

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title XIX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01 *et seq.*) (2006 Repl.), hereby gives notice of the adoption of the following emergency rules. The purpose of these rules is to amend Chapter 19, Incentive Awards, of Title 6 of the District of Columbia Municipal Regulations (DCMR), in its entirety. Because the Mayor plans to immediately establish a Retirement Awards Program for the remainder of calendar year 2008 under the provisions of section 1904.7 of the chapter, and to implement the provisions of the Retirement Awards Program, action was taken on February 13, 2008 to adopt the following rules on an emergency basis effective February 13, 2008. These rules will remain in effect for up to one hundred twenty (120) days from February 13, 2008, unless earlier superseded by another rulemaking notice.

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title XIX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01 *et seq.*) (2006 Repl.), hereby gives notice of the intent to adopt the following proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of these rules is to amend Chapter 19, Incentive Awards, of Title 6 of the District of Columbia Municipal Regulations (DCMR), in its entirety. Upon adoption, these rules will amend Chapter 19, Incentive Awards, of Title 6 of the DCMR, published at 29 DCR 1517 (April 9, 1982) and amended at 31 DCR 993 (March 2, 1984), 47 DCR 8102 (October 6, 2000), 50 DCR 2244 (March 14, 2003), and 52 DCR 4430 (May 6, 2005).

CHAPTER 19**INCENTIVE AWARDS**

Chapter 19 of the D.C. Personnel Regulations is amended to read as follows:

1900 POLICY

1900.1 This chapter provides the rules for incentive awards in accordance with Title XIX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01 *et seq.*) (2006 Repl.).

1900.2 It is the policy of the District government to recognize and reward employees whose

performance is exemplary with monetary incentive awards and non-monetary incentive awards, including tangible and time off awards; and encourage District government agencies to only use incentive awards as a management tool to reward employee results and accomplishments supportive of and consistent with their agency's mission and operating goals.

1900.3 An incentive award or a combination of categories of incentive awards may be given to an employee for a suggestion, an invention, a superior accomplishment, length of service, or other meritorious effort that contributes to the efficiency, economy, or otherwise improves the operations of the District government.

1900.4 It is specifically not the policy of the District government to grant awards to employees for the performance of their normal work duties; accomplishments that are routine and within the duties outlined on their position description; or behavior that is generally expected of District government employees. It is also not the policy of the District government to grant awards to employees who have exhibited behavior problems within the past year, such as excessive absenteeism, tardiness, or insubordination.

1900.5 Honorary awards may be given to District government employees, citizens, or residents who make significant contributions to the public good or submit ideas or inventions that materially benefit the District of Columbia.

1901 APPLICABILITY

1901.1 This chapter applies to only full-time and part-time employees of the District government (except where citizens and residents of the District of Columbia may receive honorary awards), and specifically excludes:

- (a) The Mayor and members of the Council of the District of Columbia;
- (b) Members of boards and commissions as specified in section 202 (b) and (c) of the CMPA (D.C. Official Code §§ 1-602.2(2) and (3)) (2006 Repl.);
- (c) Chief judges, associate judges, and non-judicial personnel of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals;
- (d) Employees of District government agencies with rulemaking authority; and
- (e) Employees appointed to the Executive Service.

1901.2 Uniformed members of the Metropolitan Police Department (MPD) and Fire and Emergency Medical Services Department (FEMSD) are eligible to receive incentive awards authorized in this chapter in addition to any other special awards authorized for such employees by separate MPD or FEMSD regulations or policies.

1901.3 The provisions of a collective bargaining agreement regarding incentive awards or any other special awards shall take precedence over the provisions of this chapter for employees covered by the agreement, to the extent that there is a difference.

1901.4 To be eligible for payment of a monetary award, an employee must be actively employed by the District government at the time of the award's payment. Payment for an individual who has separated, retired, or for any other reason, is no longer a current employee at the time the payment of the incentive award would have been paid is strictly prohibited. Exceptions to this policy shall only be made by the Mayor or the City Administrator.

1902 CLASSES OF INCENTIVE AWARDS

1902.1 A personnel authority may authorize the granting of any of the following categories of incentive awards, as specified in this chapter:

(a) The following categories of Monetary Awards:

- (1) Exemplary Performance Awards;
- (2) Special Act or Service Awards;
- (3) Suggestion or Invention Awards;
- (4) Safe Driving Awards;
- (5) Instant Cash-In-Your Account Awards; and
- (6) Retirement Awards;

(b) The following categories of Non-Monetary Awards:

- (1) Tangible Item Awards;
- (2) Time-Off Awards;
- (3) Honorary Awards; and
- (4) Length of Service Awards; and

(c) Group Awards.

1903 GENERAL PROVISIONS

- 1903.1 It is the responsibility of each agency to determine when an employee's performance warrants recognition and the nature of any reward under this chapter. The D.C. Department of Human Resources (DCHR) shall process nominations for payment of incentive awards, maintain associated records, and review awards for compliance with this chapter and policies and procedures, but each agency is expected to determine the conditions that will govern incentive awards and manage the decision process for its employees. The DCHR will only provide analysis on the use of the incentive awards to the Mayor, Council of the District of Columbia (Council), and City Administrator.
- 1903.2 Monetary awards based on exemplary performance during the previous year will be distributed after the following procedures have occurred:
- (1) Completion of annual performance review on the employee (October/November);
 - (2) Formation, meetings, and decision of the Agency Incentive Awards Committee (Committee), which should include members of the agency's managerial staff. Agencies are free to structure their committees as they see fit in accordance with guidelines in this chapter, and it is recommended that each agency convene a committee of managers to review employees' nominations and approve the recipients and the amount of each award. The Committee should be chaired by the agency head (or designee) plus at least two (2) to four (4) other members designated by the agency head. Each member of the Committee shall be a Management Supervisory Service or Excepted Service employee and shall serve in the Committee for a two-year (2-year) period;
 - (3) Review by the Committee of the previous fiscal year's goal achievements, as specified in the agency's strategic plan and performance metrics;
 - (4) Incentive awards' fund distribution from the City Administrator and certification by the agency's Chief Financial Officer; and
 - (5) Payment of awards no later than the 2nd quarter of the fiscal year.
- 1903.3 An employee shall not receive more than one (1) monetary award in a twelve-month (12-month) period. The agency requesting the incentive award, the agency's Chief Financial Officer, and agency head are responsible for the proper application of the regulations and analysis of eligibility.
- 1903.4 A monetary award may only be granted to an employee for a single contribution, including exemplary performance contributions. This award type may be granted in

