the difficulty encountered by the officer, remedial activities, time required, and expected behavioral outcome(s).

- 1404.10 When a police officer is re-administered a written or oral examination, the examination shall be different from the original examination but contain equivalent items.
- 1404.11 A police officer may appeal his or her failure of an examination to the Training Director for the following reasons:
- (a) There was a technical difficulty in the administration of the examination;
 - (b) A condition of the officer adversely impacted his or her ability to successfully complete the examination; or
 - (c) The examination was invalid.
- 1404.12 The Training Director shall determine the appropriate response to an examination appeal including, but not limited to, denying the appeal, changing the correct answer to an examination item, accepting an additional answer to an examination item as correct, and directing that a police officer be re-administered an examination, subject to the requirement in subsection 1404.10.
- 1404.13 When a police officer fails a cumulative total of three (3) written and oral examinations and re-examinations, or fails a performance examination for the third time, the Training Director shall recommend to the Chief of Police that the officer's employment be terminated.

1405 CURRICULUM REQUIREMENTS

- 1405.1 The Department, based on a job analysis that identifies the most frequent tasks of a police officer and on needs and risk management analyses, shall establish an initial training curriculum, with the input of a Department training committee and the Department's risk manager, and the approval of the Chief of Police.
- 1405.2 The entry-level police officer initial training shall include a sufficient number of hours of instruction to prepare an entry-level police officer to meet the performance objectives of the approved curriculum, but shall be no less than eight hundred eighty-eight (888) hours in duration.
- 1405.3 The lateral transfer police officer initial training shall include a sufficient number of hours of instruction to prepare a lateral transfer police officer to meet the performance objectives of the approved lateral transfer police

officer training curriculum, but shall be no less than five hundred forty-five (545) hours in duration.

- 1405.4 Each lesson plan prepared to implement the training curriculum shall include, but not be limited to, the following information:
- (a) Course and lesson titles;
 - (b) Author(s);
 - (c) Dates prepared, approved, and amended;
 - (d) Hours required for instruction and testing;
 - (e) Training parameters (such as the audience);
 - (f) Instructional techniques;
 - (g) Instructional handouts, aids, equipment, and supplies;
 - (h) Performance objectives;
 - (i) Related reference materials (such as a Department written directive);
 - (j) Related essential job tasks;
 - (k) Examination plan;
 - (l) Training content; and
 - (m) Qualifications required to provide the instruction.
- 1405.5 The instructional hours for each lesson plan shall be proportionate to the complexity of the knowledge and skill(s) to be acquired as defined by the performance objective(s).
- 1405.6 A performance objective shall describe, but not be limited to, the expected training participant behavioral outcome(s), the conditions under which the behavior is to occur, and the criterion of acceptable performance.
- 1405.7 Practical exercises, scenarios, contextual training, simulations, and computer-based training shall be included in a lesson plan whenever appropriate to the performance objectives and as practicable.
- 1405.8 The training resource materials shall be current, accurate, and support the achievement of the performance objectives.

- 1405.9 Professionally acceptable adult education and training techniques shall be incorporated into the design and delivery of the curriculum.
- 1405.10 The curriculum shall be presented systematically, consistent with professional adult education and training delivery guidelines.
- 1405.11 In any training on a specialized skill, a police officer shall complete the knowledge-based training prior to completing the performance-based training.
- 1405.12 Each training instructor shall:
- (a) Possess a copy of every lesson plan for which he or she is responsible;
 - (b) Adhere to the lesson plan, except when authorized, in writing, in advance, by the Training Director;
 - (c) Ensure that the instructional materials, aids, handouts, supplies, and equipment required to deliver a lesson plan are available;
 - (d) Ensure that the police officers are provided copies of all related handouts and supplies; and
 - (e) Inform the police officers at the beginning of the instructional period of the performance objective(s) related to each block of instruction.

1406 CONTENT REQUIREMENTS

- 1406.1 The Department's community policing concepts of neighborhood partnerships, systemic prevention, and focused law enforcement, shall provide the foundation for, and be reflected in, all components of the training.
- 1406.2 Each police officer shall be given an initial training orientation handbook and shall acknowledge receipt of the handbook by a witnessed signature and date.
- 1406.3 The orientation handbook shall cover, but not be limited to, the following topics:
- (a) Organization of the training function;
 - (b) Tour of duty;
 - (c) Daily training schedule;

- (d) Class schedule;
- (e) Class content;
- (f) Attendance requirements;
- (g) Tardiness policy and procedures;
- (h) Uniform and equipment requirements;
- (i) Equal employment opportunity and sexual harassment policies and procedures;
- (j) Training code of conduct;
- (k) Classroom demeanor and discussion;
- (l) Examination requirements;
- (m) Procedures for appealing examination items and results;
- (n) Counseling and remedial training resources;
- (o) Disciplinary process and procedures, including the penalties for violations; and
- (p) Graduation requirements.

1406.4

The initial training curriculum shall cover, but not be limited to, the following subject matter areas:

- (a) Fundamentals of District of Columbia policing:
 - (1) Department history, mission, and organization;
 - (2) Organization of the City Government;
 - (3) District geography;
 - (4) Federal and District government, business, educational, and other community resources;
 - (5) Department's community policing strategy and initiatives;
 - (6) Department's code of conduct;

- (7) Law enforcement ethics;
 - (8) Equal employment opportunity principles, programs, and complaint procedures;
 - (9) Commission on Accreditation of Law Enforcement Agencies (CALEA) accreditation process;
 - (10) Civil liability and legal counsel for members;
 - (11) Media relations;
 - (12) Time, attendance, tardiness, revocation and suspension of police powers, and other essential administrative requirements; and
 - (13) Employee benefits and services;
- (b) District of Columbia Code crimes against persons:
- (1) Terminology;
 - (2) Classifications of crimes;
 - (3) Assault, mayhem, and threats;
 - (4) Cruelty to children;
 - (5) Disturbances of the public peace;
 - (6) Kidnapping;
 - (7) Murder and manslaughter;
 - (8) Panhandling;
 - (9) Robbery;
 - (10) Sexual abuse;
 - (11) Crimes committed against senior citizens; and
 - (12) Bias-related crime;
- (c) District of Columbia Code crimes against property:

- (1) Terminology;
 - (2) Arson;
 - (3) Burglary;
 - (4) Controlled substances;
 - (5) Drug free zones;
 - (6) Drug paraphernalia;
 - (7) Trespass and injuries to property;
 - (8) Forgery and fraud;
 - (9) Theft and stolen property; and
 - (10) Weapons and possession of weapons.
- (d) Criminal procedures:
- (1) United States Constitution;
 - (2) Probable cause;
 - (3) Laws of arrest, search, and seizure;
 - (4) *Miranda* warnings;
 - (5) Police-citizen encounters;
 - (6) Fresh and hot pursuits;
 - (7) Fugitives;
 - (8) Eyewitness identification;
 - (9) Citation release; and
 - (10) Detention journal;
- (e) Rules of evidence, affidavits, and testimony:
- (1) Rules of evidence;

- (2) Affidavits and warrants;
 - (3) Summonses and subpoenas;
 - (4) Processing criminal cases in court;
 - (5) Presenting testimony; and
 - (6) Mock trial (moot court);
- (f) Investigative patrol techniques:
- (1) Preliminary investigations;
 - (2) Crime scene management;
 - (3) Interviews and interrogations;
 - (4) Missing persons; and
 - (5) Animal bites;
- (g) Vehicular and traffic laws and regulations:
- (1) Definitions;
 - (2) Driver's licenses;
 - (3) Titles, registrations, and registration tags;
 - (4) Vehicle identification numbers;
 - (5) Inspection stickers;
 - (6) Lost, stolen, and mutilated registration tags;
 - (7) Radar detectors;
 - (8) Emergency vehicles;
 - (9) School buses;
 - (10) Snow emergency routes;
 - (11) Motor Vehicle Tinted Windows Act;

- (12) Child Safety Restraint and Mandatory Seat Belt Acts;
 - (13) Bicycles and moped/motorized vehicles;
 - (14) Taxicabs;
 - (15) Moving violations;
 - (16) Pedestrian violations; and
 - (17) Parking violations;
- (h) Traffic enforcement:
- (1) Notices of infraction;
 - (2) Violations committed by employees operating government vehicles, United States military personnel, and pedestrians;
 - (3) Child safety restraint and seat belt violations;
 - (4) Pedestrian violations;
 - (5) Moped/motorized bicycle violations;
 - (6) Hazardous materials;
 - (7) Commercial vehicle violations;
 - (8) Taxicab violations;
 - (9) Driving under the influence and driving while intoxicated;
 - (10) Reciprocity citations;
 - (11) Suspension and revocation of operators' permits;
 - (12) Operation of emergency vehicles;
 - (13) Vehicular and fresh pursuits;
 - (14) Concealment and parking of vehicles for enforcement purposes;
 - (15) Traffic stops;
 - (16) Traffic direction and control; and

- (17) Accident investigations;
- (i) Special law enforcement situations:
 - (1) Alcoholic beverage control laws and regulations;
 - (2) Police-related public space and safety regulations;
 - (3) Vending regulations;
 - (4) Violation citations;
 - (5) Juveniles and gangs;
 - (6) Intoxicated persons;
 - (7) Diplomatic immunity;
 - (8) Armed Forces personnel;
 - (9) Metro Transit Police;
 - (10) Medical treatment and hospitalization of prisoners;
 - (11) Hospitalization of persons with suspected mental illness;
 - (12) Bomb threats; and
 - (13) Casual clothes officers;
- (j) Emergency response situations:
 - (1) History of terrorism within and outside the United States;
 - (2) Related acronyms and terminology;
 - (3) Goals, strategies, tactics, targeting, and ideologies of terrorist organizations;
 - (4) Recognition and response to pre-incident behavior;
 - (5) Biological, chemical, and radiological agents;
 - (6) Incendiary and explosive devices;

- (7) Personal protective gear;
 - (8) Operational first responder procedures;
 - (9) Detection devices;
 - (10) Decontamination procedures; and
 - (11) District of Columbia Government and Department emergency response and other related plans;
- (k) Handling property:
- (1) Procedures for recording, processing, and disposing of property;
 - (2) Found property;
 - (3) Recovered property;
 - (4) Abandoned property;
 - (5) Prisoner property;
 - (6) Property classified as evidence or suspected proceeds of a crime;
 - (7) Potentially discoverable material; and
 - (8) Vehicles, firearms and other weapons, controlled substances, incendiary devices, explosives, and illegal fireworks;
- (l) Behavioral science:
- (1) Diversity and discrimination awareness;
 - (2) Biased policing;
 - (3) Bias-related crimes;
 - (4) Victimology and victim's services;
 - (5) Domestic violence;
 - (6) Protection orders; and

- (7) Special needs citizens, including hearing and sight impaired, mentally and psychologically challenged, and persons who use assistive technology (e.g., wheel chairs);
- (m) Communications:
- (1) Communications equipment and procedures;
 - (2) Interpersonal communication techniques;
 - (3) Crisis intervention and conflict management techniques;
 - (4) Note-taking;
 - (5) Police report preparation and writing;
 - (6) Police information systems;
 - (7) Handling non-English speaking persons and persons with limited English proficiency; and
 - (8) Use of language services;
- (n) First responder for law enforcement:
- (1) Patient assessment;
 - (2) First responder care;
 - (3) Pulmonary resuscitation; and
 - (4) Cardio-pulmonary resuscitation;
- (o) Physical conditioning:
- (1) Stretching;
 - (2) Breathing;
 - (3) Warming up and cooling down;
 - (4) Cardio-respiratory fitness;
 - (5) Muscular endurance fitness;
 - (6) Muscular strength fitness;

- (7) Anaerobic training;
- (8) Cardio-vascular training;
- (9) Weight lifting;
- (10) Lifetime fitness and health; and
- (11) Physical ability testing; .

- (p) Emergency vehicle operations skills, including all content specified in subsection 1407.4;
- (q) Use of force: defensive tactics skills, including all content specified in subsection 1407.5;
- (r) Use of force: firearms (service pistol) skills, including all content specified in subsection 1407.6; and
- (s) Use of force: civil disturbance skills, including all content specified in subsection 1407.7.

1406.5 At least twenty (20) hours of the initial training shall cover intra-family offenses pursuant to D.C. Official Code §16-1034.

1407 SPECIALIZED SKILLS TRAINING REQUIREMENTS

1407.1 All specialized skills training shall be sequenced in a logical manner that promotes optimal and safe acquisition of knowledge and skills, safe skills demonstration, and user responsibility.

1407.2 The specialized skills training instructors shall, prior to use and operation, ensure that any vehicles and equipment used in the training are in a serviceable and safe condition consistent with the intended proper use.

1407.3 The specialized skills training shall consist of lectures, facilitated discussions of the training topics, guided question-and-answer sessions, and guided demonstrations of the required skills.

1407.4 Each police officer shall successfully complete at least one (1) written and one performance examination in order to demonstrate the proper application of the required knowledge and skills.

1407.5 Emergency Vehicle Operations Skills Training

- (a) The emergency vehicle operations skills training curriculum shall cover, but not be limited to, the following subject matter areas:
- (1) Vehicle dynamics;
 - (2) Correct driving form to improve operating procedures;
 - (3) Understanding weight and balance and the effects of traction and control;
 - (4) Proper ocular driving skills;
 - (5) Emergency straight-line breaking techniques;
 - (6) Correct methods for making off-road recoveries;
 - (7) Types of skids and the necessary measures to control skids;
 - (8) Proper progressive braking techniques in a curve;
 - (9) Brake and swerve maneuver;
 - (10) Control techniques while operating a vehicle equipped with ABS (anti-lock braking system) and understanding the limitations of the ABS;
 - (11) Accident avoidance techniques;
 - (12) Driving plans that maximize control during emergency driving;
 - (13) Recognizing driving errors and making corrections;
 - (14) Correct execution of a proper line through a curve;
 - (15) Recognizing the limitations of the driver and the vehicle;
 - (16) Operator stress control while driving at high speed;
 - (17) Understanding and demonstrating the Fundamental rules for technical and emergency city driving;
 - (18) Maintaining lane integrity under emergency conditions;
 - (19) Proper emergency response procedures;
 - (20) Proper use of emergency equipment;

- (21) Proper use and storage of flares;
 - (22) Proper driving techniques when engaged in a vehicular pursuit;
 - (23) Legal aspects of law enforcement driving, including civil liability;
 - (24) Department policies and directives regarding vehicular pursuits and the operating standards for emergency vehicles; and
 - (25) Psychological aspects of law enforcement driving.
- (b) The emergency vehicle operations skills performance examination shall require, but not be limited to, a demonstration of mastery of:
- (1) Vehicle dynamics, including threshold braking (ABS and non-ABS), swerve and avoid, serpentine, progressive braking, and skid control;
 - (2) Operating an emergency vehicle in non-emergency conditions;
 - (3) Operating an emergency vehicle in emergency conditions; and
 - (4) Handling vehicular pursuit situations.
- (c) The emergency vehicle operations skills training shall include a sufficient number of hours of instruction to prepare a police officer to meet the performance objectives of the approved curriculum, but shall be no less than forty (40) hours in duration.
- (d) No police officer shall be permitted to participate in any portion of the emergency vehicles operations skills training without submitting proof of the possession of a valid driver's license prior to participation in any practical exercise.

1407.6 Defensive Tactics Skills Training

- (a) The defensive tactics skills training curriculum shall, within the scope of the Department's use of force model, cover, but not be limited to, the following subject matter areas and skills:
- (1) Grappling, ground fighting, weapon retention, close quarter combat, and other officer survival and self-defense techniques;
 - (2) Effective communication through the use of tactical language;

- (3) Suspect arrest, custody, and restraint techniques, including techniques for handling persons with special needs (such as the hearing and sight impaired, mentally and psychologically challenged, and persons who use assistive technology such as wheel chairs);
 - (4) Tactical service equipment, including the Armament System Procedure Tactical Baton (ASP) and handcuffs;
 - (5) Related legal requirements; and
 - (6) Related Department policies and procedures, including the Department's use of force model and reporting requirements.
- (b) The defensive tactics skills performance examination shall require, but not be limited to, a demonstration of mastery of the skills required by subsections 1407.6(a)(1) through 1407.6(a)(4).
- (c) The defensive tactics skills training shall include a sufficient number of hours of instruction to prepare a police officer to meet the performance objectives of the approved curriculum, but shall be no less than eighty (80) hours in duration.

1407.7 Firearms (Service Pistol) Skills Training

- (a) The firearms (service pistol) training shall include, but not be limited to, classroom training, discretionary use of force (i.e., force on force) exercises, and a live fire course.
- (b) The classroom training, within the scope of the Department's use of force model, shall cover, but not be limited to, the following subject matter areas:
 - (1) Firearms safety rules and regulations, including the four cardinal rules of safety;
 - (2) Firearms range terminology and procedures, including safety procedures;
 - (3) Nomenclature, safety devices, and ammunition specifications;
 - (4) Field stripping and reassembly;
 - (5) Loading, unloading, and clearing;

- (6) Dry-firing safety procedures;
 - (7) Preventive maintenance inspection, cleaning, care, carrying, and storage;
 - (8) Laws, case law, and Department policies, procedures, and directives regarding the proper use of law enforcement force and the Department's use of force model;
 - (9) Department's use of force notification and reporting requirements;
 - (10) Recognizing, during potential deadly force confrontations, a member who is not in uniform;
 - (11) Department written directives relating to authorized on-duty and off-duty firearms;
 - (12) Requirements for carrying the authorized service pistol while off duty, including across State lines; and
 - (13) Fundamental marksmanship principles including presentation, position, grip, sight alignment, breath control and body relaxation, and trigger control.
- (c) The discretionary use of force exercises, within the scope of the Department's use of force model, shall cover, but not be limited to, the following subject matter areas and exercises:
- (1) Firearms safety procedures for participating in the training;
 - (2) Safe firearms presentation and handling in simulated training situations;
 - (3) Tactics appropriate to the different level of threats and potentially dangerous situations faced by law enforcement officers;
 - (4) Shoot-don't shoot scenarios and exercises; and
 - (5) Appropriate level of force per the Department's use of force model.
- (d) The marksmanship training shall include timed performance exercises that possess reasonable time limits and take into account such variables as the type of pistol, pistol reloading requirements, and the various conditions encountered in police work, including, but not limited to, the following exercises:

- (1) Shooting in dim and normal light situations;
 - (2) Shooting at reactive targets;
 - (3) Shooting from a variety of distances from a target;
 - (4) Drawing from the holster;
 - (5) Shooting from various positions;
 - (6) Shooting with the strong and weak hands; and
 - (7) Differentiating between, and shooting from behind, cover, and concealment.
- (e) The firearms (service pistol) training curriculum shall include a sufficient number of hours of instruction to prepare a police officer to meet the performance objectives of the approved curriculum, but shall be no less than eighty (80) hours in duration.
- (f) Only Department-issued firearms shall be used in the training.
- (g) The firearms instructors, throughout the training, shall critically observe each police officer in order to provide corrective instruction regarding, but not limited to, deficient firearms techniques and the failure to use safe firearms handling procedures.
- (h) The evaluation of proficiency in discretionary use of force shall require each police officer to repeat each training exercise until the officer completes every exercise correctly.
- (i) The evaluation of marksmanship proficiency shall be based on a checklist that includes, but is not limited to, an assessment of maintaining one's finger off the trigger unless justified and ready to fire, exercising sound judgment and decision-making, and maintaining the proper hold of the firearm and stance.
- (j) Successful completion of the marksmanship examination shall be defined as eighty-three percent (83%) and higher on both the dim-light and normal light qualifications.
- (k) The Training Director or designee shall consult the firearms (service pistol) manufacturer quarterly in order to incorporate in the training all changes in cleaning, maintenance, and marksmanship procedures.

1407.8 Civil Disturbance Skills Training

- (a) The civil disturbance training curriculum, within the scope of the Department's use-of-force model, shall cover, but not be limited to, the following subject matter areas:
- (1) History of the Department's civil disturbance unit;
 - (2) Department policies, regulations, procedures, and directives relating to the activation and operation of the civil disturbance unit;
 - (3) Legal aspects of civil disturbance management tactics, including First and Fourth Amendment rights and legal liability in mass demonstrations;
 - (4) Application of the Civil Disturbance Unit Use of Force Model;
 - (5) Mass arrest policies, regulations, and procedures;
 - (6) Psychology of mob behavior;
 - (7) Demonstrator tactics in individual and mass protests;
 - (8) Crowd management tactics;
 - (9) Use of chemical munitions;
 - (10) Use of less-lethal munitions;
 - (11) Personal protective clothing and equipment;
 - (12) Handling barricades; and
 - (13) Handling Presidential and dignitary escorts and other special events.
- (b) The civil disturbance training practical exercises shall cover, but not be limited to, the following skills:
- (1) Use of flexi-cuffs;
 - (2) Use of oleoresin capsicum spray, including a training exposure;
 - (3) Use of chemical munitions, including a training exposure;

- (4) Use of an air purifying respirator (gas mask), including inside and outside buildings;
 - (5) Use of a riot baton;
 - (6) Crowd management formations; and
 - (7) Donning and removing personal protective clothing and equipment.
- (c) The civil disturbance skills performance examination shall require, but not be limited to, a demonstration of mastery of the skills required by subsection 1407.8(b).
- (d) The civil disturbance training shall include a sufficient number of hours of instruction to prepare the police officer to meet the performance objectives of the approved curriculum, but shall be no less than forty (40) hours in duration.

1408 RECORDS AND FILES

- 1408.1 The Chief of Police shall issue to each police officer who successfully completes all initial training requirements a notice of successful completion that contains, but is not limited to, the name of the officer, dates of attendance and completion, and signature of the Chief of Police.
- 1408.2 For each initial training class, the Department's Training Director or designee shall establish a file that contains all correspondence, documents, reports, and records and other information related to the conduct of the class, including, but not limited to, the following information and documents:
- (a) Beginning and ending dates of the class;
 - (b) Names of the participating police officers;
 - (c) Initial training orientation handbook;
 - (d) Documents signed by the officers indicating that they have received and read a copy of the training facility occupational safety, occupational health, and fire safety policy and initial training orientation handbook;
 - (e) Documents signed by the officers indicating that they have read and will comply with the Department's Code of Ethics;

- (f) Names, subject matter area(s), and date(s) of participation of all instructors, guest speakers, and guest participants;
- (g) Copies of all lesson plans, aids, handouts and other instructional materials used in the training, including documentation of the approval of the lesson plans;
- (h) Documentation of any changes made during the training, including changes in content and delivery and any substitutions or replacements made in the instructional staff;
- (i) Examinations, re-examinations, answer sheets, performance-based checklists, and performance reports;
- (j) Documentation of make-up and remedial training;
- (k) Training delivery evaluation forms and reports; and
- (l) Attendance roster, or other record, that includes the date and tour of duty of the training and identifies present and absent officers.

1408.3 The Department's Training Director or designee shall establish a file for each police officer who attends initial training that contains, but is not limited to, name of the officer, starting and ending dates, attendance record, examination and re-examination scores and ratings, and, when applicable, record of any disciplinary action taken against the officer and copy of the notice of successful completion.

1408.4 The files established pursuant to this section shall be considered confidential and shall be maintained and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data.

1408.5 The records and files shall be retained for twenty (20) years following the separation of the police officer from the Department, and then destroyed.

1409 EVALUATIONS

1409.1 The Department's Training Director, on an annual basis, shall establish measurable entry-level and lateral transfer police officer initial training goals and objectives.

1409.2 The Department's Training Director shall assess the achievement of the goals and objectives and effect, in a timely manner, any necessary programmatic and other types of change(s).

- 1409.3 The Department's Training Director or designee, on an annual basis, shall conduct a review of the effectiveness of the initial training, to include, but not be limited to, the curriculum, lesson plans, and the quality of delivery of instruction, and, as appropriate, effect, or recommend to the Board, any necessary change(s).
- 1409.4 The annual review shall include, but not be limited to, feedback from the police officers and staff who participated in the training.
- 1409.5 The Department's Training Director or designee shall, on a quarterly basis, review all force-related training for quality assurance and for compliance with applicable laws, rules, and regulations and Department policy.
- 1409.6 The Training Director or designee shall regularly audit use of force training delivery.
- 1409.7 The Training Director or designee shall regularly review professional research on initial law enforcement training and education and on adult education and training in order to make recommendations to affirm and/or improve the initial training.

1410 REPORTS

- 1410.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for each initial training class that ended during the year, a report that contains:
- (a) Number of police officers who successfully completed the training;
 - (b) Number of police officers who failed to successfully complete the training and the reason(s) for the failure;
 - (c) Name, qualifications, and most recent instructor certification date of the instructor(s) who provided training;
 - (d) Name, qualifications, and most recent approval date of any adjunct instructor, guest speaker, and guest participant who contributed to the training;
 - (e) Summary of amendment(s) to lesson plan(s) and related training activities;
 - (f) Summary of any unusual occurrences, accidents, and liability issues affecting the class; and

(g) Statement attesting that the requirements of these regulations have been met by the class and each graduate.

1410.2 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for all initial training classes administered during the year, a report that contains:

(a) Results of the annual review;

(b) Results of any administrative or judicial review or litigation of the training;

(c) Copies of any amended written policies and procedures governing the training;

(d) Plan for the training for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and

(e) Copy of new or amended lesson plan(s) to be used in the upcoming year.

1410.3 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1410.4 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1411 INSPECTIONS

1411.1 The Board shall inspect the initial training facilities, operations, activities, and files as often as deemed necessary to determine compliance with these regulations.

1411.2 An inspection shall include, but not be limited to, a review of any documents, records, and files required to be maintained by these regulations, on-site observation(s), and interview(s) with training staff and participants.

1411.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1411.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

- 1411.5 The Chief of Police or designee, within sixty (60) days of receipt of an inspection report that requires remedial action, shall submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 15 PROBATIONARY PERIOD OF METROPOLITAN POLICE DEPARTMENT ENTRY-LEVEL AND LATERAL TRANSFER POLICE OFFICERS

Secs.	
1500	Purpose
1501	General Provisions
1502	Probationary Period Length
1503	Probationary Review Board
1504	Records and Files
1505	Evaluations
1506	Reports
1507	Inspections

1500 PURPOSE

- 1500.1 This chapter establishes the standards for the probationary period that each entry-level and lateral transfer police officer (police officer) must meet in order to obtain a permanent appointment with the Metropolitan Police Department.

1501 GENERAL PROVISIONS

- 1501.1 Satisfactory completion of the probationary period required by these regulations is a prerequisite to a permanent appointment as a police officer with the Department.
- 1501.2 The probationary period shall include, but not be limited to, an initial training program, a field training program, a period of service, and a recommendation to the Chief of Police from the Department's Probationary Review Board for a permanent appointment as a police officer.
- 1501.3 A police officer who has satisfactorily completed a Department probationary period shall not be required to serve another probationary period for the position of police officer, except when the appointment is effected with a break in service, or the officer is appointed from a selection register resulting from open competition.
- 1501.4 The Chief of Police may terminate the employment of a probationary officer in accordance with applicable District laws, rules, and regulations

at any time during the probationary period for including, but not limited to, the following reasons:

- (a) Failure to meet the examination and other requirements of the initial and field training components of the probationary period; and
- (b) Engaging in conduct that indicates that the probationary officer is unable or unfit to perform the duties of a police officer, including conduct that would have disqualified the officer for appointment pursuant to section 1304 of this title.

1501.5 If a probationary officer is injured or contracts a disease during the probationary period, including during any authorized extension of the probationary period, which, in the judgment of the Police and Firefighters Relief and Retirement Board, disables the officer from performing the essential duties of a police officer, and if the Police and Firefighters Relief and Retirement Board finds that such injury or disease was not incurred in the performance of Department duty, the officer shall, upon the approval of such finding by the Chief of Police, and without regard for the provisions of any other law, rule, or regulation, be separated from Department service.

1501.6 In order to terminate the employment of a probationary officer prior to the completion of the probationary period, the Chief of Police must separate the officer prior to the end of the last day of the officer's probationary period, including any authorized extension of the period.

1501.7 The Chief of Police shall notify a probationary officer whose employment is being terminated in writing of the effective date of termination.

1501.8 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, probationary period standards that exceed these minimum requirements.

1501.9 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1502 PROBATIONARY PERIOD LENGTH

1502.1 Each police officer shall satisfactorily complete a probationary period of not less than eighteen (18) months following the date of appointment.

1502.2 The probationary period shall be extended in increments of full workdays in each of the following circumstances:

- (a) For each workday a probationary officer is placed in a non-pay status for any reason, except as provided in subsection 1502.4;
 - (b) For each workday a probationary officer is unable to perform the full range of police duties of the position to which assigned, including, but not limited to, periods of sick leave and non-contact status; and
 - (c) Based on a recommendation of the Department's Probationary Review Board, as approved by the Chief of Police, for the following reasons:
 - (1) The probationary officer failed to obtain certification to patrol alone within eighteen (18) months of the date of appointment to the Department; or
 - (2) The probationary officer received an unsatisfactory review by the Probationary Review Board.
- 1502.3 The extension of the probationary period as provided in subsection 1502.2 in no case shall exceed an additional eighteen (18) months.
- 1502.4 Service toward the completion of the probationary period shall be given for the following periods of absence:
- (a) Absence in a pay status (such as approved leave), while the officer is on the rolls of the Department, except as provided in subsection 1502.b;
 - (b) Absence in a non-pay status, while the officer is on the rolls of the Department, because of military duty; and
 - (c) Absence following separation, suspension, or furlough, when any of the foregoing is found upon timely appeal or administrative determination to have been unjustified or unwarranted, and the officer is restored retroactively as of the effective date of the original action.
- 1502.5 A probationary officer who is granted a permanent appointment with the Department as the result of the application of subsection 1502.4 shall be required to successfully complete the required Department initial and field training.
- 1502.6 A probationary officer who fails to receive a permanent appointment as a police officer within thirty-six (36) months of the date of appointment shall be recommended by the Human Resources Management Director to the Chief of Police for the termination of his or her employment.

1503 PROBATIONARY REVIEW BOARD

- 1503.1 The Chief of Police or designee shall establish a Probationary Review Board for the purpose of reviewing the records of each probationary officer and recommending to the Chief of Police whether or not the officer should be granted a permanent appointment upon completion of the probationary period.
- 1503.2 The Chief of Police or designee shall appoint a minimum of three (3) members, one of whom shall hold the position of Master Patrol Officer and two of whom shall be serving in a supervisory rank, to each Probationary Review Board established pursuant to these regulations.
- 1503.3 Each probationary officer shall be evaluated by a Probationary Review Board no earlier than the fifteenth (15th) month, and in no case, later than the eighteenth (18th) month following appointment to the Department unless the probationary period has been extended pursuant to subsection 1502.2, in which case the probationary officer shall be evaluated no later than the last day of the extension period.
- 1503.4 In order to be evaluated by a Probationary Review Board, a probationary officer shall:
- (a) Be in a full-duty status;
 - (b) Have been certified to patrol alone; and
 - (c) Have successfully completed the Department's probationary officer medical evaluation and controlled substance screening.
- 1503.5 The recommendation of the Probationary Review Board, at a minimum, shall be based on an interview of the probationary officer and a review of the following records:
- (a) Unit personnel folder;
 - (b) Field training evaluation package;
 - (c) Recommendation of the Commanding Official of the assigned element;
 - (d) Written notice from the D.C. Police and Fire Liaison Clinic Medical Director stating that the probationary officer has successfully completed that Department's probationary officer medical evaluation and controlled substance screening; and

- (e) Any other information related to the ability and fitness of the probationary officer to carry out essential police officer duties as deemed pertinent by the Probationary Review Board.

1503.6 The Probationary Review Board, following the review of a probationary officer, shall recommend to the Chief of Police that the officer:

- (a) Be given a permanent appointment;
- (b) Have his or her probationary period extended; or
- (c) Have his or her employment with the Department terminated.

1503.7 A Probationary Review Board may recommend terminating the employment of a probationary officer based on, but not limited to, the following reasons:

- (a) The officer has failed to demonstrate the knowledge and skills required to perform the essential duties of a police officer;
- (b) The officer has engaged in conduct that indicates that the officer is unable or unfit to perform the duties of a police officer, including conduct that would have disqualified the officer for appointment pursuant to section 1304 of this title; or
- (c) The officer has failed to obtain a recommendation for a permanent Career Service appointment within three (3) separate appearances before the Probationary Review Board.

1503.8 Failure of the Chief of Police to notify a probationary officer of the decision to extend the probationary period or to terminate the employment prior to the conclusion of the probationary period and all authorized extensions, as the result of circumstances caused by other than the officer, shall result in the officer receiving an automatic appointment to the Department as of the date the probationary period ended, except that, in no case, shall a probationary officer who is under investigation for misconduct receive an automatic appointment.

1504 RECORDS AND FILES

1504.1 The Department's Training Director or designee shall establish a file for each Probationary Review Board convened by the Department that contains all related correspondence, documents, reports, records, and other information, including, but not limited to, the following information and documents:

- (a) Ranks and names of the Probationary Review Board members;
- (b) Briefing provided the Probationary Review Board members;
- (c) Date of appearance of each probationary officer reviewed by the Probationary Review Board;
- (d) Evaluation forms and records, including questions asked of each probationary officer appearing before the Probationary Review Board; and
- (e) Record of the recommendation for each probationary officer, including the reason(s) for recommending an extension of the probationary period or termination of employment.

1504.2 The Training Director or designee shall establish a file for each probationary officer who appears before a Probationary Review Board that includes, but is not limited to, the following information and documents:

- (a) Department appointment date;
- (b) Records submitted to the Probationary Review Board (such as the field training package);
- (c) Date of appearance before the Probationary Review Board;
- (d) Responses to Probationary Review Board inquiries;
- (e) Recommendation of the Probationary Review Board; and
- (f) If an extension of the probationary period is approved by the Chief of Police, the information in subsection 1504.2(b) through subsection 1504.2(e) for each subsequent appearance.

1504.3 The files established pursuant to this section shall be considered confidential and shall be maintained, stored, and disposed of pursuant to applicable federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data.

1504.4 The records and files shall be retained for twenty (20) years following the separation of the member from the Department, and then destroyed.

1505 EVALUATIONS

1505.1 The Department's Training Director, on an annual basis, shall establish measurable probationary period goals and objectives.

- 1505.2 The Department's Training Director shall assess the achievement of the goals and objectives and effect, in a timely manner, any necessary programmatic and other types of change(s).
- 1505.3 The Department's Training Director or designee, on an annual basis, shall conduct a review of the effectiveness of the probationary period and, as appropriate, effect, or recommend to the Board, any necessary change(s).
- 1505.4 The annual review shall include, but not be limited to, feedback from probationary officers and probationary period program staff.

1506 REPORTS

- 1506.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, a report, that contains:
- (a) Number of Probationary Review Boards held;
 - (b) Number of probationary officers appearing before a Probationary Review Board;
 - (c) Number of probationary officers recommended for permanent appointment, an extended probationary period, and employment termination;
 - (d) Summary of any changes made to the probationary period program during the previous year;
 - (e) Results of any administrative or judicial review or litigation of the probationary period program;
 - (f) Results of the annual review;
 - (g) Summary of any unusual occurrences or liability issues affecting the probationary period program;
 - (h) Plan for the probationary period program for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
 - (i) Statement attesting that the requirements of these regulations have been met by every Probationary Review Board and by every probationary officer.

1506.2 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1506.3 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1507 INSPECTIONS

1507.1 The Board shall inspect the probationary period records and files as often as deemed necessary to determine compliance with these regulations.

1507.2 An inspection shall include, but shall not be limited to, a review of any documents, records, and files required to be maintained by these regulations; on-site observation(s); and interview(s) with program staff and probationary officers.

1507.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1507.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

1507.5 The Chief of Police or designee shall, within sixty (60) days of receipt of an inspection report that requires remedial action, submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 16 CONTINUING EDUCATION AND FIREARMS(SERVICE PISTOL) RE-QUALIFICATION TRAINING OF METROPOLITAN POLICE DEPARTMENT MEMBERS

Secs.	
1600	Purpose
1601	General Provisions
1602	Administrative Requirements
1603	Examination Requirements
1604	Continuing Education Content Requirements
1605	Firearms (Service Pistol) Re-Qualification Training Content Requirements
1606	Training-Related Consequences
1607	Records and Files
1608	Evaluations
1609	Reports
1610	Inspections

1600 PURPOSE

1600.1 This chapter establishes the standards for the continuing education (annual in-service and pre-service) and firearms (service pistol) re-qualification training of Metropolitan Police Department members.

1601 GENERAL PROVISIONS

1601.1 Each member shall successfully complete the annual in-service training required by the Department pursuant to section 203 of the Omnibus Police Reform Amendment Act of 2000 (Act), effective October 4, 2000 (D.C. Law 13-160, D.C. Official Code § 5-107.02). The annual in-service training shall be at least thirty-two (32) hours in duration.