combination with a tangible item award, a time off award, an honorary award, or any combination thereof. However, the total monetary value of incentive awards given to an employee for any single contribution in a fifty-two week (52-week) period may not exceed five thousand dollars (\$5,000) or ten percent (10%) of an employee's scheduled rate of basic pay, whichever is greater. Any award submission by the agency over five thousand dollars (\$5,000) will be sent to the City Administrator or designee for approval.

- 1903.5 The disbursement of funds following approval of a tangible item or a monetary award shall be subject to the availability of funds. Agency heads shall be responsible for managing incentive awards within the allocated budget for the agency. The budget allocation will be determined by the Mayor and the City Administrator, not the agency, based on predefined criteria (e.g., 1% of aggregate salaries; .05% of aggregate salaries for agencies not meeting previous fiscal year goals).
- 1903.6 The signature of the agency's Chief Financial Officer on a monetary award recommendation shall certify that funds are available in the fiscal year for which the monetary award is recommended. Even though some incentive awards may be issued for work performed in the previous fiscal year, the City Administrator shall budget prospectively in the funding of the award pool. Processing of a monetary award will not occur if proper documentation and agency Financial Officer and other required signatures are not submitted to the DCHR and the Office of Pay and Retirement Services (OPRS).
- 1903.7 Failure to receive an incentive award or a specific amount for a monetary award may not be grieved or appealed.
- 1903.8 Awards sent to the City Administrator or designee may be reduced or denied and cannot be grieved or appealed.
- 1903.9 Acceptance of a monetary award constitutes an agreement that the use by the District government of an idea, method, or device for which the award is made does not form the basis of a further claim of any nature against the District government by the employee, his or her heirs, or assigns.
- 1903.10 Monetary awards are in addition to the regular pay of the recipient, and are subject to the withholding of income taxes. The taxes must be deducted from the award, and the amount of the award may not be adjusted upward to cover taxes.
- 1903.11 Annual employee performance ratings are subject to the provisions of Chapter 14 of the regulations, and are not incentive award entitlements under this chapter, even though the performance rating may be considered as a basis for an incentive award. Performance ratings may be considered to determine eligibility for an award, but the award justification must be based on exemplary performance related to tangible/measurable goals.

1904 MONETARY AWARDS

- 1904.1 (a) Monetary awards listed in section 1902.1 (a)(1) through (6) of this chapter shall be granted as provided in this section.
- (b) Acceptance of a monetary award constitutes an agreement that the use by the District government of the idea, method, or device for which the award was granted does not form the basis for a claim of any nature against the District government by the employee, his or her heirs, or assigns.
- (c) Monetary awards under this chapter shall not be considered base pay for any purpose, and shall be subject to the withholding of federal, District of Columbia, or state income taxes, and social security taxes, if applicable. The amount of a monetary award shall not be adjusted upward to cover these taxes.
- 1904.2 Exemplary Performance Awards are governed by the following:
- (a) An Exemplary Performance Award may be granted to an employee for performance accomplishments related to assigned job tasks in a manner that significantly exceeds satisfactory performance requirements for the employee's official position and which has contributed to the success of the agency and the District government in meeting their performance goals for the fiscal year. All award nominations will be made following the end of the fiscal year and paid out of the new fiscal year's budget, which will be funded through the City Administrator's office. Independent personnel authorities subject to this chapter are responsible for their own funding, and for establishing procedures for the payment of monetary awards. Submission of policies and procedures shall be published publicly and formally adopted by the independent personnel authority before any payments are processed by the OPRS.
- (b) Each Agency Incentive Awards Committee (Committee) shall convene to review employee nominations for this award, and approve the recipients and the amount of each award. The list of the awards approved by the agency will be submitted to the DCHR for final review and reported to the Mayor, City Administrator, and the Council.
- (c) It is expected that each nomination will include a written explanation documenting the nature of the accomplishment and proper forms as established by the DCHR or independent personnel authority. There must be clear evidence that a nomination for an Exemplary Performance Award involves performance above and beyond what is normally expected in the employee's position, and that the Committee has reviewed the nomination. Each agency may establish its own criteria for this award, subject to the review and approval by the DCHR.

- (d) Exemplary Performance Award may be made in addition to a non-monetary award, including honorary awards.
- (e) All Exemplary Performance Awards will be paid from a budgeted pool set aside for this purpose in each agency's operating budget for the fiscal year equivalent to 1% (or any other amount determined by Mayor or the City Administrator) of the aggregated salaries for the agency. If an agency fails to achieve a satisfactory level of achievement relative to previously prescribed agency goals, the budgeted pool set aside for the agency shall be reduced by 50%, and the number or amount of individual awards will be reduced to conform within the budget. Transmittal of funds will be the responsibility of the Chief Financial Officer.
- (f) An Exemplary Performance Award shall not exceed a maximum of ten percent (10%) of the employee's scheduled rate of basic pay or five thousand dollars (\$5,000), whichever is greater.
- (g) An agency may use either the "basic scale" or the "percentage scale" in this subsection to determine the amount of an Exemplary Performance Award.
- (h) The amount of an Exemplary Performance Award may be determined by using the following basic scale, except the award amounts may be limited by the budget for these awards:

Grade Level	Amount of Award (District Service Schedule or Equivalent)*	Amount of Award (Management Supervisory Service Schedule)
1 - 4	Up to \$800	N/A
5 - 8	Up to \$1200	N/A
9 - 11	Up to \$1600	Up to \$1600
12 - 13	Up to \$2300	Up to \$3000
14 and above	Up to \$3400	Up to \$5000