1601.2 Each member to be promoted to the rank of Sergeant and higher, to Detective Grade One, and to any other promotional rank, prior to being promoted, shall successfully complete pre-service training. The duration of the pre-service training shall be consistent with the achievement of the performance objectives of the approved curriculum.

1601.3 Each member who is authorized to carry and use a service pistol, in addition to the annual in-service training, shall successfully complete firearms (service pistol) re-qualification training at least twice a year, once between January 1 and June 30 and once between July 1 and December 31. Each re-qualification training session shall be at least eight (8) hours in duration.

1601.4 The facilities requirements established in section 1402 of this title shall apply to continuing education and firearms (service pistol) re-qualification training.

1601.5 Community and interdisciplinary resources, as practicable, shall be used to enhance the development and delivery of continuing education and firearms (service pistol) re-qualification training.

1601.6 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, continuing education and firearms (service pistol) re-qualification training standards that exceed these minimum requirements.

1601.7 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1602 ADMINISTRATIVE REQUIREMENTS

- 1602.1 A member who is absent from a scheduled training session, for any reason, and for any duration, shall be responsible for the training missed and shall be required to make up the training according to procedures approved by the Training Director. The make-up procedures shall be documented in writing.
- 1602.2 When a health condition, medical condition, or injury prohibits a member from fully participating in a training activity, the member shall submit to the Training Director a signed release from the D.C. Police and Fire Clinic Medical Director before the member is allowed to resume participation in the training activity.
- 1602.3 The Chief of Police or designee may grant a member an extension of the time limit for completing annual in-service training, both within an annual training year and outside the annual training year, and for completing pre-service training, for a time period that is reasonable, taking into account each individual circumstance, and after a showing that all other alternatives to an extension have been considered.
- 1602.4 A member, with the approval of the Chief of Police or designee, may use successful completion of Department-approved training other than annual in-service training to fulfill the annual in-service training requirement, on an hour-for-hour basis, except for any portions of the in-service training mandated by the Chief of Police for all members of the rank, and only in the year in which the training was completed.
- 1602.5 Only provisional instructors, instructors, master instructors, adjunct instructors, guest speakers, and guest participants who meet the requirements of Chapter 18 of these regulations shall provide instruction and/or formally participate in training delivery.
- 1602.6 The number of training instructors shall be in proportion to the number of training participants as approved by the Chief of Police.
- 1602.7 Training class size shall be based on professionally acceptable adult education and training standards, including, but not limited to, a consideration of the method of instructional delivery, performance requirements, and safety of the participants and staff.
- 1602.8 In the event that the Department elects to use the services of another law enforcement agency or other organization to deliver any or all of the continuing education and firearms (service pistol) re-qualification training, the Department's Training Director, with the approval of the Chief of

Police, may enter into one or more agreements with an outside entity that shall meet the following requirements:

- (a) The agreement shall be in writing;
- (b) The agreement shall specify the relationship between the Department and the outside entity, including respective responsibilities and liabilities; and
- (c) The agreement shall be made pursuant to District contracting and procurement rules and regulations and to the applicable requirements of these regulations.

1603 EXAMINATION REQUIREMENTS

1603.1 Each member shall be administered one or more valid and reliable written, oral, and/or performance examinations, at designated intervals, in order to determine the achievement of any applicable performance objectives.

1603.2 A member shall not be administered an examination until he or she has completed all related training.

1603.3 Each member must successfully complete all required examinations in order to be issued proof of completion of the training.

1603.4 For a performance objective that requires the mastery of one or more knowledge areas, a member shall be administered one or more written, oral, or performance examinations, or a combination thereof. A written and an oral examination shall, as practicable, examine the ability to apply the knowledge.

1603.5 For a performance objective that requires the mastery of one or more skills, a member shall be administered one or more performance examinations that shall, to the extent possible, duplicate essential job duties.

1603.6 Successful completion of a written examination shall be defined as a score of seventy percent (70%) and higher, except that:

- (a) Eighty percent (80%) and higher, or as otherwise defined by the U.S. Department of Transportation, shall be defined as the standard of successful completion for the "First Responder for Law Enforcement" written examination; and
- (b) Eighty-four percent (84%) and higher, or as otherwise defined by the American Heart Association, shall be defined as the standard of

successful completion for the "Cardiopulmonary Resuscitation (CPR)" written examination.

- 1603.7 Successful completion of an oral or performance examination shall be defined as a rating of at least "Pass," "Meets Expectations," or equivalent criterion of acceptable performance.
- 1603.8 The results of each examination shall be reviewed with each member for the purpose of correction and/or re-direction.
- 1603.9 A member who fails an examination shall be required to complete remedial training based on a documented plan that specifies, but is not limited to, the difficulty encountered by the member, remedial activities, time required, and expected behavioral outcome(s).
- 1603.10 When a member is re-administered a written or oral examination, the examination shall be different from the original examination but contain equivalent items.
- 1603.11 A member may appeal his or her failure of an examination to the Department's Training Director for the following reasons:
- (a) There was technical difficulty in the administration of the examination;
 - (b) A condition of the member adversely impacted his or her ability to take the examination; or
 - (c) The examination was invalid.
- 1603.12 The Department's Training Director shall determine the appropriate response to an examination appeal including, but not limited to, denying the appeal, changing the correct answer to an examination item, accepting an additional answer to an examination item as correct, and directing that the member be re-administered an examination, subject to the requirement in subsection 1603.10.
- 1603.13 A member shall be given three (3) opportunities to successfully complete each required examination.

1604 CONTINUING EDUCATION CONTENT REQUIREMENTS

- 1604.1 The Department's community policing concepts of neighborhood partnerships, systemic prevention, and focused law enforcement, shall provide the foundation for, and be reflected in, all continuing education curricula.

- 1604.2 Each continuing education curriculum shall meet the requirements established by subsection 1405.1 and subsections 1405.4 through 1405.12 of this title.
- 1604.3 The Chief of Police shall determine the portion(s) of the annual in-service training that shall be mandatory for all members of a rank or assignment.
- 1604.4 The annual in-service training for members serving in the rank of Officer shall provide advanced or refresher instruction on the essential duties of the rank, on one or more of the subject matter areas specified for initial training in subsection 1406.4 of this title and/or on emerging training and risk management needs.
- 1604.5 The annual in-service training program for members serving in the rank of Sergeant and higher shall provide advanced or refresher instruction on one or more of the subject matter areas specified for initial training in subsection 1604.4, on the essential duties of the rank as identified by a job analysis, and/or on:
- (a) Command accountability and responsibility;
 - (b) Critical incident management;
 - (c) Supervision and training;
 - (d) Leadership;
 - (e) Interpersonal communication;
 - (f) Motivation;
 - (g) Techniques designed to promote proper police practices and integrity, including the appropriate use of force according to the Department's use of force model; and
 - (h) Misconduct policies and procedures.
- 1604.6 A member serving in a specialized assignment or rank, in the annual in-service training, shall be provided advanced or refresher instruction on the essential duties of the assignment/rank as identified by a job analysis and/or on emerging training and risk management needs.
- 1604.7 The pre-service training for a promotional rank shall provide instruction on the essential duties of the higher rank as identified by a job analysis

and/or the subject matter areas specified in subsections 1604.5(a) through 1604.5(h).

1605 FIREARMS (SERVICE PISTOL) RE-QUALIFICATION TRAINING CONTENT REQUIREMENTS

1605.1 The firearms (service pistol) re-qualification training shall include, but not be limited to, classroom training, discretionary use of force (i.e., force on force) exercises, and a live fire course.

1605.2 The training shall be sequenced in a logical manner that promotes optimal and safe acquisition of firearms knowledge and skills, skills demonstration, and user responsibility.

1605.3 The firearms instructors shall, prior to use and operation, ensure that the firearms and other equipment used in the training are in a serviceable and safe condition consistent with the intended proper use.

1605.4 The classroom training, within the scope of the Department's use of force model, shall cover, but not be limited to, the following subject matter areas:

- (a) Department policies, procedures, and directives regarding the proper use of law enforcement force, including related terminology, use of force model, authorized use of non-deadly and deadly force, and notification and reporting requirements for a use-of-force incident;
- (b) New or amended laws and regulations and case law relating to law enforcement use of force;
- (c) Department policies and procedures for recognizing members who are out-of-uniform during potential deadly force confrontations;
- (d) Requirements for carrying authorized firearms while on and off duty, including carrying firearms across State lines;
- (e) Preventive maintenance inspection, cleaning, care, storage, and carrying of authorized firearms; and
- (f) Safe range procedures.

1605.5 The discretionary use of force exercises, within the scope of the Department's use of force model, shall cover, but not be limited to, the following subject matter areas and exercises:

- (a) Firearms safety procedures for participating in the training;

- (b) Tactics appropriate to the different level of threats and potentially dangerous situations faced by law enforcement officers;
 - (c) Shoot-don't-shoot scenarios;
 - (d) Appropriate level of force according to the Department's use of force model; and
 - (e) Safe firearms presentation and handling in simulated training situations.
- 1605.6 The marksmanship training shall include timed performance exercises that possess reasonable time limits and take into account such variables as the type of pistol, pistol reloading requirements, and the various conditions encountered in police work, including, but not limited to, the following exercises:
- (a) Shooting in dim and normal light situations;
 - (b) Shooting at reactive targets;
 - (c) Shooting from a variety of distances from a target;
 - (d) Drawing from the holster;
 - (e) Shooting from various positions;
 - (f) Shooting with the strong and weak hands; and
 - (g) Distinguishing between cover and concealment.
- 1605.7 Only Department-issued firearms and Department-authorized off-duty firearms shall be used in the training.
- 1605.8 The firearms instructors, throughout the training, shall critically observe each member in order to provide corrective instruction regarding, but not limited to, deficient firearms techniques and the failure to use safe firearms handling procedures.
- 1605.9 Each member shall successfully complete written, oral, and/or performance examinations that shall include, but not be limited to, a demonstration of proper discretionary use of force and marksmanship.

- 1605.10 The evaluation of proficiency in discretionary use of force shall require each member to repeat each required training exercise until the member completes every exercise correctly.
- 1605.11 The evaluation of marksmanship proficiency shall be based on a checklist that includes, but is not limited to, maintaining one's finger off the trigger unless justified and ready to fire, exercising sound judgment and decision-making, and maintaining the proper hold of the firearm and stance.
- 1605.12 Successful completion of the marksmanship examination shall be defined as eighty-three percent (83%) and higher on both day and night qualifications.

1606 TRAINING-RELATED CONSEQUENCES

- 1606.1 Each instance of a member failing to report for a continuing education and firearms (service pistol) re-qualification training class as scheduled shall be handled in accordance with written Department policies and procedures.
- 1606.2 A member who fails to successfully complete the annual in-service training prior to the conclusion of the training cycle or approved extended time period, except when the Department is responsible for the failure to complete the training, upon due notice from the Chief of Police, shall be:
- (a) Ineligible for consideration for a specialized assignment and for promotion to a higher-level rank until he or she successfully completes the training; and
 - (b) Subject to disciplinary action in accordance with written Department policies and procedures.
- 1606.3 A member who fails to successfully complete any required pre-service training prior to the conclusion of the training cycle or approved extended time period, except when the Department is responsible for the failure to complete the training, upon due notice from the Chief of Police or designee, shall not be promoted to the higher rank.
- 1606.4 A member who fails to successfully complete the semi-annual firearms re-qualification training prior to the conclusion of the semi-annual training cycle, except when the Department is responsible for the failure to complete the training, upon due notice from the Chief of Police, shall:
- (a) Have his or her police powers revoked and surrender his or her authorized on-duty firearm until he or she successfully completes the training;

- (b) Be ineligible for consideration for a specialized assignment and for promotion to a higher-level rank until he or she successfully completes the training; and
- (c) Be subject to disciplinary action in accordance with written Department policies and procedures.

1607**RECORDS AND FILES**

- 1607.1 The Department's Training Director or designee shall issue to each member who successfully completes continuing education and the semi-annual firearms re-qualification training a notice of successful completion that contains, but is not limited to, name of the member, title of the training, dates of attendance and completion, time period for which any related certification will be considered current, and signature of the issuing individual.
- 1607.2 For each continuing education and firearms re-qualification training class, the Department's Training Director or designee shall establish a file that contains all related correspondence, documents, reports, records, and other information, including, but not limited to, the following information and documents:
- (a) Training dates and location;
 - (b) Names of the participating members;
 - (c) Copy of the statement of the training policies, procedures, and rules issued to the members;
 - (d) Documents signed by the members indicating that they have received and read a copy of the training facility occupational safety, occupational health, and fire safety policy;
 - (e) Names, subject matter area(s), and date(s) of participation of all instructors, guest speakers, and guest participants;
 - (f) Copies of all lesson plans, aids, handouts, and other instructional materials used in the training, including documentation of the approval of the lesson plans;
 - (g) Documentation of any changes made during the training, including changes in content and delivery and any substitutions or replacements made in the instructional staff;

- (h) Examinations, re-examinations, answer sheets, performance-based checklists, and performance reports;
- (i) Documentation of make-up and remedial training;
- (j) Training delivery evaluation forms and reports; and
- (k) Attendance roster, or other record, that includes the date and tour of duty of the training and identifies present and absent members.

1607.3 The Department's Training Director or designee shall establish a file for each member who attends a continuing education and semi-annual firearms re-qualification training class that contains, but is not limited to, name of the member, training dates, attendance record, examination and re-examination scores and ratings, and, when applicable, record of any disciplinary action taken against the member for a violation of these regulations, documentation of make-up or remedial training, and copy of the notice of successful completion.

1607.4 The files established pursuant to this section shall be considered confidential and shall be maintained, stored, and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data.

1607.5 The records and files shall be retained for twenty (20) years following the separation of the member from the Department, and then destroyed.

1608 EVALUATIONS

1608.1 The Department's Training Director, on an annual basis, shall establish measurable continuing education and firearms re-qualification training goals and objectives.

1608.2 The Department's Training Director shall assess the achievement of the goals and objectives and effect, in a timely manner, any necessary programmatic and other types of change(s).

1608.3 The Department's Training Director or designee, on an annual basis, shall conduct a review of the effectiveness of the continuing education and firearms re-qualification training, to include, but not be limited to, the curricula, lesson plans, and the quality of delivery of instruction, and, as appropriate effect, or recommend to the Board, any necessary change(s).

1608.4 The annual review shall include, but not be limited to, feedback from the members and staff who participated in the training.

- 1608.5 The Department's Training Director or designee shall, on a quarterly basis, review all firearms (service pistol) re-qualification training for quality assurance and for compliance with applicable laws, rules, and regulations and Department policy.
- 1608.6 The Department's Training Director or designee shall regularly audit firearms (service pistol) re-qualification training delivery.
- 1608.7 The Department's Training Director or designee shall regularly review professional research on adult and law enforcement continuing education and firearms (service pistol) re-qualification training in order to make recommendations to affirm and/or improve the training.

1609 REPORTS

- 1609.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for each continuing education and firearms re-qualification class, a report that contains:
- (a) Training dates and location;
 - (b) Number of members who successfully completed the training;
 - (c) Number of members who failed to successfully complete the training, the reason(s) for the failure, and the consequence(s) of the failure;
 - (d) Name, qualifications, and most recent instructor certification date of the instructor(s) who provided the training;
 - (e) Name, qualifications, and most recent approval date of any adjunct instructor, guest speaker, and guest participant who contributed to the training;
 - (f) Summary of any amendment(s) to the lesson plan(s) and related training activities;
 - (g) Summary of any unusual occurrences, accidents, and liability issues affecting the class; and
 - (h) Statement attesting that the requirements of these regulations have been met by the class and each successful training participant.
- 1609.2 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for each continuing education program, and for the semi-annual firearms re-qualification training program, a report that contains:

- (a) Results of the annual review;
- (b) Results of any administrative or judicial review or litigation of the program;
- (c) Copies of any amended written policies and procedures governing the program;
- (d) Plan for the program for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (e) Copy of new or amended lesson plan(s) to be used in the upcoming year.

1609.3 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1609.4 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1610 INSPECTIONS

1610.1 The Board shall inspect the continuing education and firearms (service pistol) re-qualification training facilities, operations, activities, and files as often as deemed necessary to determine compliance with these regulations.

1610.2 An inspection shall include, but shall not be limited to, a review of any documents, records, and files required to be maintained by these regulations, on-site observation(s), and interview(s) with training staff and participants.

1610.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1610.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

1610.5 The Chief of Police or designee, within sixty (60) days of receipt of any inspection report that requires remedial action, shall submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 17 APPOINTMENT, INITIAL TRAINING, PROBATIONARY PERIOD, CONTINUING EDUCATION, AND FIREARMS (SERVICE PISTOL) RE-QUALIFICATION TRAINING OF DISTRICT OF COLUMBIA HOUSING AUTHORITY POLICE DEPARTMENT MEMBERS

Secs.	
1700	Purpose
1701	General Provisions
1702	Appointment
1703	Initial Training
1704	Probationary Period
1705	Continuing Education and Firearms (Service Pistol) Re-Qualification Training
1706	Records and Files
1707	Evaluations
1708	Reports
1709	Inspections

1700 PURPOSE

1700.1 This chapter establishes the standards for the appointment of entry-level police officers to the District of Columbia Housing Authority (DCHA) Police Department (DCHAPD), initial training and probationary period of DCHAPD entry-level police officers, and continuing education and firearms (service pistol) re-qualification training of DCHAPD members.

1701 GENERAL PROVISIONS

1701.1 No requirement of these regulations is to be interpreted as precluding the Chief of Police and DCHAPD Chief of Police from establishing, through the appropriate legislative or rulemaking process, appointment, initial training, probationary period, continuing education, and firearms (service pistol) re-qualification training standards that exceed these minimum requirements.