- (i) For purposes of determining the percentage of this award for an employee, the amount of the award shall be calculated on the employee's scheduled rate of basic pay during the performance rating period in which the performance contribution was made. The following percentage scale shall be used and the documentation specified therein provided with the submission recommending the award:

Performance Rating (Performance Management Program)	Performance Rating (Performance Evaluation System)	Variable Award Percentage
A performance rating of "Significantly Exceeds Expectations" (Level 5); and a written justification relating to meeting agency and District government goals demonstrating "exemplary performance;" and review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	A performance rating of "Outstanding;" and written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" and review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	6 – 10%
A performance rating of "Exceeds Expectations" (Level); and a written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" and review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	A performance rating of "Excellent;" and written justification relating to meeting of agency and District government goals demonstrating "exemplary performance;" and review by the appropriate Agency Incentive Awards Committee as specified in section 1903.2 of this chapter	1 – 6%

1904.3 Special Act or Service Awards are governed by the following:

- (a) A Special Act or Service Award may be granted to an employee who, while on duty, makes a significant contribution to the District government by a one-time (1-time), non-recurring act or service without limitation as to time duration of the act or service.
- (b) Such special act or service may include, but is not necessarily limited to the performance of a temporary assignment of the duties of a position in addition to the employee's position with a performance level of the duties of both positions within prescribe criteria in this chapter, performance of unusual duties for limited periods, exemplary or courageous handling of an emergency situation in connection with the performance of assigned duties, and such other special acts or services as may be specified in criteria established by the personnel authority. This award category shall not be used to reward year round exemplary performance, which is covered under the Exemplary Performance Awards in section 1904.2 of this section.
- (c) A Special Act or Service Award may be made in addition to a non-monetary award, including honorary awards established in this chapter.

- (d) The recommendation for a Special Act or Service Award shall be accompanied by a written justification that clearly describes all of the following:
 - (1) The duration and location of the one-time (1-time), non-recurring act or service;
 - (2) The specific action or actions taken by the employee to warrant the recommendation for the award;
 - (3) The outcome or outcomes that occurred as a direct result of the act or service; and
 - (4) The significant benefit which citizens, residents, or the District government derived from the act or service.
- (e) For purposes of determining the amount of this award for an employee, the amount of the award shall be calculated using the employee's rate of basic pay during the performance rating period in which the performance contribution was made, and shall be in accordance with the percentage scale contained in section 1904.2 (i) of this section.
- (f) A Special Act or Service Award may be made in addition to a non-monetary award, including honorary awards described in section 1905 of this chapter.

1904.4 Suggestion or Invention Awards are governed by the following:

- (a) A Suggestion or Invention Award may be granted to an employee for an improvement that benefits the District government. The employee shall submit the suggestion or invention to management in writing, and it shall be approved in writing by management. This type of award shall not be granted for services and benefits to employees (*e.g.*, vending machines), working conditions (*e.g.*, office decorations), routine care of buildings and grounds, routine safety practices, changes as a result of employee complaints and grievances, or recommendations to enforce existing rules, regulations, or directives.
- (b) The following formulas are to be used to determine the amount of a Suggestion or Invention Award:

Estimated Annual Benefits to the District Government	Amount of Award
Up to \$10,000	10% of benefits that are realized by the District
\$10,001 to \$100,000	\$1,000 for the first \$10,000 plus 3% of benefits that are realized by the District over \$10,000
\$100,000 or more	\$3,700 for the first \$100,000 plus .5% of the benefits that are realized by the District over \$100,000, but not to exceed \$25,000 for suggestions or inventions; or \$5,000 or 10% of an employee's scheduled rate of basic pay, whichever is greater, for all other awards.

1904.5 Safe Driving Awards are governed by the following:

- (a) A Safe Driving Award may be granted to an employee whose primary function is driving a motor vehicle (rather than operation of equipment), who drives a minimum of four thousand (4,000) miles per year on open highways or streets; whose work performance is satisfactory, not only in driving, but also in other elements of his or her position; and who meets the safety and other requirements established by the personnel authority.
- (b) A Safe Driving Award may be granted to an employee each year as long as the employee maintains his or her Safe Driving Record. If the Safe Driving Record is not maintained, the number of consecutive years of Safe Driving reverts to zero (0), and a new period of safe driving will begin.
- (c) The amounts of a Safe Driving Award shall be as follows:

Years of Safe Driving	Amount
1 - 4	\$100 for each safe driving year, awarded annually
5	\$500
6 - 9	\$500 plus \$100 for each additional consecutive year
10	\$1000
Over 10	\$1000 plus \$200 for each additional consecutive year

1904.6 Instant Cash-In-Your Account Awards are governed by the following:

- (a) Employees will be eligible for Instant Cash-In-Your Account Awards for an accomplishment that goes beyond their everyday work expectations. The award

may be given up to the amount of two hundred fifty dollars (\$250). Each agency is responsible for the budgeting and administration of the awards.

- (b) It is expected that each nomination will require a written explanation documenting the nature of the accomplishment and proper forms established by the DCHR or independent personnel authority. There must be clear evidence that a nomination involves performance above and beyond what is normally expected in the employee's position and must be reviewed by the Agency Incentive Awards Committee. Each agency may establish its own criteria for the granting of this award, subject to the review and approval by the DCHR.
- (c) Employees may be nominated by their immediate supervisor, another manager, or their co-workers, with the concurrence of the employee's manager. All award nominations will be reviewed by the Agency Incentive Awards Committee. For auditing purposes, at the end of each fiscal year, each agency who has utilized this award will submit to the DCHR a list of employees granted the award and the amounts of each award granted.
- (d) Nominations may be submitted and the awards may be paid at any time during the year. Award nominations should be made as soon after the accomplishment as the documentation can be prepared. Employees are limited to one (1) Instant Cash-In-Your Account Award per quarter of the fiscal year.
- (e) The award amounts must be paid from each agency's operating budget. The funding of these awards must be done by the individual agency and is outside of the allocated funding for other incentive awards such as Exemplary Performance or Group Awards.

1904.7 Retirement Awards are governed by the following:

- (a) Notwithstanding any other provision of this chapter, a Retirement Award may be granted to an employee as described in subsection 1904.7 (e) below, subject to the approval of the Mayor or independent personnel authority, and as specified in this subsection. The purpose of Retirement Awards is to recognize the length of District government service of the recipients of the award as they end their careers with the District government via retirement.
- (b) In requesting the granting of a Retirement Award, agencies shall consider factors such as the employee's length of District government service, the employee's performance rating for the rating period immediately preceding the retirement, and the employee's overall record of performance throughout his or her career with the District government.
- (c) A Retirement Award granted under this subsection shall not exceed fifty percent

(50%) of an eligible employee's annual rate of basic pay, or up to twenty five thousand dollars (\$25,000), whichever is lower. Retirement Award payments shall be prorated in the case of part-time employees.

(d) In determining the amount of the Retirement Award, the following shall apply:

Length of District Government Service	Amount of Retirement Award
20 years or more	Up to \$25,000
10 to 19 years	Up to \$20,000
5 to 9 years	Up to \$15,000

(e) The following categories of District government employees may be granted a Retirement Award:

- (1) Except as specified in subsection 1904.7 (f)(2) below, an employee retiring under any of the retirement provisions of the Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code), including the law enforcement or firefighter provisions;
- (2) An employee covered under the District government retirement system applicable to persons first employed by the District government after September 30, 1987 (Defined Contribution Plan) who has completed at least five (5) years of creditable service with the District government and has vested under the Defined Contribution Plan as provided in section 2610 of the CMPA (D.C. Official Code § 1-626.10) (2007 Supp.) and is separating from District government service after becoming entitled to retirement benefits under the Social Security Act; and
- (3) An employee subject to these rules retiring under any of the other District government retirement systems.

(f) No Retirement Award shall be granted to:

- (1) An employee who is in a position designated by the agency head as a critical position;
- (2) An employee retiring under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336 (d)(1), or under the disability retirement provisions of 5 U.S.C. § 8337;

- (3) An employee who receives a proposal or a final decision notice of removal for cause;
 - (4) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; and
 - (5) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.
- (g) For the purposes of subsection 1904.7 (f)(1), the term "critical position" means a position whereby non-performance of the duties of the position would adversely affect the fulfillment of the mission or the function of an agency, office, or department, or any lesser organizational component.
 - (h) For the purposes of subsection 1904.7 (f)(5), the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one (1) year or a fine of at least one thousand dollars (\$1,000).
 - (i) The disbursement of funds for Retirement Awards shall be subject to the availability of funds within the employing agency, as certified by the agency's Chief Financial Officer; the submission to the Mayor (or his or her designee), or independent personnel authority, of the agency proposal or plan for the awards, including a list of employees to whom the award would be granted and the amount of the award, and a list of critical positions, if any; the approval of the proposal or plan by the Mayor (or his or her designee) or independent personnel authority; and procedures issued by the Director, DCHR, or independent personnel authority for the granting of the awards authorized.
 - (j) Separate and apart from agency submissions of proposals or plans to grant Retirement Awards, the Mayor or independent personnel authority may establish a Retirement Award Program under this subsection during any given year. The Director, DCHR, or independent personnel authority shall issue procedures for each Retirement Award Program established.

- (k) A Mayor's Order shall be issued to establish a Retirement Awards Program, or authorize individual agencies to grant Retirement Awards, as applicable.
- (l) A person who receives a Retirement Award under this subsection and accepts any reemployment for compensation with the District government within five (5) years after the date of the separation on which the payment is based shall be required to repay, before the person's first day of reemployment, the entire amount of the Retirement Award to the agency that paid the award.

1905 NON-MONETARY AWARDS

1905.1 Non-monetary awards listed in section 1902.1 (b)(1) through (4) of this chapter shall be granted as provided in this section. A non-monetary award provides recognition to an employee for his or her contributions to a District government agency, and may range from a small merchandise award as described in section 1905.2 of this section, to an honorary award such as the Distinguished Service Award described in section 1905.5 (c) of this section.

1905.2 Tangible Item Awards are governed by the following:

- (a) An employee may be granted a tangible item or items with a total monetary value of no more than fifty dollars (\$50). A Tangible Item Award is an object such as a pin, plaque, or mug; a gift certificate worth monetary value; or a ticket to an activity or event worth monetary value, given to an employee to recognize a contribution to the District government on his or her part.
- (b) Only one (1) Tangible Item Award may be granted for a single contribution on the part of an employee. An employee shall not receive more than one (1) Tangible Item Award in a six-month (6-month) period.
- (c) Subject to the provisions in section 1903.1 of this chapter, a Tangible Item Award may be granted in addition to or in lieu of any other category of incentive award authorized by this chapter, including honorary awards for employees described in section 1905.5 of this section.
- (d) Each agency shall inform the District Department of Human Resources of its use of tangible awards and submit their internal policy for official filing purposes.

1905.3 Time-Off Awards are governed by the following:

- (a) Time off without loss of pay or charge to leave may be granted as an incentive award pursuant to the provisions of this section to recognize employee contributions that do not meet the threshold criteria for monetary awards.