1701.2 The DCHAPD Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1702 APPOINTMENT

1702.1 Each applicant for an entry-level police officer (police officer) position shall meet the following appointment criteria:

- (a) Is a citizen of the United States;
- (b) Is at least twenty-one (21) years of age;

- (c) Has successfully completed at least sixty (60) semester credit hours, or the equivalent, of education at an accredited post-secondary institution;
- (d) Possesses a valid driver's license from the jurisdiction of legal residence which is not under suspension or revocation and can qualify for a District of Columbia driver's license;
- (e) Has successfully completed all components of the Metropolitan Police Department's entry-level police officer appointment process pursuant to the following subsections of this title.:
 - (1) Subsection 1301.1 (**GENERAL PROVISIONS**);
 - (2) Subsections 1303.1 through 1303.11 (**ENTRANCE EXAMINATION**);
 - (3) Subsections 1304.1 through 1304.8 (**BACKGROUND INVESTIGATION**), except that "Department" shall be replaced with "DCHAPD" in all subsections except 1304.6(1) and 1304.7(i), and "Chief of Police" shall be replaced with "DCHAPD Chief of Police" in all subsections;
 - (4) Section 1305 (**MEDICAL AND PSYCHOLOGICAL EVALUATIONS**), except that "Department" shall be replaced with "DCHAPD" and "Human Services Director" with "DCHAPD Chief of Police";
 - (5) Section 1306 (**CONTROLLED SUBSTANCE SCREENING**);
and
 - (6) Section 1307 (**TRUTH VERIFICATION PROCEDURE**).
- (f) Is recommended by the DCHAPD Chief of Police; and
- (g) Is approved by the DCHA Executive Director.

1702.2 Pursuant to the American With Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*), DCHAPD may not make medical inquiries of an applicant prior to extending a conditional offer of employment.

1702.3 All non-medical information shall be gathered prior to the conditional offer of employment unless doing so is practically or legally unreasonable.

- 1702.4 The DCHAPD Chief of Police, following the successful completion by an applicant of the entrance examination(s) required under subsection 1702.1(e)(2), shall, in writing, make the applicant a conditional offer of employment stating the intent of the DCHAPD to appoint the applicant pending the successful completion by the applicant of all of the remaining components of the appointment process, including the medical and psychological evaluations.
- 1702.5 If the background investigation, medical evaluation, psychological evaluation, or truth verification procedure will have been completed more than one hundred eighty (180) days prior to the anticipated date of reporting as a police officer, or the controlled substance screening procedure will have been completed more than sixty (60) days prior to the anticipated date of reporting as a police officer, the DCHAPD Chief of Police shall require that the evaluations and/or screening be updated. The updated results and reports shall be considered in making the appointment decision.
- 1702.6 The entry-level police officer application; results of the background investigation, medical evaluation, psychological evaluation, controlled substance screening, and truth verification procedure; appointment decision; and any reconsideration of the appointment decision, shall be handled according to DCHA personnel procedures established pursuant to section 4 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203).

1703 INITIAL TRAINING

- 1703.1 Each police officer shall be subject to the following requirements of these regulations established for the initial training of Metropolitan Police Department entry-level police officers:
- (a) Subsections 1401.2 through 1401.4 (**GENERAL PROVISIONS**);
 - (b) Subsections 1402.1, 1402.2 and 1402.4 (**FACILITY REQUIREMENTS**);
 - (c) Subsections 1403.1 through 1403.3, 1403.6, and 1403.8 through 1403.11 (**ADMINISTRATIVE REQUIREMENTS**);
 - (d) Subsection 1403.5 (**ADMINISTRATIVE REQUIREMENTS**), except that "Chief of Police" shall be replaced with "DCHAPD Chief of Police";

- (e) Subsections 1403.4, 1403.7, and 1403.12 (**ADMINISTRATIVE REQUIREMENTS**), except that "Department" shall be replaced with "DCHAPD", "Training Director" with "DCHAPD Chief of Police", and "Chief of Police" with "DCHA Executive Director";
- (f) Section 1404 (**EXAMINATION REQUIREMENTS**), except that "Chief of Police" shall be replaced with "DCHAPD Chief of Police" in subsection 1404.13;
- (g) Subsections 1405.1, 1405.2, and 1405.4 through 1405.12 (**CURRICULUM REQUIREMENTS**);
- (h) Section 1406 (**CONTENT REQUIREMENTS**);
- (i) Section 1407 (**SPECIALIZED SKILLS TRAINING REQUIREMENTS**), except that "Department" shall be replaced with "DCHAPD" in 1407.7(f); and
- (j) Subsection 1408.1 (**RECORDS AND FILES**).

1703.2 Each police officer, in addition to the training required by subsection 1703.1, shall complete a minimum of twenty-four (24) hours of training on DCHA and DCHAPD policies and procedures, including, but not limited to, the following subject matter areas:

- (a) DCHA and DCHAPD history, organization and mission;
- (b) DCHAPD written directives and standard operating procedures;
- (c) DCHAPD public safety initiatives, crime reduction strategies, special operations, and community policing programs;
- (d) DCHA and DCHAPD personnel procedures and requirements, including EEO and drug-free work place policies and procedures and the collective bargaining agreement;
- (e) DCHAPD code of conduct, penalties for conduct violations, and rights of appeal; and
- (f) Jurisdictional and operational responsibilities of the DCHAPD in relation to the Metropolitan Police Department.

1704**PROBATIONARY PERIOD**

- 1704.1 Each police officer shall satisfactorily complete an initial probationary period of one (1) year in order to obtain a permanent appointment as a police officer with the DCHAPD.
- 1704.2 The one (1) year probationary period shall begin on the day after the date that the DCHAPD police officer successfully completes all initial training required by section 1703.
- 1704.3 No prior service with any other District of Columbia Government agency shall be used to satisfy this section.
- 1704.4 The DCHAPD Chief of Police shall ensure that applicable District, DCHA, and DCHAPD laws, rules, and regulations governing DCHAPD probationary employees are implemented properly for each police officer.

1705 CONTINUING EDUCATION AND FIREARMS (SERVICE PISTOL) RE-QUALIFICATION TRAINING

- 1705.1 Each DCHAPD member shall be subject to the following requirements of these regulations established for the continuing education and firearms re-qualification training of Metropolitan Police Department members:

- (a) Subsections 1601.1 through 1601.5 (**GENERAL PROVISIONS**);
- (b) Subsections 1602.1 and 1602.3 through 1602.7 (**ADMINISTRATIVE REQUIREMENTS**), except that "Training Director" and "Chief of Police" shall be replaced with "DCHAPD Chief of Police";
- (c) Subsection 1602.8 (**ADMINISTRATIVE REQUIREMENTS**), except that "Department" shall be replaced with "DCHAPD", "Training Director" with "Chief of Police", and "Chief of Police" with "DCHA Executive Director";
- (d) Subsection 1603 (**EXAMINATION REQUIREMENTS**);
- (e) Subsections 1604.2 through 1604.7 (**CONTINUING EDUCATION CONTENT REQUIREMENTS**), except that "Chief of Police" shall be replaced with "DCHAPD Chief of Police";
- (f) Section 1605 (**FIREARMS (SERVICE PISTOL) RE-QUALIFICATION TRAINING CONTENT REQUIREMENTS**), except that "Department" shall be replaced with "DCHAPD" in subsection 1605.7;

(g) Section 1606 (**TRAINING-RELATED CONSEQUENCES**), except that “Department” shall be replaced with “DCHAPD” and “Chief of Police” with “DCHAPD Chief of Police”; and

(h) Subsection 1607.1 (**RECORDS AND FILES**).

1705.2 In addition to the subject matter areas established by subsections 1705.1(e) and 1705.1(f), the DCHAPD Chief of Police may require members to complete continuing education and firearms (service pistol) re-qualification training on job-related DCHA and DCHAPD policies and procedures.

1705.3 When a health condition, medical condition, or injury prohibits a member from participating in any continuing education or firearms re-qualification training activity, the member shall submit to the DCHAPD Chief of Police or designee, a signed release from a private physician before the member is allowed to resume participation in the training activity.

1706 RECORDS AND FILES

1706.1 The DCHAPD Chief of Police or designee shall establish a file for each applicant for an entry-level police officer position that shall contain all correspondence, documents, reports, records and other information related to the appointment decision.

1706.2 The DCHAPD Chief of Police or designee shall establish a file for each entry-level police officer who attends initial training that contains all correspondence, documents, reports, records, and other information related to the training, including, when appropriate, a copy of the notice of successful completion.

1706.3 The DCHAPD Chief of Police or designee shall establish a file for each police officer appointed to the DCHAPD as an entry-level police officer that shall contain all correspondence, documents, reports, records, and other information relating to the probationary period of the officer.

1706.4 The DCHAPD Chief of Police or designee shall establish a file for each member that shall contain all correspondence, documents, reports, records, and other information related to the continuing education and firearms (service pistol) re-qualification training of the member, including, when appropriate, a copy of each notice of successful completion.

1706.5 The files established pursuant to this section shall be considered confidential and shall be maintained, stored, and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy,

security, storage, retention, and release of personnel records, information, and data.

1707 EVALUATIONS

- 1707.1 The requirements of subsections 1312.1 through 1312.4 of this title shall apply to the evaluation of the DCHAPD entry-level police officer appointment process, except that the DCHAPD Chief of Police or designee shall be responsible for the activities.
- 1707.2 The requirements of subsections 1505.1 through 1505.4 of these regulations shall apply to the evaluation of the probationary period of DCHAPD entry-level police officers, except that the DCHAPD Chief of Police or designee shall be responsible for the activities.
- 1707.3 The DCHAPD Chief of Police or designee, on an annual basis, shall conduct a review of the effectiveness of the initial training, continuing education, and firearms (service pistol) re-qualification training required by these regulations in preparing members for service with the DCHAPD and, as appropriate, effect, or recommend to the Board any necessary change(s). The review shall include, but not be limited to, feedback from the members who participated in the training and the staff.

1708 REPORTS

- 1708.1 By October 1st of each year, the DCHAPD Chief of Police or designee shall provide the Board, for the previous fiscal year, a report that contains the following information concerning the appointment of entry-level police officers:
- (a) Number of applications received;
 - (b) Number of applicants appointed;
 - (c) Number of applicants disqualified for appointment in each component of the appointment process;
 - (d) Number of applicants who declined conditional and final offers of employment;
 - (e) Number of requests for reconsideration of a disqualification and the outcome of each request;
 - (f) Performance of the demographic groups represented in the appointment process in each component;

- (g) Results of any validation or other research conducted regarding the appointment process;
- (h) Copies of any amended written procedures governing the appointment process;
- (i) Results of any administrative or judicial review or litigation of the appointment process;
- (j) Results of the annual review;
- (k) Plan for the recruiting efforts for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (l) Statement attesting that the requirements of these regulations have been met by each appointment.

1708.2 By October 1st of each year, the DCHAPD Chief of Police or designee shall provide the Board, for the previous fiscal year, a report that contains the following information concerning the initial training, probationary period, continuing education, and firearms re-qualification training of members:

- (a) Number of entry-level police officers who successfully completed initial training;
- (b) Number of entry-level police officers who failed to successfully complete initial training and the reason(s) for the failure;
- (c) Number of entry-level police officers who successfully completed the probationary period;
- (d) Number of entry-level police officers who failed to successfully complete the probationary period and the reason(s) for the failure;
- (e) Number of members, by rank, who successfully completed annual in-service training;
- (f) Number of members, by rank, who failed to successfully complete annual in-service training, the reasons(s) for the failure, and the administrative consequences of the failure;
- (g) Number of members, by rank, who successfully completed required pre-service training;

- (h) Number of members, by rank, who failed to successfully complete required pre-service training, the reasons(s) for the failure, and the administrative consequences of the failure;
- (i) Number of members who successfully completed each semi-annual firearms (service pistol) re-qualification training program;
- (j) Number of members who failed to successfully complete the semi-annual firearms (service pistol) re-qualification training, the reasons(s) for the failure, and the administrative consequences of the failure;
- (k) Names, qualifications, training subject matter areas, and certification or approval information, for providers of DCHAPD-related initial training, continuing education, and firearms (service pistol) re-qualification training;
- (l) Copies of any amendments to any DCHAPD-related initial training, continuing education, and firearms (service pistol) re-qualification training lesson plan(s);
- (m) Copies of amended written procedures;
- (n) Results of any administrative and judicial review or litigation;
- (o) Results of the annual reviews;
- (p) Plan for the initial training, probationary period, continuing education, and firearms (service pistol) re-qualification training for the upcoming year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (q) Statement attesting that the requirements established by this chapter have been met by the DCHAPD.

1708.3 The DCHAPD Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1708.4 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1709 INSPECTIONS

1709.1 The Board shall inspect the facilities, operations, activities, and files related to meeting the requirements of this chapter as often as deemed necessary to determine compliance with these regulations.

- 1709.2 An inspection shall include, but not be limited to, a review of any documents, records, and files required to be maintained by these regulations, on-site observation(s), and interview(s) with program participants.
- 1709.3 The Board shall provide the DCHAPD at least ten (10) days advance notice of an inspection requested under this section.
- 1709.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.
- 1709.5 The DCHAPD Chief of Police or designee, within sixty (60) days of receipt of an inspection report that requires remedial action, shall submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 18 CERTIFICATION OF METROPOLITAN POLICE DEPARTMENT TRAINING INSTRUCTORS

Secs.	
1800	Purpose
1801	General Provisions
1802	Provisional Instructor Certificate
1803	Instructor Certificate
1804	Master Instructor Certificate
1805	Adjunct Instructor Approval
1806	Guest Speaker and Guest Participant Approval
1807	Maintenance of Qualifications
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1800 PURPOSE

- 1800.1 These regulations establish minimum standards for the certification of Metropolitan Police Department (Department) training instructors and approval of training guest speakers and guest participants.

1801 GENERAL PROVISIONS

- 1801.1 A sworn member or civilian employee who is assigned full time to serve as an instructor shall possess a Provisional Instructor, Instructor, or Master Instructor Certificate issued by the Chief of Police or designee pursuant to this chapter.

- 1801.2 The instructor certificate shall specify the name of the member, type of certificate, subject matter area in which the member is certified to instruct, and time period for which the certificate is effective, and contain the signature of the Chief of Police or designee.
- 1801.3 An individual who provides instruction in, facilitates, or is a guest in one or more Department training classes on a part-time basis shall be approved to serve, as appropriate, as an Adjunct Instructor, Guest Speaker, or Guest Participant by the Chief of Police or designee pursuant to this chapter.
- 1801.4 The Chief of Police or designee, in writing, shall, in writing, inform each individual approved to serve in one of the training roles established by subsection 1801.3. The document shall specify the training role, subject matter area for which approved, and period of approved service.
- 1801.5 The Chief of Police or designee shall ensure that an individual certified or approved pursuant to participate in Department training pursuant to these regulations serves only in his or her certified or approved subject matter area.
- 1801.6 An individual who is assigned full-time as a Department instructor on the effective date of these regulations, except as the result of circumstances caused by other than the individual, shall, within one (1) year of the effective date of this chapter, meet the requirements of section 1803.
- 1801.7 An individual who is participating in Department training in a capacity equivalent to that of Adjunct Instructor, Guest Speaker, or Guest Participant, on the effective date of these regulations, prior to participating in the next scheduled training class, shall meet, as appropriate, the requirements of section 1805 or 1806.
- 1801.8 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, training instructor certification standards that exceed these minimum requirements.
- 1801.9 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this chapter.

1802 PROVISIONAL INSTRUCTOR CERTIFICATE

- 1802.1 In order to be issued a Provisional Instructor Certificate, an individual shall:

- (a) Possess at least sixty (60) semester credit hours, from an accredited post-secondary institution or an equivalent combination of post-secondary education and subject matter area-related experience;
- (b) Possess education, training, and/or experience as a general practitioner in the subject matter area to be taught;
- (c) Possess a most recent annual performance rating of at least "Meets Expectations" or the equivalent;
- (d) Be in compliance with Department-mandated training requirements, including those for annual in-service, firearms (service pistol) re-qualification, cardio-pulmonary (CPR), and automated external defibrillator (AED) training;
- (e) Successfully complete a job-related background investigation;
- (f) Have signed a statement that he or she has read, and will comply with, the Department's Code of Ethics and the Department's Instructor's Code of Ethics;
- (g) Have completed a Provisional Instructor Internship Program that includes, but is not limited to, the following activities:
 - (1) Twenty-four (24) hours of instruction on the:
 - (i) Duties, responsibilities, and requirements of a Provisional Instructor and Instructor;
 - (ii) Code of conduct for the instructional staff and training participants, including prohibited conduct;
 - (iii) Training ethics and liability;
 - (iv) Safety, health, security, and environmental requirements applicable to training activities and facilities;
 - (v) Procedures for handling fire, illness, injury, and other emergency situations;
 - (vi) Chain-of-command and supervision;
 - (vii) Department's employee assistance programs for sworn members and civilian employees; and
 - (viii) Department's equal employment opportunity policies and

procedures.

- (2) Auditing of at least eight (8) hours of training in the certified subject matter area provided by an Instructor or Master Instructor;
- (3) Eight (8) hours of team training in the certified subject matter area under the direct supervision of an Instructor or Master Instructor; and
- (4) A favorable evaluation by the Instructor or Master Instructor of the training delivered pursuant to subsection 1802.1(g)(3); and

(h) Be approved by the Department's Training Director.

1802.2 An individual who will provide training on a specialized skill, in addition to meeting the requirements of subsection 1802.1, shall have obtained certification or licensure from a competent authority and/or have successfully completed any required additional training, as established by the Department's Training Director.

1802.3 A Provisional Instructor, other than for a specialized skill, may:

- (a) Serve as an administrative training coordinator;
- (b) Present pre-prepared lesson plans;
- (c) Serve as a team trainer with an Instructor or Master Instructor;
- (d) Administer written tests and practical exercises;
- (e) Administer training evaluation forms to training participants; and
- (f) Provide performance feedback to training participants.

1802.4 A Provisional Instructor who is certified to provide training on a specialized skill may perform the activities specified in subsection 1802.3(a) and subsections 1802.3(c) through 1903.3(f), and shall not qualify other Department members and training participants from outside the Department in the specialized skill.

1803 INSTRUCTOR CERTIFICATE

1803.1 In order to be issued an Instructor Certificate, a Provisional Instructor shall:

- (a) Have successfully completed at least forty (40) hours of instructor development training that includes, but is not limited to, a verification of the Provisional Instructor's lesson plan development and training delivery skills, and instruction in:
 - (1) Role of the law enforcement instructor and law enforcement training;
 - (2) Instructional design, including lesson plan and performance objective development;
 - (3) Instructional techniques, including group discussion and scenario-based (or simulation) training;
 - (4) Training participant testing and evaluation procedures;
 - (5) Availability and use of training resources;
 - (6) Adult learning principles and procedures;
 - (7) Classroom leadership;
 - (8) Training participant stress and stress management; and
 - (9) Training administration, including records management;
- (b) Have delivered at least eight (8) hours of training in the certified subject matter areas under the general supervision of an Instructor or Master Instructor;
- (c) Have received a favorable evaluation by the Instructor or Master Instructor of the training delivered pursuant to subsection 1803.1(b);
- (d) Have continued to meet the qualifications for Provisional Instructor pursuant to subsections 1802.1(c) through 1802.1(e);
- (e) Have participated in any mandatory OSHA-compliant medical surveillance program related to the certified subject matter area (such as for hearing loss prevention or lead exposure monitoring); and
- (f) Be approved by the Department's Training Director.