- (b) In order to be eligible to receive this award, an employee must have made a noteworthy contribution to the success of the District government and the attainment of the individual agency's goal. This may include timely completion of a project; extended periods of hours worked beyond the normal workday to complete a project (without additional compensation or other granted time off); demonstration of unusual creativity or innovation in solving a work-related problem; or a substantial improvement in individual performance that required the employee to invest personal time in acquiring new knowledge or skills.
- (c) A personnel authority may delegate its authority under this section. For agencies under the personnel authority of the Mayor, this authority is delegated to managers and supervisors who have been delegated the authority to approve the leave of an employee pursuant to Chapter 12 of these regulations.
- (d) Only one (1) Time-Off Award, not to exceed forty (40) hours of time off, may be granted for a single contribution on the part of the employee. The number of hours granted to an employee as a Time-Off Award shall not be based on the employee's rate of basic pay, but shall be based on the value of the employee's contribution.
- (e) An employee shall not receive more than one (1) Time-Off Award in a six-month (6-month) period.
- (f) An employee shall meet job performance expectations and have a satisfactory level of attendance during the twelve (12) months prior to being recommended for a Time-Off Award.
- (g) Subject to the provisions of this chapter, a Time-Off Award may be granted in addition to or in lieu of any other category of incentive award authorized by this chapter, including monetary awards described in section 1904 of this chapter and honorary awards for employees described in section 1905.4 of this section.

1905.4. Honorary Awards for citizens and residents are governed by the following:

- (a) Consistent with section 1900 of this chapter, the Mayor and other personnel authorities may grant honorary awards for citizens and residents.
- (b) An Honorary Award for a citizen or resident may be combined with other non-monetary awards, such as a Tangible Item Award with a total monetary value of no more than fifty dollars (\$50).

1905.5 Honorary Awards for employees are governed by the following:

- (a) An Honorary Award may be granted to employees who make significant contributions to the public good or submit ideas or inventions that materially

benefit the District of Columbia, as specified in this section and according to criteria established by the personnel authority.

- (b) An Honorary Award to an employee may be combined with a monetary award in accordance with the criteria established in section 1904 of this chapter.
- (c) The highest Honorary Award to an employee for a performance-type contribution is a Distinguished Service Award. A Distinguished Service Award is based on performance achievements sustained for a period of at least one (1) year, except for an award based on acts of bravery. An appropriate category of monetary award may accompany a certificate and pin for this honorary award. The categories for a Distinguished Service Award are as follows:
 - (1) Accomplishment of assigned duties relating to major programs significant to the entire District government in a manner considered exemplary when compared to all who have performed similar duties;
 - (2) Accomplishment of major changes in methods or procedures that resulted in significant improvements in operations or substantial savings to the District government;
 - (3) Demonstration of great courage and risk to personal safety while on duty by performing an act of heroism beneficial to District government employees, or in the interest of the general public; or
 - (4) Outstanding leadership in the administration of priority District government programs which results in highly successful accomplishments or highly improved methods to resolve problem situations.
- (d) The second (2nd) highest Honorary Award to an employee for a performance-type contribution is a Meritorious Service Award. An appropriate monetary award may accompany a certificate and pin for this honorary award. A Meritorious Service Award is based on performance achievements sustained for a period of at least one (1) year. The categories for a Meritorious Service Award are as follows:
 - (1) Accomplishment of supervisory or non-supervisory duties in an exemplary manner by setting a record of achievement and inspiring others to improve quantity and quality of work;
 - (2) Demonstration of unusual initiative and skill in devising new equipment or improving existing equipment, work methods or procedures; or conceiving inventions resulting in substantial savings in manpower, time, space, materials, or other items of expense;
 - (3) Achievement of outstanding results in improving the morale of workers

which improve work performance or actively contribute to the goal of equal employment opportunity;

- (4) Demonstration of unusual courage or competence in handling an emergency situation while on duty status resulting in a benefit to District government employees or in the interest of the general public; or
 - (5) Rendering professional or public relations services of unique or distinctive character worthy of special recognition.
- (e) An Honorary award may be given for reasons other than the ones outlined in section 1905.5 (c) or (d) of this section, *e.g.*, recognition of outstanding performance; length of service with the District government; appreciation for retirees; exemplary supervisory or managerial accomplishments; and other commendable accomplishments, and may be given in the form of a pin or certificate, or other small object honoring the achievement.

1905.6 Length of Service Awards are governed by the following:

- (a) A Length of Service Award may be granted to any employee who has served the District government for periods of ten (10), twenty (20), thirty (30), forty (40), or fifty (50) years.
- (b) An employee granted this award is entitled to receive an emblem and a certificate signed by the Mayor or independent personnel authority, both of which shall specify the employee's length of service.

1906 GROUP AWARDS

- 1906.1 A Group Award is granted to recognize and reward a team of employees (minimum of two (2) employees) who collectively make a significant contribution to the financial or operational success of the District government or successfully complete an approved team project or plan that improves the work operations in their agency. Group awards may be either monetary or honorary, or both.
- 1906.2 Each team or group member shall receive an equal award for the group's contribution to the District government, as determined by pre-established and approved plan provisions at the time of adoption by an agency Group Awards Steering Committee.
- 1906.3 It is the responsibility of the agency head (or designee) to review and approve the project plan, the applicable performance measures, and the projected monetary awards. It is expected that the plan will incorporate performance goals that can be readily verified. The agency head is also responsible for overseeing the work as the year (or project) unfolds. If the project generates financial benefits to the District of

Columbia, the City Administrator will be responsible for deciding if and how the benefits will be shared with responsible team or group members.

1906.4 Awards granted under this section will be paid in addition to any other awards earned.

1906.5 Honorary group awards shall be determined under the authority of the honorary awards section of this chapter. Monetary group awards shall be determined based upon the group incentive plan or project as approved.

1906.6 The appropriate type of group award (monetary, honorary, or both) shall be determined by the Agency Steering Committee as specified in this chapter.

1907 APPROVAL OF MONETARY AWARDS AND RESPONSIBILITIES

1907.1 Each personnel authority may establish procedures for approval of monetary awards consistent with these regulations, and may approve such awards.

1907.2 (a) Monetary awards to employees subject to the personnel authority of the Mayor shall be approved according to procedures issued by the Director, DCHR. Those procedures shall provide for the following approval authorities, which may be further limited by written instruction of the Mayor when deemed to be in the interest of the District government.

(b) All recommended monetary awards over five thousand dollars (\$5,000) submitted for all eligible employees (excluding agency heads) will be sent to the City Administrator (or designee) for approval.

(c) Subordinate agencies shall submit all monetary awards, excluding Instant Cash-In-Your Account Awards under section 1904 of this chapter, to the DCHR for processing after the agency has obtained the proper signatures. The DCHR shall process each award and transmit it to the OPRS. A subordinate agency shall not transmit monetary awards directly to the OPRS.

(d) A Group Awards Steering Committee (Committee) shall be formed in each agency, in accordance with procedures issued by the appropriate personnel authority, to determine the appropriate type of group awards (monetary, honorary, or both) pursuant to section 1906 of this chapter. The Committee will review and approve the project plan and prospective payouts. The project plan approved by the Committee will be forwarded to the DCHR for final approval. No awards will be allowed unless the plan is approved by the DCHR prior to the commencement of the project.

(e) The Mayor, the City Administrator, or an agency head may not approve monetary awards exceeding five thousand dollars (\$5,000) without adherence to policies in this chapter.

- 1907.3 Each agency head shall be responsible for preparing a plan for managing awards within his or her agency at the beginning of the fiscal year within prescribed budgetary amounts, as designated the City Administrator. Agencies are responsible for the conformance with these regulations and proper approval procedures. Failure to follow procedures will result in non-payment by the OPRS.
- 1907.4 Each personnel authority shall ensure the quality and integrity in the operation of its incentive awards program, and approve incentive awards as specified in this chapter.
- 1907.5 The Director, DCHR, shall, for employees under the personnel authority of the Mayor, make recommendations to the Mayor, issue criteria and procedures to implement the incentive awards program, and provide for administration of the program, all as specified in this chapter.
- 1907.6 Agency heads shall be responsible for insuring that the criteria for granting awards are consistent with the mission and programmatic goals of their agency, for allocating adequate funds to support the incentive awards program in their agency, for paying the costs of incentive awards (including certificates and tangible items) from such funds, and for approving incentive awards as specified in this chapter.
- 1907.7 Supervisors and managers shall be responsible for ensuring the close relationship of performance awards to performance standards or goals defined by their agency, for motivating and supporting employees to improve work performance, and for providing employee recognition, where merited.

1908 RECORDS AND REPORTS

- 1908.1 The personnel authority or agency head, as appropriate, shall provide each affected employee with copies of signed incentive award approval forms and required supporting material and shall forward copies to the Performance Management Unit of the DCHR or appropriate independent personnel authority for placement in the employee's Official Personnel Folder.
- 1908.2 Each personnel authority shall institute standards for the establishment, maintenance, and disposal of incentive award records in accordance with Chapter 31 of these regulations.
- 1908.3 The Performance Management Unit of the DCHR shall provide to the Mayor an annual report on incentive awards. The report shall list the name, title, and grade of each recipient, the type of incentive award, summary of accomplishments or justification of the award, and the amount of each monetary award.
- 1908.4 A separate report of approved monetary awards shall be forwarded to the Council of the District of Columbia for its information within thirty (30) days of its execution.

1909 REVIEW OF INCENTIVE AWARDS PROGRAMS

- 1909.1 The personnel authority may provide for the review of the adequacy of incentive award activities, including the sufficiency of documentation, record keeping and reporting, and appropriateness of incentive awards.
- 1909.2 The personnel authority shall report any deficiencies to the appropriate agency together with recommendations for correcting any such deficiencies.

1999 DEFINITIONS

For the purposes of this chapter, the following terms have the meaning ascribed:

Agency head – the head of an office, agency or department who reports directly to the head of a personnel authority, or in the case of the Mayor’s personnel authority, to the Mayor or City Administrator.

Agency Incentive Awards Committee – a committee chaired by the agency head (or designee) plus at least two (2) to four (4) other members appointed by the agency head for the purpose of reviewing and approving incentive awards at the agency level as specified in this chapter. Each committee member must be a Management Supervisory Service or Excepted Service employee and shall serve in the committee for a two-year (2-year) period.

Aggregate salaries – the total amount budgeted for gross salaries at the beginning of the fiscal year that awards are paid. Budgeted gross salaries include all funding sources as long as the funding source permits use of allocated funds for incentive awards.

Agency goals – operational, program, departmental outcome measures that are linked to the agency strategic plan, operational improvement plans, special projects or agency accomplishment reports.

Approving authority – the agency head (or designee) and an agency Chief Financial Officer.

Contribution – (a) for purposes of employee awards, an idea, suggestion, or invention that brings tangible or intangible benefits to the District government in the administration and operation of programs; or (b) work performance that consists of specific job-related accomplishments beyond planned or anticipated performance standards or goals.

Employee – a current employee of the District government, or a former employee or his or her legal heirs or estate for a contribution made while the individual was an employee of the District government

Exemplary performance – accomplishments that contribute to the agency goals or objectives included in the agency strategic plan, management accountability requirements, agency scorecard

or other agency expectation agreements that exceed the satisfactory or meets expectations level of performance and within the performance evaluation process warrants a performance rating of "4" or "5" (or equivalent).

Fiscal year – the period of October 1 to September 30 of any given year.

Group award – an award earned by the combined efforts of a group or team. It is anticipated that the group or team will achieve or exceed group performance goals that are established in planning at the beginning of the fiscal year. Awards are granted to recognize and reward a significant contribution to the financial or operational success of the District government that is the result of a team effort, granted in accordance with section 1909 of the chapter. Group awards may be monetary or honorary, or both.

Group Awards Steering Committee – committee chaired by the agency head (or designee) plus at least two (2) to four (4) other members appointed by the agency head for the purpose of reviewing and approving group awards at the agency level as specified in this chapter. Participation in the Committee shall be based on first hand knowledge of the work of the team or the specific project within the agency's organizational component; and shall be limited to senior level employees, Management Supervisory Service or Excepted Service employees.

Honorary award – a certificate or emblem of recognition that is granted to a citizen or to an employee in accordance with section 1905 of this chapter.

Intangible benefits – benefits that accrue to the District government that may not be quantifiable or measurable but which are broadly acknowledged. Examples include an idea, system innovation or policy that improves the overall efficiency of the District government.