1803.2

An Instructor who will provide training on a specialized skill, in addition to meeting the requirements of subsection 1803.1, shall have obtained certification or licensure from a competent authority and/or have

successfully completed any required additional training, as established by the Department's Training Director.

1803.3 In addition to the tasks specified in subsection 1802.3, an Instructor may:

- (a) Develop lesson plans, instructional materials, and testing and evaluation materials;
- (b) Present self-developed training;
- (c) Serve as a lead instructor in team teaching with a Provisional Instructor or another Instructor;
- (d) Coordinate the work of other Instructors;
- (e) Evaluate training participant performance and provide corrective action;
- (f) Develop remedial activities for training participants;
- (g) Serve as an Instructor in the Provisional Instructor Internship Program; and
- (h) For a specialized skill, qualify Department employees and training participants from outside the Department.

1804 MASTER INSTRUCTOR CERTIFICATE

1804.1 In order to be issued a Master Instructor Certificate, an Instructor shall:

- (a) Have, within one (1) year prior to the date of application for the Master Instructor Certificate, provided forty (40) hours of Department training in the certified subject matter area;
- (b) Have, within one (1) year prior to the date of application for the Master Instructor Certificate, participated as an Instructor in at least one (1) Provisional Instructor Internship Program when such a program is available;
- (c) Have, within the one (1) year prior to the date of application for the Master Instructor Certificate, developed, on his or her own or as the lead person, at least one (1) Department training block of instruction, to include the lesson plan, instructional materials, and training participant testing and evaluation materials;

- (d) Have received a rating of “Meets Expectations,” or the equivalent, that took into account the instructional competency of the Instructor and feedback from training participants on his or her performance as an Instructor, on his or her two (2) most recent annual performance ratings;
- (e) Have continued to meet the requirements established in subsections 1802.1(d), 1802.1(e), 1803.1(e), and 1803.2; and
- (f) Be approved by the Training Director.

1804.2 A Master Instructor may be recognized according to procedures announced, in writing, by the Chief of Police, such as by a nameplate, the wearing of a ribbon, and/or through additional compensation.

1804.3 In addition to the tasks specified in subsection 1803.3, a Master Instructor may:

- (a) Serve as a lead instructor in team teaching with another Master Instructor;
- (b) Provide advice and guidance to Provisional Instructors and Instructors;
- (c) Coach and counsel training participants;
- (d) Evaluate the instructional competency of Provisional Instructors and Instructors; and
- (e) Evaluate training-related risk management situations.

1805 ADJUNCT INSTRUCTOR APPROVAL

1805.1 In order to be approved as an Adjunct Instructor, an individual shall provide the Department’s Training Director verifiable written documentation of his or her:

- (a) Expertise as it applies to the subject matter area to be taught (such as medical or law degree, bar association membership, U.S. Red Cross certification, certification by a State Police Officers Standards and Training Board or Commission, competitive shooting experience, professional publications);
- (b) Agreement to adhere to the lesson plan(s) to be delivered;
- (c) Agreement to be evaluated on the quality of training delivery by training participants and a Department training supervisor;

(d) Compliance with any ethics program and/or principles governing his or her current employer and/or profession; and

(e) When, applicable, the proposed lesson plan(s).

1805.2 An Adjunct Instructor may participate for a one (1) year period in an unlimited number of deliveries of the lesson plan(s) for which approved.

1805.3 The Department's Training Director may extend, in two (2) year intervals, the approval of an Adjunct Instructor when:

(a) There are no material changes in the training to be delivered by the Adjunct Instructor;

(b) The Adjunct Instructor has consistently received a favorable evaluation by the training participants and Department supervisor; and

(c) The Adjunct Instructor has maintained any subject matter area certification, license, permit, or other type of document that provided the basis for the original approval.

1805.4 An Adjunct Instructor is authorized to:

(a) Deliver approved lesson plan(s);

(b) Administer and evaluate the results of written tests and practical exercises;

(c) Administer training evaluation forms to training participants;

(d) Evaluate training participant performance and provide corrective feedback; and

(e) Develop remedial activities for training participants under the general supervision of an Instructor or Master Instructor.

1806 GUEST SPEAKER AND GUEST PARTICIPANT APPROVAL

1806.1 The Department's Training Director or designee shall approve each separate use of an individual as a Guest Speaker or Guest Participant.

1806.2 Approval to use a Guest Speaker or Guest Participant shall be requested by the Department supervisor of the involved training, in writing, by specifying:

- (a) Name of the individual;
- (b) Training in which the individual will participate;
- (c) Date(s) of the training;
- (d) Duties and responsibilities of the individual;
- (e) Attribute(s) qualifying the individual for serving in the training; and
- (f) Procedures for monitoring the individual during the training.

1806.3 A Guest Speaker or a Guest Participant, prior to approval, may be required to provide documentation of any qualification.

1806.4 A Guest Speaker or a Guest Participant, who will participate for more than four (4) hours of training, prior to approval, may be required to submit a lesson or other type of training plan.

1806.5 Each Guest Speaker and Guest Participant shall be subject to the direct on-site monitoring of an Instructor, Master Instructor, or Adjunct Instructor.

1807 MAINTENANCE OF QUALIFICATIONS

1807.1 To maintain a current Instructor or Master Instructor Certificate, the Instructor or Master Instructor shall:

- (a) Continue to meet the requirements that qualified the individual for the certificate;
- (b) Continue to receive an annual performance rating, that takes into account the instructional competency of the instructor and feedback from training participants on the training delivery, of at least "Meets Expectations" or the equivalent;
- (c) Have delivered eight (8) hours of Department training in his or her certified subject matter area during each one (1) year period of service as an Instructor or Master Instructor; and
- (d) Have completed, during each three (3) year period of service as an Instructor or Master Instructor, twenty-four (24) hours of development and/or training in his or her certified subject matter area and/or in instructor development.

1807.2 An Instructor or Master Instructor who delivers specialized skills training shall, on an annual basis, demonstrate proficiency in the certified skill.

- 1807.3 An Instructor or Master Instructor Certificate shall be declared inactive when the Instructor fails to meet one (1) or more of the requirements established by subsection 1807.1. An Instructor or Master Instructor Certificate for specialized skills training shall, in addition, be declared inactive when the instructor fails to meet the requirement of subsection 1807.2.
- 1807.4 An Instructor or Master Instructor who wishes to activate a certificate that has been declared inactive shall submit, in writing, the request for activation to the Chief of Police or designee, who shall make the final decision.

1808 REVOCATION

- 1808.1 The Chief of Police or designee shall revoke the certificate of a Provisional Instructor if the Provisional Instructor fails to meet the requirements for Instructor within one (1) year of receipt of the Provisional Instructor Certificate.
- 1808.2 The Chief of Police or designee may revoke the certificate of a Provisional Instructor, Instructor, or Master Instructor, or withdraw the approval of an Adjunct Instructor, Guest Participant, or Guest Speaker, for including, but not limited to, the following factors:
- (a) Has been suspended from full duty in his or her current employment position;
 - (b) Has been discharged from his or her current employment position;
 - (c) Knowingly falsified or omitted material information in the instructor application, certification, and/or approval process;
 - (d) Knowingly falsified in a material manner a Department training document or record;
 - (e) Failed to follow in a material manner the approved lesson or training plan;
 - (f) Used a certificate issued pursuant to these regulations for an unauthorized purpose; and
 - (g) Placed the physical and/or or psychological health and/or safety of a training participant, a training staff member, and/or the public in jeopardy.

1808.3 A request to re-instate a Provisional Instructor, Instructor, or Master Instructor Certificate, or to re-instate approval to serve as an Adjunct Instructor, Guest Participant, or Guest Speaker, shall be made, in writing, to the Chief of Police or designee, who shall make the final decision.

1809 WAIVERS AND EXTENSIONS

1809.1 The Chief of Police or designee may waive any part of the requirements for obtaining a Provisional Instructor, Instructor, or Master Instructor Certificate, and for approval as an Adjunct Instructor, Guest Speaker, or Guest Participant, for cause, such as the individual possesses education, training or experience far beyond the minimum requirements.

1809.2 The Chief of Police or designee may waive any part of the Instructor and Master Instructor Certificate maintenance requirements, and extend the time required to obtain an Instructor Certificate by a Provisional Instructor, for, including, but not limited to, the following factors:

- (a) Performance-of-duty injury;
- (b) Performance of-duty illness;
- (c) Military service; or
- (d) Special duty assignment required and performed in the public interest.

1810 RECORDS AND FILES

1810.1 The Department's Training Director or designee shall establish a file for each individual certified or approved pursuant to this chapter that shall contain all correspondence, documents, records, reports, and other information related to the certification or approval.

1810.2 The files established pursuant to this section shall be considered confidential and shall be maintained and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data.

1810.3 The Department shall retain training instructor certification files for Department employees for twenty (20) years following the separation of the member from the Department, and then they shall be destroyed.

1810.4 The Department shall retain training instructor certification program records for non-Department individuals for twenty (20) years following the last day the individual participated in Department training, and then they shall be destroyed.

1811 EVALUATIONS

- 1811.1 The Department's Training Director, on an annual basis, shall establish measurable training instructor certification goals and objectives.
- 1811.2 The Department's Training Director shall assess the achievement of the goals and objectives and effect in a timely manner any necessary programmatic and other types of change(s).
- 1811.3 The Department's Training Director or designee, on an annual basis, shall conduct a review of the effectiveness of the training instructor certification program and, as appropriate, effect, or recommend to the Board, any necessary change(s).
- 1811.4 The annual review shall include, but not be limited to, feedback from training instructors, guest speakers, and guest participants, and Department training supervisors.
- 1811.5 The Department's Training Director or designee shall regularly review professional research on instructor development and training in order to make recommendations to affirm and/or improve the training certification/approval program.

1812 REPORTS

- 1812.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, a report that contains:
- (a) By subject matter area, number of individuals currently possessing a/an Provisional Instructor, Instructor, and Master Instructor Certificate and approved to serve as an Adjunct Instructor, Guest Participant, and Guest Speaker;
 - (b) By subject matter area, number of individuals newly approved to serve as a/an Provisional Instructor, Instructor, Master Instructor, Adjunct Instructor, Guest Participant, and Guest Speaker;
 - (c) By subject matter area, number and type(s) of instructor certificates revoked and reactivated and the basis for the decision;
 - (d) By subject matter area, number of instances of withdrawal of approval of an Adjunct Instructor, Guest Speaker, and Guest Participant and the basis for the decision;

- (e) By subject matter area, number of waivers and extensions and the basis for the waivers and extensions;
- (f) Results of the annual review;
- (g) Results of any administrative or judicial review or litigation of the training instructor certification/approval program;
- (h) Plan for the training instructor certification program for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (i) Statement attesting that the requirements of these regulations have been met for every instructor certificate and guest speaker and guest participant approval.

1812.2 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1812.3 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1813 INSPECTIONS

1813.1 The Board shall inspect the training instructor certification records and files as often as deemed necessary to determine compliance with these regulations.

1813.2 An inspection shall include, but not be limited to, a review of any documents, records, and files required to be maintained by these regulations; on-site observation(s); and on-site interview(s) with training staff and participants.

1813.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1813.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

1813.5 The Chief of Police or designee, within sixty (60) days of receipt of an inspection report that requires remedial action, submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

**CHAPTER 19 SPECIAL FIREARMS (SHOTGUN AND PATROL RIFLE)
INITIAL AND RE-QUALIFICATION TRAINING OF
METROPOLITAN POLICE DEPARTMENT MEMBERS**

Secs.	
1900	Purpose
1901	General Provisions
1902	Initial Training Requirements
1903	Re-Qualification Training Requirements
1904	Training-Related Consequences
1905	Records and Files
1906	Evaluations
1907	Reports
1908	Inspections

1900 PURPOSE

This chapter establishes the standards for special firearms (shotgun and patrol rifle) initial and re-qualification training of Metropolitan Police Department (Department) members.

1901 GENERAL PROVISIONS

- 1901.1 Each member who is authorized to carry and use a Department-issued shotgun, shall successfully complete at least sixteen (16) hours of initial shotgun training and, during each following calendar year, at least eight (8) hours of shotgun re-qualification training.
- 1901.2 Each member who is authorized to carry and use a Department-issued patrol rifle shall successfully complete at least forty (40) hours of initial patrol rifle training and, during each following calendar year, at least eight (8) hours of patrol rifle re-qualification training.
- 1901.3 The Training Director or designee shall consult the shotgun and patrol rifle manufacturers quarterly in order to incorporate in the training all changes in cleaning, maintenance, and marksmanship procedures.
- 1901.4 No requirement of these regulations is to be interpreted as precluding the Chief of Police from establishing, through the appropriate legislative or rulemaking process, special firearms initial and re-qualification training standards that exceed these minimum requirements.
- 1901.5 The Chief of Police, within one hundred eighty (180) days following the effective date of these regulations, shall report to the Board on the status of written procedures implementing this Chapter.

1902 INITIAL TRAINING REQUIREMENTS

- 1902.1 The training shall be conducted according to the following regulations established for the initial training of Metropolitan Police Department entry-level police officers:
- (a) Subsections 1401.2 through 1401.4 (**GENERAL PROVISIONS**);
 - (b) Subsections 1402.1, 1402.2(b) through 1402.2(h), 1402.2(l), and 1402(m) (**FACILITY REQUIREMENTS**);
 - (c) Subsections 1403.1 through 1403.3, and 1403.9 through 1403.12 (**ADMINISTRATIVE REQUIREMENTS**);
 - (d) Subsections 1404.1 through 1404.5 and 1404.7 through 1404.12 (**EXAMINATION REQUIREMENTS**); and
 - (e) Subsections 1405.1, 1405.4 through 1405.12 (**CURRICULUM REQUIREMENTS**).
- 1902.2 The training shall consist of classroom-based training, guided demonstrations of the required skills, and application of marksmanship principles in range exercises.
- 1902.3 The classroom training, within the scope of the Department's use of force continuum, shall be specific to the firearm and cover, but not be limited to, the following subject matter areas:
- (a) Characteristics, cycle of operations (only patrol rifle), nomenclature, safety devices, and ammunition specifications;
 - (b) Advantages and disadvantages of the firearm;
 - (c) Field stripping and reassembly;
 - (d) Loading, unloading, reloading, and clearing;
 - (e) Circumstances for transitioning to the service pistol;
 - (f) Preventive maintenance inspection, cleaning, and storage;
 - (g) Department policies, procedures, and directives regarding the proper use of law enforcement force, the Department's use of force continuum, and use-of-force notification and reporting requirements;
 - (h) Department policies, procedures, and directives for handling and using the firearm, including the circumstances in which the firearm may be

used; factors to be considered in making the decision to use the firearm; prohibitions related to the use of the firearm; and storage, carrying, and transport requirements;

- (i) Fundamental marksmanship principles including presentation; sight alignment; steady hold factors including weapon placement, grip, breath control, body relaxation, and trigger control; wobble area, including the effect of firing positions and trigger control; and follow through;
- (j) Effective shooting techniques in various positions;
- (k) Single and multiple target engagement;
- (l) Target engagement while using an air purifying respirator (gas mask);
- (m) Moving while shooting;
- (n) Shooting from cover and concealment;
- (o) Shooting in dim light situations;
- (p) Firearms range terminology and procedures, including safety procedures; and
- (q) Department's re-qualification requirements.

1902.4

The marksmanship training shall include timed performance exercises that possess reasonable time limits and take into account such variables as the type of firearm, proper reloading requirements, and the various conditions encountered in police work, including, but not limited to, the following exercises:

- (a) Shooting at reactive targets;
- (b) Shooting at single and multiple targets;
- (c) Shooting from a variety of distances from a target;
- (d) Shooting from various positions;
- (e) Shooting in dim and normal light;
- (f) Shooting while moving; and
- (g) Transitioning to the service pistol.

- 1902.5 The training shall be sequenced in a logical manner that promotes optimal and safe acquisition of knowledge and skills, safe skills demonstration, and user responsibility.
- 1902.6 Only Department-issued firearms shall be used in the training.
- 1902.7 The training instructors shall, prior to use and operation, ensure that the firearms used in the training are in a serviceable and safe condition consistent with the intended proper use.
- 1902.8 The training instructors, throughout the training, shall critically observe each member in order to provide corrective instruction regarding, but not limited to, deficient firearms techniques and the failure to use safe firearms handling procedures.
- 1902.9 Each member shall successfully complete written, oral, and/or performance examinations in order to demonstrate the proper application of the required knowledge and skills that shall include, but not be limited to, an evaluation of marksmanship proficiency.
- 1902.10 The evaluation of marksmanship proficiency shall be based on a checklist that includes, but is not limited to, an assessment of maintaining one's finger off the trigger unless justified and ready to fire, exercising sound judgment and decision-making, and maintaining the proper hold of the firearm and stance.
- 1902.11 A member shall be given three (3) opportunities to successfully complete each required examination.
- 1902.12 Successful completion of the shotgun marksmanship examination shall be defined as seventy percent (70%) and higher on both the normal light and dim light qualifications.
- 1902.13 Successful completion of the patrol rifle marksmanship examination shall be defined as ninety percent (90%) and higher on both the normal light and dim light qualifications.

1903 RE-QUALIFICATION TRAINING REQUIREMENTS

- 1903.1 Each member shall be provided refresher and/or updated classroom training on the subject matter areas established by subsections 1902.3 and the marksmanship training established by subsection 1902.4.

1903.2 Each member shall be required to successfully complete at least one (1) performance examination in order to in order to demonstrate the proper application of the required knowledge and skills.

1903.3 The requirements established by subsections 1902.1, 1902.2, 1902.5 through 1905.8, and 1905.10 through 1902.13 shall apply to re-qualification training.

1904 TRAINING RELATED CONSEQUENCES

1904.1 Each instance of a member failing to report for a special firearms initial and re-qualification training class as scheduled shall be handled in accordance with written Department policies and procedures.

1904.2 A member who fails to successfully complete initial training, or fails to successfully complete re-qualification training prior to the conclusion of the annual training cycle, shall be ineligible to carry and use the authorized firearm.

1905 RECORDS AND FILES

1905.1 The Training Director or designee shall issue to each member who successfully completes initial training or re-qualification training a notice of successful completion that contains, but is not limited to, the name of the member, type of firearm for which authorized, dates of training attendance and completion, dates for which the certification is authorized, and signature of the issuing member.

1905.2 For each training class, the Training Director or designee shall establish a file that contains all related correspondence, documents, reports, records, and other information, including, but not limited to, the following information and documents:

- (a) Training dates and location;
- (b) Names of the participating members;
- (c) Copy of the statement of the training policies, procedures, and rules issued to the members;
- (d) Documents signed by the members indicating that they have received and read a copy of the training facility occupational safety, occupational health, and fire safety policy;
- (e) Names, subject matter area(s), and date(s) of participation of all instructors, guest speakers, and guest participants;

- (f) Copies of all lesson plans, aids, handouts, and other instructional materials used in the training, including documentation of the approval of the lesson plans;
- (g) Documentation of any changes made during the training, including changes in content and delivery and any substitutions or replacements made in the instructional staff;
- (h) Examinations, re-examinations, answer sheets, performance-based checklists, and performance reports;
- (i) Documentation of make-up and remedial training;
- (j) Training delivery evaluation forms and reports; and
- (k) Attendance roster, or other record, that includes the date and tour of duty of the training and identifies present and absent members.

1905.3 The Training Director or designee shall establish a file for each member who attends initial training and firearms training that contains, but is not limited to, name of the member, training dates, attendance record, examination and re-examination scores and ratings, and, when applicable, record of any disciplinary action taken against the member for a violation of these regulations, documentation of make-up or remedial training, and copy of the notice of successful completion.

1905.4 The files established pursuant to this section shall be considered confidential and shall be maintained, stored, and disposed of pursuant to federal and District laws, rules, and regulations governing the privacy, security, and release of personnel records, information, and data.

1905.5 The records and files shall be retained for twenty (20) years following the separation of the member from the Department, and then destroyed.

1906 EVALUATIONS

1906.1 The Department's Training Director, on an annual basis, shall establish measurable special firearms initial and re-qualification training goals and objectives.

1906.2 The Department's Training Director shall assess the achievement of the goals and objectives and effect, in a timely manner, any necessary programmatic and other types of change(s).

- 1906.3 The Department's Training Director or designee, on an annual basis, shall conduct a review of the effectiveness of the initial and re-qualification training, to include, but not be limited to, the curriculum, lesson plans, and the quality of delivery of instruction, and, as appropriate, effect, or recommend to the Board, any necessary change(s).
- 1906.4 The annual review shall include, but not be limited to, feedback from the members and staff who participated in the training.
- 1906.5 The Department's Training Director or designee shall regularly review professional research on firearms training and education and on adult education and training in order to affirm and/or improve training.

1907 REPORTS

- 1907.1 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for each special firearms initial and re-qualification training class, a report that contains:
- (a) Training dates and location;
 - (b) Number of members who successfully completed the training;
 - (c) Number of members who failed to successfully complete the training, the reason(s) for the failure, and the consequence(s) of the failure;
 - (d) Name, qualifications, and most recent instructor certification date of the instructor(s) who provided the training;
 - (e) Name, qualifications, and most recent approval date of any adjunct instructor, guest speaker, and guest participant who contributed to the training;
 - (f) Summary of any amendment(s) to the lesson plan(s) and related training activities;
 - (g) Summary of any unusual occurrences, accidents, and liability issues affecting the class; and
 - (h) Statement attesting that the requirements of these regulations have been met by the class and each successful training participant.
- 1907.2 By October 1st of each year, the Chief of Police or designee shall provide the Board, for the previous fiscal year, for initial and re-qualification training separately, a report that contains:

- (a) Results of the annual review;
- (b) Results of any administrative or judicial review or litigation;
- (c) Copies of any amended written training policies and procedures;
- (d) Plan for the training for the upcoming fiscal year, including a plan for correcting any deficiency indicated by the data from the preceding year; and
- (e) Copy of new or amended lesson plan(s) to be used in the upcoming year.

1907.3 The Chief of Police or designee shall provide the Board such other reports and information as the Board deems necessary to determine compliance with these regulations.

1907.3 The reports required under this section shall be based on the first full year following the effective date of these regulations.

1908 INSPECTIONS

1908.1 The Board shall inspect the training facilities, operations, activities, and files as often as deemed necessary to determine compliance with these regulations.

1908.2 An inspection shall include, but not be limited to, a review of any documents, records, and files required to be maintained by these regulations, on-site observation(s), and interview(s) with training staff and participants.

1908.3 The Board shall provide the Department at least ten (10) days advance notice of an inspection requested under this section.

1908.4 Following an inspection, the individual responsible for the inspection shall present the inspection report to the Board at its next scheduled meeting, including a report of any observed deficiency and non-compliance.

1908.5 The Chief of Police or designee, within sixty (60) days of receipt of an inspection report that requires remedial action, shall submit a report to the Board describing the action(s) taken, or to be taken, to correct a deficiency or establish compliance.

CHAPTER 99 DEFINITIONS

Secs.

- 9900 General Provisions
9901 Defined Terms

9900 GENERAL PROVISIONS

- 9900.1 The terms and phrases used in this title shall have the meanings set forth in this title, unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.
- 9900.2 A word used in this title but not specifically defined in this section, or specifically defined for the purposes of a chapter, has the meaning given in the current edition of *Webster's Unabridged Dictionary*.
- 9900.3 The following rules of interpretation apply throughout this title:
- (a) Words in the present tense include the past and future tense, and variations thereof;
 - (b) Words in the singular include the plural, and vice versa; and
 - (c) The word "shall" is mandatory and not discretionary.
- 9900.4 The Chief of Police shall decide any disagreement of a definition.

9901 DEFINITIONS

Accredited post-secondary institution - College or university that is accredited by one of the six regional accrediting associations (i.e., Middle States, New England, North Central, Northwest, Southern, and Western) and authorized to award academic degrees; or a foreign school deemed equivalent to a United States college or university pursuant to applicable District of Columbia Government rules and regulations.

Adult - Individual who is at least eighteen (18) years of age or as otherwise defined by any applicable federal or District law or regulation.

Board - District of Columbia Police Officers Standards and Training Board.

Civilian - Employee who is not a sworn member.

Conviction - Judgment entered, following sentence, on a verdict of guilty, a plea of guilty, a plea of *nolo contendere*, or having been placed on probation before judgment or on a stet docket, or a judgment of not guilty by reason of insanity; of an adult; by a court of law, sitting with or without a jury, or other duly constituted tribunal, either civilian or military, in any

municipality, county, state, commonwealth, territory, District, or possession or military installation of the United States; whether or not a pardon was received, unless the pardon was granted for subsequent proof of innocence, except when the charge has been made the subject of an expungement order.

Curriculum - Plan for achieving the training performance objectives through the interaction of training participants with the instructional content, materials, resources, and processes.

Day - Calendar day unless otherwise stated.

Department - Metropolitan Police Department.

Department supervisor - Member serving in the rank of Sergeant or higher or a civilian employee assigned to a supervisory or managerial position.

Disqualification - Debarment for appointment as a police officer resulting from failing to successfully complete one or more appointment requirements.

Entry-level police officer - Individual who has qualified for appointment based on open competition without using prior law enforcement experience, who must successfully complete initial training in order to be administered the law enforcement oath of allegiance.

Examination - Evaluative device or procedure in which a sample of an individual's behavior in a specified domain is obtained and subsequently evaluated and scored using a standardized process; also known as a test.

Field training - On-the-job instruction and practice that occurs following the successful completion of initial training.

Fiscal year - October 1 through September 30.

Human Resources Management Director - Department employee, including any employee assigned to a successive equivalent position, who is responsible for administering the Department's sworn police officer employment function.

Intra-family offense - An act that has been committed by an offender upon a person that is punishable as a criminal offense pursuant to D.C. Official Code § 16-1001.

Lateral transfer police officer - Individual who has qualified for appointment, in part, based on the possession of prior law enforcement

experience, who must successfully complete initial training in order to be administered the law enforcement oath of allegiance.

Member - Sworn police officer serving in the rank of Officer and higher.

Military service - Duty with the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, and with the National Guard.

Month - Calendar month.

Nolo contendere - Plea that is entered with the permission of the court to a criminal complaint or indictment by which the defendant does not admit or deny the charges, although a fine or sentence may be imposed pursuant to the plea.

Probationary Review Board - Department Board responsible for reviewing the records of probationary police officers and recommending whether or not the officers shall be granted a permanent appointment upon completion of the probationary period.

Performance examination - Test that involves the simulated application of knowledge or a demonstration of a skill.

Special Firearm - Department-issued shotgun or patrol rifle.

State - One of the United States and the District of Columbia, Puerto Rico, and any possession of the United States.

Stet docket case - Case placed on an inactive status for a period of time, provided that the defendants, or both parties, agree to abide by certain conditions, after which the case will be dismissed, except that, if the defendant does not abide by the agreed to conditions, the case may be set for trial.

Sworn police officer - employee or volunteer who has been administered the law enforcement oath of allegiance.

Training Director - Department employee, including any employee assigned to an equivalent successive position, responsible for administering the Department's initial training, firearms training, continuing education, probationary period review, and training instructor certification programs.

Use of force - Any physical contact used to effect, influence, or persuade an individual to comply with an order from a police officer, other than un-resisted handcuffing.

Use of force model - Department training paradigm concerning the progressive and reasonable escalation and de-escalation of police officer-applied force in proportional response to the actions and level of resistance offered by a suspect that is determined based on the situation encountered and the actions of the suspect in response to the commands of a police officer.

Year - Calendar year unless otherwise stated.

Comments on the proposed rulemaking should be submitted, in writing, to Mr. Terrence Ryan, General Counsel, Metropolitan Police Department, Room 4129, 300 Indiana Avenue NW, Washington, D.C. 20001, within thirty (30) days of the date of the publication of this notice in the *D.C. Register*. Additional copies of these proposed amendments are available from the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

TELEPHONE TARIFF 08-1, IN THE MATTER OF THE APPLICATION OF
VERIZON WASHINGTON, DC INC. FOR AUTHORITY TO AMEND THE
GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Official Code Section 2-505,¹ of its intent to act upon the Application of Verizon Washington, DC Inc. (“Verizon DC”) in the above-captioned matter in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. On January 28, 2008, Verizon DC filed an application requesting authority to amend the following tariff pages:

GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203

Section 6, 3rd Revised Page 11

Section 21, 7th Revised Page 12

4th Revised Page 13

Section 31, 7th Revised Page 4

3. Through this tariff filing, Verizon DC seeks to increase the rates for the following bundled offerings and custom calling services: Local Package service from \$30.99 to \$32.99 (a 6.45 percent increase), Local Package Extra from \$33.99 to \$35.99 (5.88 percent increase), Regional Package from \$38.95 to \$40.95 (4.55 percent increase), Regional Package Extra from \$43.95 to \$45.95 (5.12 percent increase), Big Deal Package from \$18.99 to \$19.99 (5.27 percent increase), Call Waiting ID with Automatic Call Rejection from \$6.75 to \$7.00 (3.70 percent increase), Call Waiting ID Number with Automatic Call Rejection from \$8.25 to \$8.45 (2.42 percent increase), Call Forwarding Busy Line—Don’t Answer from \$2.20 to \$2.40 (9.09 percent increase), Call Forwarding Busy Line from \$2.20 to \$2.40 (9.09 percent increase), and Call Forwarding Don’t Answer from \$2.20 to \$2.40 (9.09 percent increase).² Verizon DC asserts that the proposed revisions are filed pursuant to Price Cap Plan 2004, although they are not classified under the Plan.³

¹ D.C. Official Code, § 2-505.

² See Application at 1.

³ See *id.* See also *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 13370, rel. September 9, 2004. (“Price Cap Plan 2004” or “Plan”).

4. The complete text of the tariff pages is on file with the Commission. Copies of the proposed tariff may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost and also may be obtained on the Commission's website at www.dcpsc.org.

5. Comments on the proposed tariff revision must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Verizon DC's Application.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

**ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S
PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-
D.C. No. 1**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the Potomac Electric Power Company's ("Pepco") Rider "PSOS" - Public Space Occupancy Surcharge ("Application")² in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Pursuant to D.C. Official Code Section 10-1141.6,³ Pepco filed with the Commission an updated Rider PSOS on February 6, 2008.⁴ In the filing, Pepco shows the process to be used to recover from its customers the D.C. Public Rights-of-Way ("ROW") fees paid by Pepco to the District of Columbia Government. Specifically, Pepco proposes to amend the following tariff page:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
9th Revised Page No. R-33**

3. In its filing, Pepco indicates that the revised calculations for the updated Rider PSOS will yield a 26.5 percent decrease in the surcharge rate.⁵ In addition, Pepco states that its "updated Rights-of-Way surcharge is to become effective with meter readings on and after March 1, 2008."⁶

¹ D.C. Official Code § 2-505 (2001 Ed.).

² *ET00-2, In The Matter Of Potomac Electric Power Company's Public Space Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1*, Letter to Dorothy Wideman, Commission Secretary, from Keith Townsend, Assistant General Counsel, re: *ET00-2*, filed February 6, 2008 (hereinafter referred to as "Application").

³ D.C. Official Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

⁴ *ET00-2*, Application at 1.

⁵ *Id.*

⁶ *Id.*

4. This Application may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpssc.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. Comments on the Application must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Pepco's Application. The Commission does not intend to prevent the Company from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, Pepco could be subject to reconciliation of the surcharges.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("Authority"), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 34-2201.01 *et seq.*) hereby gives notice of its intent to amend the Water and Sanitation Regulations, (21 DCMR, Chapter 52), the D. C. Water and Sewer Authority Personnel Regulations and replace the current regulations with new regulations. The proposed rules amend and supersede the existing Personnel Regulations, located at 21 DCMR, Chapter 52.

If adopted these rules will replace the existing personnel regulations. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to Linda R. Manley, Secretary to the Board of Directors, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or email Lmanley@dcwasa.com. Copies of these proposed rules may be obtained from the Authority at the same address.

Title 21 DCMR, Chapter 52, the D. C. WATER AND SEWER AUTHORITY PERSONNEL REGULATIONS are amended and superseded to read as follows:

TITLE 21. WATER AND SANITATION**CHAPTER 52 D. C. WATER AND SEWER AUTHORITY PERSONNEL REGULATIONS****5201. GENERAL PROVISIONS**

5201.1 The purpose of the District of Columbia Water and Sewer Authority Personnel Regulations (the "Regulations"), issued by the Board of Directors (the "Board") of the District of Columbia Water and Sewer Authority (the "Authority"), is to establish guidelines, including policies and procedures relating to personnel matters including, but not limited to, the recruitment, employment, compensation, advancement, hiring, retention and termination of Authority employees pursuant to D. C. Code § 43-1672 *et*

seq., the "Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, D. C. Law 11-111, April 18, 1996" (the "Enabling Act"). The Authority's personnel regulations and personnel policies and procedures are not a contract(s) of employment. Neither the Regulations nor the personnel policies and procedures guarantee any fixed terms and conditions of employment. Employment with the Authority is not guaranteed for any specific time and may be terminated by the Authority for any lawful reason. The Authority reserves the right to, in its sole discretion, modify, rescind, delete, or otherwise change the provisions of these Regulations and/or its personnel policies and procedures at any time, with or without notice, except as where required by law.

- 5201.2 It is the Authority's policy to conduct all personnel actions without regard to race; color; religion; sex; national origin; age; disability; or any other legally protected class in accordance with federal and District of Columbia law.
- 5201.3 The Board delegates to the General Manager the authority to develop, implement and enforce personnel policies and procedures. The General Manager may delegate this authority to subordinate managers.
- 5201.4 The General Manager is responsible for recommending to the Board new personnel regulations or modifications of existing personnel regulations.
- 5201.5 Provisions of a properly executed collective bargaining agreement will take precedence over any provision in this chapter which conflicts with or is contrary to contract provisions.
- 5201.6 If any provision in this chapter is deemed invalid, void or unenforceable by a court of competent jurisdiction, the chapter shall be construed as though the provision does not appear. Any such finding by a court of competent jurisdiction shall not affect the validity of any other provision, section, paragraph, or sentence of this chapter.
- 5201.7 The Authority retains sole control of management rights, in accordance with applicable laws, rules, and regulations, which include, but are not limited to:
- (a) Directing employees of the Authority;
 - (b) Hiring, promoting, transferring, assigning, and retaining employees in positions within the Authority, and suspending, demoting, discharging, or taking other disciplinary action against employees;
 - (c) Relieving employees of duties because of lack of work or other causes;
 - (d) Maintaining the efficiency of the Authority's operations, the extent of usage and the nature of all equipment, and the standards for workmanship;
 - (e) Determining the mission of the Authority, its budget, and its organization;

- (f) Determining the number of employees, including the number, type and grade of positions assigned to the organization unit, work project or tour of duty;
- (g) Deciding the technology to be used in performing its work;
- (h) Defining and carrying out internal security practices;
- (i) Taking whatever actions may be necessary to carry out the mission of the Authority in emergency situations; and
- (j) Altering, amending, modifying, or eliminating the manner in which the activities of the Authority are conducted, including the composition and size of the work force carrying on those activities as prescribed by law.

5201.8 Falsification or misrepresentation of any information provided to the Authority may result in disciplinary action up to and including termination and/or may result in criminal prosecution. Where the information is provided in connection with an employment or promotion application, the applicant may also be disqualified from selection.

5202. Recruiting and Hiring

5202.1 Authority staff shall be employed in the following employment categories:

- (a) At-Will – Positions that serve at the pleasure of the General Manager. At-will positions are not covered by the disciplinary, non-union appeals, and reduction in force regulations and policies and procedures. The General Manager may designate any non-union position as “at-will.”
- (b) Regular – All positions that are not at-will.
- (c) The Authority may add additional employment categories as may be needed from time to time.

5202.2 Employee classifications:

- (a) Temporary - Employees who are hired to perform work for a specified period of time or for a specific project. Temporary employee’s assignment may end at any time, with or without cause and with or without notice. Temporary employees are not covered by the Authority’s disciplinary, non-union appeals, and reduction in force regulations and policies and procedures.
- (b) Intern - High school or college students on a work-study or other formal learning and work experience program who may receive course credit and/or pay for limited periods of employment. Interns are not covered by the Authority’s disciplinary, non-

union appeals, and reduction in force regulations and policies and procedures.