Independent agency – any entity, agency, department, commission, or instrumentality that is exempt from the human resource management authority of the Mayor by regulation, statute or law, in whole or in part.

Personnel authority – the Mayor, and other agencies authorized to carry out personnel regulations for employees under their respective jurisdictions, as specified in D.C. Official Code § 1-604.06 (b) (2006 Repl.).

Safe driving award – a monetary award to recognize safe driving, that may be granted in accordance with this chapter to an employee whose primary function is driving a motor vehicle.

Tangible benefits – monetary savings or measurable improvement in a District operation that benefits the District government as a direct result of an innovation or suggestion made by an employee.

Tangible Measurable Goals – performance expectations that are linked to agency strategic plans, operational improvements, or other agency outcome measures.

Comments on these proposed regulations should be submitted, in writing, to Ms. Brender L. Gregory, Director, DCHR, 441 4th Street, N.W., Suite 300 South, 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 rules are available from the above address.

OFFICE OF HUMAN RIGHTS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Office of Human Rights (“Director”), pursuant to the authority set forth in Sections 2(C) and 6(b)(6) (D.C. Official Code § 2-1931(C) and 2-1935(b)(6)) of the Language Access Act, effective June 19, 2004 (D.C. Law 15-167, D.C. Official Code §2-1931 *et seq.*) (“Language Access Act” or “Act”) and Mayor’s Order 2007-127, dated May 31, 2007, hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 4 of the District of Columbia Municipal Regulations. A new Chapter 12 has been added to Title 4 to provide guidance and assistance to District agencies with the implementation of the Language Access Act for individuals with Limited English Proficiency/No English Proficiency (“LEP/NEP population”) being served by the District of Columbia Government.

On October 19, 2007, Proposed Rulemaking for the Language Access Act was published at 54 DCR 10067. The comment period ended on November 17, 2007. The Office of Human Rights received comments, which were reviewed and considered. The Proposed Rulemaking was revised to include a limited number of substantive changes (as described below) as well as technical changes for purposes of clarification. These rules supersede the prior proposed rulemaking published on October 19, 2007. Emergency action is necessary to adopt the revised rules for the immediate preservation of the health, safety and welfare of the LEP/NEP population to ensure that these individuals have access to crucial services in the District of Columbia. Although the Act became effective in 2004, District of Columbia agencies, as well as the public, have not had any guidance in the implementation of the Act. The LEP/NEP population who are directly affected by the Act have been at a disadvantage without implementing rules. Accordingly, it is necessary to implement these rules immediately.

The emergency rulemaking was adopted on February 20, 2008, and became effective immediately. The emergency rules will expire 120 days from the date of adoption or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever comes first.

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

The following substantive changes were made to the proposed rules previously published on October 19, 2007:

- 1) Section 1206.2 (b)-Amended list of covered entities with major public contact to include DC Lottery and Charitable Games Control Board, , Office of Zoning, and Office of Tenant Advocacy and to delete Office of Administrative Hearings;
- 2) Section 1218-Dismissal for Lack of Jurisdiction-additional provisions added;
- 3) Section 1221.1-New provision added to the Investigation section.

- 4) Section 1225-New section added-Audit of District Agencies.

As noted, other technical changes were included for clarification of an existing provision.

TITLE 4 District of Columbia Municipal Regulations, (Human Rights and Relations) is amended as follows:

A new Chapter 12 is added to read as follows:

CHAPTER 12 LANGUAGE ACCESS ACT

1200 SCOPE

The provisions of this chapter shall apply to all District government agencies that constitute “covered entities” and “covered entities with major public contact” as defined in Sections 2(2) and 2(3) of the Act. (D.C. Official Code §§2-1931(2) and 1931(3)).

1201 PURPOSE

1201.1 In order for covered entities to meet their obligations under the Act and to provide enforcement thereof, the Office of Human Rights (“OHR”) adopts this chapter:

- (a) To define the roles and responsibilities of parties assigned to oversee and implement the Language Access Act (“the Act”);
- (b) To provide assistance with data collection on the languages spoken by a limited or non-English proficient (“LEP/NEP”) population as required under the Act;
- (c) To provide assistance and guidance to covered entities with major public contact in implementing a biennial language access plan (“BLAP”) and on reporting requirements for all covered entities; and
- (d) To set forth guidelines for the investigation of complaints filed under the Act and its enforcement.

1202 ROLE OF THE OFFICE OF HUMAN RIGHTS (OHR)

- 1202.1 The Office of Human Rights (“OHR”) shall provide covered entities with oversight, central coordination, and technical assistance in their implementation of the provisions of the Act.
- 1202.2 OHR shall ensure that the delivery of services by covered entities meets acceptable standards of translation and interpretation by providing information to the Office of Contracts and Procurement (OCP) to assist in the development of a quality procurement process.
- 1202.3 OHR shall collect and publish statistical information regarding Language Access public complaints on an annual basis.

1203 ROLE OF THE DIRECTOR OF THE OFFICE OF HUMAN RIGHTS

- 1203.1 The Director of the Office of Human Rights (“OHR Director”) shall designate a Language Access Director to coordinate activities under the Act. The Language Access Director shall carry out all job functions under the direction and supervision of the OHR Director.
- 1203.2 The OHR Director shall report out annually to the Mayor, and the Office of the City Administrator (“OCA”) on the deficiencies found, progress made, and overall compliance with the Act for each covered entity.

1204 ROLE OF THE LANGUAGE ACCESS DIRECTOR

- 1204.1 The Language Access Director (“LA Director”) shall monitor the performance and responsibilities of the Language Access Coordinators, as described in § 1207..
- 1204.2 The LA Director shall review and monitor each BLAP for compliance with the Act.
- 1204.3 If a BLAP should fail to comply with the Act, the LA Director shall assist the agency in revising the BLAP and shall set a deadline for resubmission of the revised BLAP..
- 1204.4 The LA Director’s responsibilities include reviewing covered entities’ implementation reports and providing an annual synopsis

to the OHR Director on the deficiencies found and progress made in implementing the Act.