- (c) Full-time - An employee who is hired to work a regularly scheduled workweek of forty (40) or more hours or regularly scheduled to work 80 hours in a two workweek pay period.
- (d) Part-time - An employee who is hired to work a regularly scheduled workweek of less than twenty (20) hours, or works 1,040 hours per year or less. Part-time employees are not covered by the Authority's disciplinary, non-union appeals, and reduction in force regulations and policies and procedures.
- (e) Probationary – All new full-time employees in regular positions and all full-time employees in new regular positions must serve a probationary period of not less than twelve (12) months. Any employee hired is a new Authority employee and must satisfy the probationary period requirement regardless of prior government service. Completion of the probationary period means that, in the judgment of the Authority, the employee has performed in an acceptable manner for a minimum of twelve (12) months. The Authority, in its discretion, may extend a probationary period up to ninety (90) days. If an employee does not complete the probationary period, the Authority may terminate his/her employment. A decision to terminate a probationary employee is not subject to appeal.

5202.3 Vacancies will generally be posted for a minimum of ten (10) working days before a job is offered. Vacancies for positions designated as scarce skills, or in situations where posting of the vacancy for ten (10) working days is determined by the General Manager to be impossible or impractical, a vacancy may be posted for less than ten (10) working days before a job is offered. The General Manager may appoint senior management staff, executive staff, and make emergency staff appointments without the necessity of posting the vacancy or competing the position.

5202.4 The Authority's Human Resources Department is responsible for recruiting candidates to fill new and vacant positions including, but not limited to, recruitment, applicant processing, screening interviews, reference checks, medical examinations, job offers, compensation and benefits processing, and employment records. These responsibilities may be delegated by the General Manager to another organizational component, as deemed appropriate.

5202.5 As part of the selection process, all applicants who have been conditionally offered employment with the Authority will undergo a pre-employment medical evaluation that will include, among other things, drug screening. Any applicant whose medical evaluation indicates the presence of illegal drugs or an inability to perform the essential functions of a position due to mental and/or physical conditions which cannot be reasonably accommodated, will not be employed by the Authority.

5202.6 Relatives of employees are eligible for employment by the Authority provided that such employment does not create a supervisory relationship in which the employees are in one

another's chain of command. For purposes of this section, "relative" is defined as spouse, parent, parent-in-law, child, step-child, sister, brother, brother-in-law, sister-in-law, step-parent, daughter-in-law, son-in-law, niece, nephew, first cousin, grandparent or grandchild, or any other related or unrelated individual that resides in the same household as the employee. If a supervisory relationship is created between employees who are related, at the Authority's discretion, one employee may be reassigned non-competitively to another position selected by the Authority for which the employee is qualified where involuntary displacement of another employee does not result. This reassignment may be conducted without regard to any posting or recruitment requirements. If a position cannot be identified, or reassignment is impossible or impractical, one employee will be required to separate from his or her Authority employment.

5203. Deleted.

5204. Leaves, Holidays and Other Absences

5204.1 The rate of accrual of annual and sick leave will be determined by the Board.

5204.2 The use and carry-over of annual and sick leave will be determined by the General Manager or his designee.

5204.3 The Board of Directors of the Authority will determine the number of holidays that are granted to employees each year. The General Manager will establish the schedule of holidays and shall determine the leave year.

5204.4 The Authority recognizes the following types of un-accrued leave that may be granted to eligible employees in qualifying circumstances:

- (a) Leave of Absence Without Pay.
- (b) Federal and District of Columbia Family and Medical Leave.
- (c) Jury Duty Leave of Absence.
- (d) Military Leave of Absence.
- (e) Administrative Leave.
- (f) Bereavement Leave.
- (g) Leave approved by the Board of Directors.

5205. Compensation and Benefits

5205.1 Benefits

- (a) Full-Time Regular employees may be eligible for medical, life and other benefits offered by the Authority and benefits mandated by federal and District of Columbia laws.
- (b) At-Will employees may be eligible for medical, life and other benefits offered by the Authority and benefits mandated by federal and District of Columbia laws.
- (c) Interns, part-time and temporary employees are ineligible for Authority benefits except as required by applicable federal and District of Columbia laws.

5205.2 Responsibility for Salary Administration

- (a) When appropriate, the Authority's compensation decisions will be based on the Authority's overall financial condition and a review of pay ranges for similar jobs in the labor market.
- (b) The Human Resources Department is responsible for reviewing compensation and for evaluating and assigning a job grade and salary range to each job category. It is the policy of the Authority that job grades and salary ranges be commensurate with each position's responsibilities and performance requirements. The Authority will be guided by the principle of equal pay for equal work. The Human Resources Department is responsible for developing and administering a job evaluation program, including regular review and reevaluation of position descriptions.
- (c) The salary range for each job description will have a minimum and a maximum value.

5205.3 Premium Pay:

- (a) The Authority may provide premium pay for hours worked on holidays and Sundays.
- (b) The Authority may provide for shift pay differentials.

5205.4 Deductions may be made from an employee's wages as required or permitted under the law.

5205.5 The General Manager may authorize individual or work group incentive compensation adjustments for outstanding performance, or as recognition for suggestions, work process improvements, operational savings, development of equipment or processes, and the like. The incentive compensation program may include skill-based pay, merit pay, gainsharing, and be in the form of lump sum bonus payments and temporary or permanent adjustments. The General Manager may also award lump sum bonus payments to employees who have demonstrated superior performance.

5205.6 The Authority may offer health insurance, dental benefits, optical benefits, life insurance, disability coverage, accidental death and dismemberment coverage, and such other benefits as may be determined by the Authority, and may contribute to insurance coverage for employee, depending upon, among other things, the financial status of the Authority.

5205.7 An eligible employee who has voluntarily terminated his/her employment and who is rehired within six (6) months of the effective date of his/her resignation may receive full credit for prior employment in determining annual leave accrual, restoration of sick leave balance, eligibility for Authority contributions to the retirement program, and eligibility for other fringe benefits.

5205.8 The Authority may reimburse employees for expenses incurred for school or training programs which are related to the employee's present work requirements, or constitute continuing education in the employee's field, or for career development. Reimbursement may be made for tuition, books and travel expenses, subject to the following conditions:

- (a) The training or educational program must be pre-approved by the Authority in the manner required by the Authority in order to be eligible for reimbursement.
- (b) The amount and conditions of reimbursement payments shall be determined by the General Manager or his designee.

5206. Reassignments

The Authority may temporarily reassign an employee to another position to meet a temporary employment need.

5207. Layoff and Recall

5207.1 DEFINITIONS

(a) When used in this chapter, the following terms shall have the meaning ascribed:

Best qualified - an individual whose qualifications, including, but not limited to, the assessment of relevant education, work experience, skills, performance, attendance and any applicable test results are ranked the highest overall among all individuals who apply for or are considered for an Authority position, utilizing practices and procedures set forth in the Authority's Recruitment, Selection and Hiring Personnel Policy and Procedure.

Competing employee-an employee in tenure group I, II, or III.

Competitive area-the organizational boundaries within the Authority in which a reduction in force is conducted.

Competitive level-a grouping of similar positions (in a competitive area) within which employees compete for retention.

Days-calendar days.

Displaced employee-a former employee who was separated by a reduction in force.

Minimally qualified-an individual who meets the minimum qualifications and requirements that a candidate must meet for a given position as described on a Vacancy Announcement.

Obligated position-a position to which an employee has restoration rights under the provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § § 4301 et seq.

Preference eligible-a veteran preference eligible as defined in § 2108 of title 5 U.S.C. and § 5207.13 of this chapter.

Released employee-an employee who has been reached for release from his or her competitive level.

Retention register-the listing of employees occupying positions in a competitive level by tenure group and reduction in force service computation date.

Retention standing-the employee's standing on the retention register in relation to other competing employees within his or her competitive level.

Temporary appointment-an appointment with a specific time limitation of one (1) year or less.

Tenure group-the retention group in which competing employees shall be categorized according to their current type of appointment.

5207.2 ACTIONS COVERED

The Authority shall follow the Regulations set forth in this section when releasing a competing employee from his or her competitive level pursuant to a reduction in force. The General Manager shall determine, within his discretion, whether the release of such employee is required. Factors the General Manager shall consider include, but are not limited to, the following:

- (a) Lack of work;
- (b) Shortage of funds;
- (c) Reorganization or realignment; or
- (d) The exercise of restoration rights as provided by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § § 4301 et seq.

5207.3 ACTIONS NOT COVERED

Section 5207 shall not apply to the following actions by the Authority:

- (a) The termination of a temporary promotion;

- (b) The return of an employee to the position from which the employee was promoted on a temporary basis;
- (c) Termination of a temporary appointment;
- (d) Reduction in grade as a result of a position classification/job evaluation action affecting the employee's position;
- (e) Demotion as a result of reclassification, change in qualification standards or error in the application of either of the following:
 - 1. Reclassification or qualification standards; or
 - 2. Time-in-grade requirements for promotion;
- (f) The separation of an employee or a change in an employee's position or grade as a result of an action taken pursuant to the Authority's disciplinary rules; or
- (g) Separation of an employee who is not within reach for release from his or her competitive level for refusal to accept a reassignment either to a vacant position or to an encumbered position in his or her competitive level through displacement action.

5207.4 GENERAL PROVISIONS

- (a) The need to apply reduction in force procedures shall not suspend the Authority's authority and responsibility to discipline, remove, demote, or reassign any employee.
- (b) The retroactive reinstatement of a person who was separated by a reduction in force under these Regulations may only be made on the basis of a finding of harmful error as determined by the Authority or the Office of Employee Appeals ("OEA"). A finding of "harmful error" shall be made where the separation procedures set forth herein were not properly applied, such that the employee should not have been released from his or her competitive level.
- (c) During a reduction in force, the Authority may increase or decrease the number of positions previously identified for abolishment.

5207.5 DETERMINING RETENTION STANDING

The retention standing of each competing employee shall be determined on the basis of tenure of appointment, length of creditable service, veterans preference, residency preference, and relative work performance, and on the basis of other selection factors as provided in these Regulations. Together, these factors shall determine whether an employee is entitled to compete with other employees for employment retention and, if so, with whom, and whether the employee is retained or released.

5207.6 COMPETITIVE AREA

- (a) The Authority is considered a competitive area for purposes of a reduction in force under this section. Lesser competitive areas within the Authority may, however, be established by the General Manager.
- (b) The General Manager may establish lesser competitive areas within the Authority by submitting a written request to the Authority's Board of Directors that includes all of the following:
 - 1. A description of the proposed competitive area or areas which includes a clearly stated mission statement, the operations, functions, and organizational segments affected;
 - 2. An organizational chart of the Authority which identifies the proposed competitive areas; and
 - 3. A justification for the need to establish a lesser competitive area.
- (c) Any lesser competitive area shall be no smaller than a major subdivision of the Authority or an organizational segment that is clearly identifiable and distinguished from others in the Authority in terms of mission, operation, function, and staff.
- (d) The Board of Directors shall publish the competitive area or areas in which the reduction in force will be conducted.
- (e) Employees in one competitive area shall not compete with employees in another competitive area.

5207.7 COMPETITIVE LEVELS

- (a) The General Manager or Director of Human Resources shall determine the positions which comprise the competitive level in which employees shall compete with each other for retention.
- (b) Assignment to a competitive level shall be based upon the employee's position of record.
- (c) An employee's position of record is the position for which the employee receives pay or the position from which the employee has been temporarily reassigned or promoted on a temporary basis.
- (d) A competitive level shall consist of all positions in the competitive area identified pursuant to § 5207.6 in the same pay system, grade or class, and series, if applicable, which are sufficiently alike in qualification requirements, duties and responsibilities so that the incumbent in any one (1) position could perform successfully the duties and responsibilities of any of the other positions, without any loss of productivity beyond that normally expected in the orientation of any new but fully qualified employee.

- (e) The composition of a competitive level shall be determined on similarity of the qualification requirements, including selection factors, to perform the major duties of the position successfully, the title and series, if applicable, of the positions, and other factors prescribed in this section and § 5207.8.

5207.8 SEPARATE COMPETITIVE LEVELS

- (a) Separate competitive levels shall be established for the following:

1. Positions under different pay schedules;
2. Positions filled on a seasonal basis;
3. Positions filled on a part-time basis;
4. Positions filled on an intermittent basis;
5. Positions filled by supervisors or managers; and
6. Positions filled by employees in a formally designated trainee or developmental program having all the characteristics covered in § 5207.8(c).

- (b) Employees whose official position descriptions have the same title, any applicable series, and grade, but who have specialties which are identified on their position descriptions, in accordance with applicable classification standards, shall be assigned to separate competitive levels.

- (c) A position shall be considered as being formally designated in a trainee or developmental program if it has all the following characteristics:

1. The program was designed to meet the Authority's needs and requirements for the development of skilled personnel;
2. The program was formally designated, with its provisions made known to employees and supervisors; and
3. The program is developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression.

5207.9 RETENTION REGISTER

- (a) A retention register shall be established by the Director of Human Resources whenever a competing employee is to be released from his or her competitive level.

- (b) A separate retention register shall be prepared for each competitive level in the competitive area.
- (c) The retention register shall document the final action taken, and the effective date of that action, for each employee released from his or her competitive level.
- (d) Each competitive level shall be identified by the title, any applicable series, and grade of the position(s) which composed the competitive level.
- (e) When a competitive level consists of two (2) or more different titles, each position title shall be identified on the retention register.
- (f) The retention register for each competitive level shall list all positions in the competitive level. A written justification shall be attached to the retention register when positions of the same title, grade, and series, if applicable, are placed in different competitive levels.
- (g) The retention register shall include all of the following:
 - 1. The name of each competing employee in the competitive level, whether in duty status or paid or unpaid leave status;
 - 2. The name of each competing employee in the competitive level who is in a leave-without-pay status based upon receipt of disability compensation benefits;
 - 3. The name of each competing employee detailed or temporarily reassigned from the competitive level;
 - 4. The name of each competing employee temporarily promoted from the competitive level by a temporary promotion; and
 - 5. The name of each competing employee on a temporary assignment from the competitive level to a governmental entity, an institution of higher education, or a private sector organization.
- (h) An employee on military duty with restoration rights shall not be placed on a retention register.
- (i) An employee who has received a written decision to demote him or her shall compete for retention in the position to which he or she will be demoted.
- (j) At the bottom of the retention register, or on a separate list appended to the retention register, in the order set forth below, shall be the following:
 - 1. The name and expiration date of the appointment or reassignment of each employee serving in a position in the competitive level who is in a specifically limited temporary appointment or on a temporary reassignment;

2. The name and expiration date of promotion of each employee serving in a position in the competitive level on a temporary promotion; and
3. The name of each employee serving in a position in the competitive level with a current performance rating of Unsatisfactory.

5207.10 RETENTION STANDING: TENURE GROUPS

- (a) The name of each competing employee shall be listed on the retention register in the order of his or her retention standing.
- (b) Competing employees shall be categorized on a retention register in the groups listed in §5207.10(c) on the basis of tenure of employment, including additional credit as provided in §§ 5207.13, 5207.14 and 5207.15.
- (c) The retention register groups, in descending order of retention standing, shall be tenure group I, group II, and group III.
- (d) Within each group, employees shall be listed by their reduction in force service computation date, as defined in § 5207.12(b), beginning with the earliest date.
- (e) Tenure group I shall include each employee (other than an employee in group II or group III) who is not serving a probationary period.
- (f) Tenure group II shall include the following:
 1. Each employee serving a probationary period; and
 2. Each employee who has completed his or her probationary period and who is in an obligated position.
- (g) Tenure group III shall include each employee serving under an indefinite appointment.

5207.11 NONCOMPETING EMPLOYEES

- (a) An employee serving under a temporary appointment shall be a noncompeting employee in a reduction in force and shall be terminated ahead of any competing employee in his or her competitive level without regard to length of creditable service or preference eligibility, unless the positions in the competitive level are not affected by the reduction in force.
- (b) An employee with an Unsatisfactory performance rating shall be a noncompeting employee in a reduction in force and shall be terminated ahead of any competing employee in his or her competitive level without regard to length of creditable service or preference eligibility, unless the positions in the competitive level are not affected by the reduction in force.
- (c) To ensure that noncompeting employees are separated ahead of competing employees, they

shall be listed separately below group III employees on the retention register or on a separate list appended to the retention register, as provided in § 5207.9(j).

5207.12 RETENTION STANDING: LENGTH OF CREDITABLE SERVICE

- (a) A reduction in force service computation date shall be established for each competing employee as specified in this section.
- (b) An employee's reduction in force service computation date shall be the date which reflects total creditable service plus additional service credit, if applicable, for veterans preference, residency preference and Outstanding performance preference (as provided for in § § 5207.13, 5207.14 and 5207.15); that date shall be one (1) of the following:
 - 1. For employees hired after November 20, 1998, the date of hire with the Authority;
 - 2. For employees hired on or before November 20, 1998, the "Service Computation Date" as previously computed by the District of Columbia Office of Personnel in accordance with the then applicable Federal or District laws or rules.

5207.13 RETENTION STANDING: VETERANS PREFERENCE

- (a) For purposes of this section, veterans preference eligibility shall be determined in accordance with federal law and regulations issued thereunder by the U.S. Office of Personnel Management.
- (b) Pursuant to the regulations referred to in § 5207.13(a), a retired member of a military service shall be considered a preference eligible individual under this section only if he or she meets at least one (1) of the following conditions:
 - 1. The employee's military retirement is based on disability that either:
 - A. Resulted from injury or disease received in the line of duty as a direct result of armed conflict; or
 - B. Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by § § 101 and 301 of title 38, U.S. Code;
 - 2. The employee's military service does not include twenty (20) or more years of full-time active service, regardless of when performed. However, this total does not include periods of active service for training; or
 - 3. The employee has been employed continuously since November 30, 1964, in a position without a break in service of more than thirty (30) days.
- (c) An employee who would otherwise be considered a preference eligible individual under conditions in § § 5207.13(b)(1) or (2) shall not be considered a preference eligible individual

for purposes of this section if the employee retired at or above the rank of major or its equivalent.

- (d) A preference eligible individual having a service-connected disability of thirty percent (30%) or more shall be credited with eight (8) years of additional service.
- (e) A preference eligible individual who is not covered by subsection 5207.13(d) shall be credited with four (4) years of additional service.

5207.14 RETENTION STANDING: RESIDENCY PREFERENCE

- (a) Three (3) years of additional service shall be credited to each competing employee who is eligible for a residency preference as provided in § 5207.14(b).
- (b) Residency preference eligibility in a reduction in force shall be afforded to all of the following:
 - 1. Each competing employee who is a bona fide resident of the District of Columbia;
 - 2. Each competing employee who is not a resident of the District of Columbia, but who was hired by the Water and Sewer Utility Administration of the District of Columbia before January 1, 1980, and has continued employment with the Authority without a break in service of one (1) workday or more since that date; and
 - 3. Each competing employee who is not a resident of the District of Columbia, but who was a former employee of the U.S. Department of Health & Human Services at St. Elizabeth's Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has continued employment without a break in service of one (1) workday or more since that date.

5207.15 RETENTION STANDING: PERFORMANCE RATING

- (a) Each employee who has a current performance rating of "Outstanding" shall be credited with four (4) years of additional service.
- (b) The current performance rating shall be the most recent performance rating preceding the date of the reduction in force notice.
- (c) To be credited under § 5207.15(a), the performance rating must have been officially acted upon with all the necessary approvals, received in the Office of Human Resources no later than thirty (30) days before the close of business of the day immediately before the reduction in force notice is issued.
- (d) A performance rating received by the Office of Human Resources after the date specified in § 5207.15(c) shall not change the employee's retention standing.

5207.16 EFFECTIVE DATE OF RETENTION STANDING

- (a) The retention standing of each employee released from his or her competitive level shall be determined as of the date of release.
- (b) When the Authority discovers an error in the determination of an employee's retention standing, it shall correct the error and adjust any erroneous reduction in force action in accordance with the employee's true retention standing as of the effective date established under this section.

5207.17 RELEASE FROM COMPETITIVE LEVEL

- (a) A competing employee shall not be released from a competitive level while any of the following is retained in that level:
 - 1. An employee with a specifically limited temporary appointment;
 - 2. An employee with a specifically limited temporary promotion; or
 - 3. An employee with an "Unsatisfactory" performance rating.
- (b) A competing employee shall not be released from a competitive level while an employee with lower retention standing is retained in that level, except as required under § 5207.18 when an employee is retained under a mandatory exception.
- (c) Competing employees shall be selected for release from a competitive level in the inverse order of retention standing, beginning with the employee with the lowest retention standing on the retention register.
- (d) When one (1) or more, but not all, employees with the same reduction in force service computation dates in the same tenure group must be released from a competitive level, the ties shall be broken as follows:
 - 1. The employee who encumbers the position to be abolished shall be released;
 - 2. If still tied, the employee who has the least service in the Authority shall be released; and
 - 3. If still tied, the last digit of the social security number shall be used, and the employee with the lowest last digit shall be released.
- (e) When an employee is selected for release from his or her competitive level, he or she shall be separated from service with the Authority.

5207.18 MANDATORY EXCEPTIONS

- (a) When employees are released from their competitive levels under § 5207.17, the special

retention preferences outlined in this section shall be applicable.

- (b) Each tenure group I or II preference eligible employee entitled to retention for one (1) year after restoration under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § § 4301 et seq., shall be retained over other employees in his or her tenure group for the retention period.
- (c) Each tenure group I or II non-preference eligible employee entitled to retention for either six (6) months or one (1) year after restoration under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § § 4301 et seq., shall be retained over other employees in his or her tenure group for the retention period.
- (d) The retention register shall indicate the reasons for any deviation from the regular order of selection required by this section.

5207.19 NOTICE TO EMPLOYEES

- (a) Each competing employee selected for release from his or her competitive level under this section shall be entitled to written notice at least thirty (30) full days before the effective date of the employee's release.
- (b) The notice to the employee shall specify the effective date of the employee's release from his or her competitive level.
- (c) A notice shall expire when followed by the action specified in the notice, or in an amendment made to the notice before the Authority takes the action.

5207.20 CONTENT OF NOTICE

- (a) Each notice shall state the following:
 - 1. The specific action to be taken and its effective date;
 - 2. The employee's competitive area, competitive level, tenure group, and reduction in force service computation date;
 - 3. The place where the employee may inspect the regulations and records pertinent to his or her case; and
 - 4. The reasons for retaining a lower-standing employee in the same competitive level, if applicable.
 - 5. The employee's reemployment priority rights are governed by § 5207.24.
 - 6. The employee's appeal rights are governed by § 5207.23.

- (b) A notice may be either a complete single notice, or a notice with an attachment containing the above-listed information.

5207.21 RECORDS

- (a) The Human Resources Department shall maintain the correct records needed to determine the retention standing of competing employees.
- (b) The Human Resources Department shall allow inspection of retention registers and related records by the following:
1. An employee who is affected by the reduction in force (or his or her representative);
 2. A supervisor or manager whose unit is affected by the reduction in force;
 3. The Office of Employee Appeals; and
 4. Others who are determined by the Authority to have a legitimate need to review these materials in order to carry out their official duties.
- (c) All registers and records relating to an employee shall be preserved intact for at least one (1) year from the date the employee is issued a specific reduction in force notice, or until any appeal is decided, whichever is later.

5207.22 SEVERANCE PAY

- (a) An employee separated pursuant to Section 5207 of these Regulations who has at least 12 months of continuous service on the date of separation shall be entitled to severance pay, as provided in this subsection 5207.22, except that the total severance pay received after October 18, 1998, over an employee's career in the District of Columbia government, including any independent agency, shall not exceed twenty-six (26) weeks of pay at the rate of basic pay received immediately before separation.
- (b) Creditable Service
1. In computing an employee's creditable service for severance pay purposes, all service that is creditable for annual leave accrual purposes is included as creditable service for severance pay purposes; however, military service is not to be counted unless it interrupts otherwise creditable civilian service.
 2. Additional service credit shall be provided as follows:
 - A. Four (4) years for an employee who qualifies for veterans preference as provided in §5207.13; and
 - B. Three (3) years for an employee who qualifies for residency preference as provided in

§5207.14.

3. In computing an employee's total years of creditable civilian service, twenty-five percent (25%) of a year is to be credited for each three (3) months of service that exceeds one (1) full year or more.

(c) Computation of Severance Pay

1. Severance pay shall be calculated as follows:
 - A. Base severance pay is computed on the basis of one (1) week's basic pay at the rate received by the employee immediately before separation for each year of creditable service up to and including ten (10) years and two (2) week's of basic pay at the rate received by the employee immediately before separation for each year of creditable service beyond ten (10) years; and
 - B. An age allowance computed on the basis of ten percent (10%) of the total base severance pay for each year by which the recipient's age on the date of separation exceeds forty (40) years.
2. The age allowance specified in subsection 5207.22(c)1.B. shall be computed on an employee's total years of age over age forty (40), by providing credit at the rate of twenty-five percent (25%) of a year for each three (3) months that the employee's age exceeds age forty (40).
3. Basic pay means the regular or base salary or wages paid by the Authority to an individual immediately before separation, specifically excluding overtime, compensatory time, gainsharing, awards, bonuses, on-call pay, call-in pay, call-back pay, hazard pay, differentials, and premium pay.
4. If the severance pay based on age and service exceeds twenty-six (26) weeks of pay at the employee's rate of basic pay received immediately before separation, the severance pay payable will be limited to the twenty-six (26) weeks of pay.

(d) Payment

1. General Provisions
 - A. Severance payments will be paid in installments on the same pay period intervals as if the individual were still employed until the severance pay is exhausted.
 - B. If the individual dies before severance pay is exhausted, the payments will be continued to the survivor of the individual until exhausted.
 - C. Severance payments are subject to all applicable federal, District of Columbia, and state employment taxes.

2. Restrictions

- A. Severance pay is not a basis for calculation for payment of any other type of Authority or Federal Government benefits, and it may not be included in the basis for computation of such benefits. A period covered by severance pay is not a period of Authority service or employment.
- B. Employees who are receiving disability compensation based on the individual's compensable injury either under D.C. Code § 1-623.01 et seq. or the Authority's Worker's compensation provider are not eligible for severance pay.

5207.23 APPEALS

Neither the establishment of a competitive area smaller than WASA, nor the determination that a specific position is to be abolished, nor separation pursuant to these regulations, nor the determination of severance pay, shall be subject to review except that:

- (a) An employee may file a complaint contesting a determination or a separation pursuant to subchapter XV-A of the Comprehensive Merit Personnel Act (as amended), the D.C. Whistleblower Protection Act, D.C. Code § § 1-615.51 - 1-615.59 (2001) (as amended), or § 2-1403.03 of the D.C. Code (2001) (as amended), the D.C. Human Rights Act (as amended).
- (b) An employee affected by the abolishment of a position may file with the Office of Employee Appeals a complaint contesting the improper application of the separation procedures under these regulations related to implementation of an employee's entitlement to one round of lateral competition in positions in the employee's competitive level as provided in § § 5207.1 to 5207.18.
- (c) An employee selected for separation may file with the Office of Employee Appeals a complaint contesting improper application of the procedures implementing an employee's right to be given notice of at least thirty (30) days before the effective date of his or her separation as provided in § 5207.19.

5207.24 REEMPLOYMENT PRIORITY PROGRAM

- (a) The Authority shall establish and maintain a reemployment priority list in which it separates tenure group I and II employees.
- (b) A tenure group I employee's name shall remain on the reemployment priority list for two (2) years, and a tenure group II employee's name for one (1) year, from the date he or she was separated from his or her competitive level.
- (c) Employees covered under the provisions of this section shall be entered automatically on the list immediately after it has been determined that the employee is to be adversely affected by the reduction in force and not later than issuance of the notice of reduction in force.

- (d) The employee's name shall be entered on the Authority's reemployment priority list for all positions for which the employee is minimally qualified as follows:
1. At his or her current grade level; and
 2. At any lower grade acceptable to the employee.
- (e) The Authority may delete an employee's name from the list when he or she declines a non-temporary position with a tour of duty similar to the position from which he or she was separated and a representative rate at the same as or higher than that of the position from which he or she was separated.

5207.25 APPOINTMENT FROM REEMPLOYMENT PRIORITY LIST

- (a) When a qualified person is available on the Authority's reemployment priority list, a Permanent Full-Time position shall not be filled except as provided in § 5207.26, and shall not be filled by the following:
1. A new appointment;
 2. Transfer; or
 3. Reemployment of a person not on the Authority's reemployment priority list.
- (b) Subsection (a) of this section shall not apply when all qualified persons on the reemployment priority list decline or fail to respond to offers of employment.
- (c) In selecting employees on the priority list from among those adversely affected by the reduction in force, but who have not yet been separated, offers of employment shall be made according to the employees' relative standing in their competitive levels. In this regard, a lower standing employee shall not be offered a position if a higher standing employee qualifies for the position, unless
1. the higher standing employee declines the position; or
 2. the lower standing employee is the best qualified.
- (d) The order of priority in selecting from the priority list shall be as follows:
1. For positions from which separated, offers of employment shall be made according to the displaced employee's relative standing in his or her competitive level. In this regard, a lower standing displaced employee shall not be offered a position if a higher standing displaced employee qualifies for the position, unless:
 - A. the higher standing employee declines the position; or

- 、 B. the lower standing employee is the best qualified.
- 2. For positions other than from which separated, preference shall be given to a tenure group I displaced employee over a tenure group II displaced employee, without regard to his or her relative standing within the tenure group, unless the tenure group II displaced employee is the best qualified.
- (e) An employee who is separated from an at-will position shall not be entitled to priority placement consideration to Permanent Full-Time positions.
- (f) The Authority may appoint a person not on the priority list or a person on the list with lower standing than others on the list only when it is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the Authority by a person on the list with higher standing than the person appointed.
- (g) The determination of whether an individual is "qualified" is to be made in accordance with the Authority's established standard hiring practices as provided in the Authority's Recruitment, Selection and Hiring Personnel Policy and Procedure.

5207.26 PRIORITY PLACEMENT CATEGORIES AND ORDER OF PRIORITY

- (a) Priority placement category 1 shall consist of the following:
 - 1. An employee or ex-employee entitled to statutory veteran's restoration rights under federal law, 38 U.S.C. § 4301 et seq., and as described in § 5214 of the Authority's Personnel Regulations; or
 - 2. An employee separated as a result of a compensable injury entitled to return to duty in accordance with the provisions of § 5214 of the Authority's Personnel Regulations.
- (b) Placement of an individual in priority placement category 1 shall be effected or considered in accordance with applicable statutory rights or orders or judgments pertaining thereto, and shall be effected as mandated.
- (c) Priority placement category 2 shall consist of the following:
 - 1. A current employee whose name has been entered on the Authority's reemployment priority list in accordance with § 5207.24;
 - 2. A former employee whose name has been entered on the Authority's reemployment priority list in accordance with § 5207.24;
 - 3. An employee entitled to placement or promotion consideration because of violation of or failure to adhere to law, regulation, or procedures for promotion of Permanent Full-Time employees; and

4. An employee separated as the result of a compensable injury as described in § 5214.5 who was not placed within the two (2) years set forth in § 5214.19, for a period of one (1) year following expiration of the two-year (2-year) period.

(d) Placement of an individual in priority placement category 2 shall be subject to the following:

1. Except for a person in category 1 or an individual described in § 5207.26(e), no person shall be selected ahead of an individual in category 2 unless the selecting official justifies the nonselection in writing and obtains the approval of the Human Resources Director or his or her designee;
2. Each individual shall be referred for positions in the order listed in § 5207.26(c).

(e) A current Permanent Full-Time employee, provided he or she is qualified, may be selected for a position for which a category 2 candidate described in § 5207.26(c)(3) or (4) has been referred; and the selection shall not need to be justified in writing.

5208. Performance

The Authority will maintain a performance management system.

5209 Disciplinary Process

5209.1 Employees will comply with the Authority's regulations, policies and procedures, and performance standards and requirements. Employees may be subject to disciplinary action up to and including termination for any failure to comply with such regulations, policies and procedures, and performance standards and requirements.

5210 Non-Union Appeals

5210.1 This regulation applies only to non-union full-time employees in regular positions who have completed their probationary period.

5210.2 A non-union full-time employee in a regular position who has completed his or her probationary period has the right to appeal a final disciplinary action resulting in a suspension for a period greater than 30 days or termination.

5210.3 All employees may appeal their annual performance rating in accordance with the Authority's personnel policies and procedures.

5211 Job Safety

5211.1 The Authority will develop, implement and maintain procedures which will provide for the safe performance of all work assignments.

5211.2 Employees are expected to comply with all safety rules, immediately report unsafe conditions to an Authority official, and avoid conduct which would create a risk to themselves or their co-workers.

5211.3 The Authority will implement a drug-free workplace program.

5212 Employee Access to Official Personnel Records

5212.1 The official personnel record of each employee of the Authority will be maintained by the Human Resources Department.

5212.2 An employee's official personnel record may be disclosed to the employee, supervisors and management, or any representative of the employee's choice upon written request. All such disclosures should be made in the presence of a representative of the Authority or as required by law.

5212.3 Information considered by the Authority to be confidential in nature and which may be a part of an official personnel record, will be maintained in a separate file and will not be disclosed to any individual, including the employee, except where required by law.

5212.4 An Employee may request that information be added to or removed from his or her official personnel record. The addition or removal of such materials shall be made at the Authority's sole discretion.

5213 Conflict of Interest

5213.1 Authority employees shall not participate in transactions that may result in a conflict of interest or the apparent conflict of interest between the private interests of the employee and the public interests of the Authority. Specifically:

(a) No employee may have a direct or indirect financial interest in any transaction that directly conflicts with the employee's responsibilities for the Authority.

(b) No employee may solicit or accept, directly or indirectly, on their own behalf or on behalf of a relative, any gift, gratuity, favor, compensation, offer of employment, or any other thing having more than a nominal monetary value from any person, corporation, or other entity having or seeking to have contractual, business, or financial relationship with the Authority.

5213.2 Political activities of employees of the Authority are subject to provisions of the Hatch Act Reform Amendment Act of 1993. This Act and the regulations which implement it govern employee political activities.

5213.3 Authority employees may engage in outside employment or private business provided they meet the following conditions:

- (a) An Authority employee may not engage in any outside employment or other activity which interferes with the full and proper discharge of his or her duties and responsibilities as an Authority employee.
- (b) Each independent outside professional activity shall be conducted on the employee's own time without the use of Authority facilities, funds, supplies, staff or resources unless the activities are authorized and approved by the Authority in writing before they are initiated.
- (c) Each outside professional activity is not in conflict with any activity or policy of the Authority.
- (d) Any outside employment, private business activity or other interest shall not impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as an Authority employee in a proper and efficient manner.

5213.4 An employee of the Authority who worked for a contractor or was a contractor doing business with the Authority is prohibited from supervising, directing or reviewing the work of such contractor. The General Manager may, under circumstance deemed to be in the best interests of the Authority, waive this prohibition.

5213.5 The relative of an Authority employee (as defined infra) may not work for a contractor on a project at the Authority for which the Authority employee has any direct responsibility or supervision.

5213.6 No Authority employee or authorized representative shall disclose proprietary or confidential information belonging to the Authority to any person other than Authority employees and authorized representatives who need access to the information as part of their duties for the Authority.

5213.7 Conflicts of Interest for Former Employees

- (a) A former employee, who voluntarily leaves their employment with the Authority in good standing, is prohibited for 18 months after leaving their employment with the Authority, from working for a contractor on an Authority project on which the employee directly worked. The General Manager may reduce this limitation period if it is determined that it is in the best interests of the Authority after a review and recommendation by the General Counsel.
- (b) Any person whose employment is terminated by the Authority other than pursuant to a reduction in force, is permanently barred from working on any Authority contract or project.

5214 Restoration to Duty

5214.1 Eligible employees returning to work after military duty and eligible employees returning to work after the termination of workers' compensation disability benefits will be restored to duty as required by law.

5215 Severance Pay not Pursuant to a Reduction in Force

5215.1 In accordance with criteria adopted by the Board of Directors, severance pay may be authorized by the General Manager to Authority employees who are voluntarily or involuntarily separated from Authority employment when the General Manager determines that it is in the Authority's best interest. Severance pay under this Section applies to non-union full-time employees in regular and at-will positions who were not separated from employment as part of a reduction in force.

5215.2 The General Manager will determine the schedule and amounts to be paid to employees pursuant to the terms of this section. When the General Manager has determined that severance pay will be offered to employees, the General Manager may authorize a continuation of the employee's medical and life insurance coverage. The Authority's contribution to premiums will be paid for the same period as severance pay.

5215.3 The General Manager may provide employees involuntarily separated from Authority employment with out-placement assistance and/or other benefits, if the General Manager considers that it is in the best interest of the Authority.