- 1204.5 The LA Director shall produce a final Annual Compliance Report at the end of each fiscal year and provide copies to the OCA, Office of African Affairs (OAA), Office of Asian and Pacific Islander Affairs (OAPIA), Office of Latino Affairs (OLA), and the D.C. Language Access Coalition. Annual reports shall also be made available to the public within thirty (30) days of a request..
- 1204.6 With regard to public complaints for alleged violations of the Act, the LA Director shall oversee the Language Access complaint procedures for the OHR.
- 1204.7 The LA Director shall conduct education and outreach to covered entities and community providers on their requirements under the Act.
- 1204.8 The LA Director shall consult with the D.C. Language Access Coalition, the Mayor's Office on OAA, OAPIA, and OLA regarding the implementation of the Language Access Act.
- 1204.9 The LA Director shall advise the District's Department of Human Resources ("DCHR") and the personnel authorities of covered entities who have independent hiring authority on issues related to the recruitment and hiring of bilingual public contact personnel.
- 1204.10 The LA Director shall serve as the Language Access Coordinator for OHR and shall fulfill the responsibilities listed in § 1207 for that agency.

1205 ROLES OF COVERED ENTITIES

- 1205.1 Pursuant to Section 2(2) of the Act, covered entities are any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services or activities to the public.
- 1205.2 The covered entity shall ensure that contractors hired to carry out services, programs or activities directly to the public are required to comply with the same requirements of covered entities.

- 1205.3 The covered entity shall ensure that any grantee that provides services under a covered entity' mandate complies with the requirements of the Act.
- 1205.4 The covered entity shall require that contractors and grantees, as described in 1205.2 and 1205.3, certify that the same compliance requirements will be satisfied by their subcontractors and sub-grantees.
- 1205.5 Covered entities are distinguished from covered entities with major public contact, as described in § 1206.
- 1205.6 The covered entity shall annually collect data about the languages spoken and the number of LEP/NEP customers speaking a given language in the population served by updating its databases and tracking applications to contain fields that will capture this information.
- 1205.7 The covered entity shall determine its target language requirements for its LEP/NEP customers to access or participate in the services, programs, or activities they offer, based on the following factors and as determined by § 1205.6 and Section 3(c)(1) of the Act:
- (a) The number or proportion of LEP/NEP persons of the population served or encountered by the covered entity;
 - (b) The frequency with which LEP/NEP individuals come into contact with the covered entity;
 - (c) The importance of the service provided by the covered entity; and
 - (d) The resources available to the covered entity.
- 1205.8 To the extent that a covered entity requires additional personnel to meet the target language requirements of the entity's LEP/NEP constituency, it shall, in consultation with its personnel authority, give preference to hiring qualified bilingual personnel into existing budgeted vacant public contact positions.
- 1205.9 The covered entity shall maintain a current account with a professional and qualified multilingual telephonic interpretation service that provides immediate oral language services to LEP/NEP customers and District staff in a variety of languages.
- 1205.10 The covered entity shall ensure that the telephone interpretation service assists in providing access to customers who are both within and outside of LEP/NEP target languages as determined under § 1205.7.

- 1205.11 The covered entity shall train all staff members in public contact positions on the usage of professional and qualified multilingual telephonic interpretation services and how to appropriately direct LEP/NEP customers to such services.
- 1205.12 Appropriate signs/posters communicating the availability of language accessible services shall be placed at all conspicuous points of entry and other public locations at the covered entity. The signs or posters shall be in the language(s) that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the covered entity.
- 1205.13 When the services described in § 1205.9 are not reasonably sufficient to allow access to the services provided by the covered entity, the entity shall provide qualified and experienced in-person interpretation services to LEP/NEP customers in the entity's target languages, as determined under §1205.7...
- 1205.14 The covered entity shall provide oral language services to LEP/NEP customers who seek to access or participate in public meetings and administrative hearings conducted by the covered entity, provided that the request is received by the covered entity within five (5) business days of the meeting or hearing.
- 1205.15 Requests for oral language services in advance of public meetings or hearings shall be made directly to the entity's Language Access Coordinator, as described in § 1207, in person, via phone, or by electronic mail.
- 1205.16 The covered entity shall provide written translation of vital documents into any non-English language spoken by a LEP/NEP population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the covered entity.
- 1205.17 The covered entity shall ensure that all vital documents that are translated into any non-English language spoken by a LEP/NEP population are widely distributed within the agency, accessible at points of entry, and available online.
- 1205.18 The covered entity must also obtain written acknowledgment from each LEP/NEP customer who waives his/her rights to interpretation or translation services prior to the individual accessing the entity's services.

1206 ROLES OF COVERED ENTITIES WITH MAJOR PUBLIC CONTACT

1206.1 Covered entities with major public contact are covered entities whose primary responsibility consists of meeting, contracting, and dealing with the public. "Dealing" with the public refers to providing direct services to and interacting with the public.

1206.2 Covered entities with major public contact are:

(a) Agencies listed in section (2)(3)(B) of the Act, which are as follows:

Alcoholic Beverage Regulation Administration;
Department of Health;
Department of Mental Health;
Department of Human Services;
Department of Employment Services;
Fire and Emergency Medical Services;
District of Columbia Housing Authority;
District of Columbia general ambulatory and emergency care centers;
Homeland Security and Emergency Management Agency;
Metropolitan Police Department;
District of Columbia Public Schools;
Department of Motor Vehicles;
Department of Housing and Community Development;
Department of Public Works;
Department of Corrections;
Office on Aging;
District of Columbia Public Library;
Department of Parks and Recreation;
Department of Consumer and Regulatory Affairs;
Child and Family Services Agency;
Office of Human Rights;
Department of Human Resources;
Office of Planning;
Office of Contracting and Procurement;
Office of Tax and Revenue; and
Office of the People's Counsel.

(b) Agencies designated by the LA Director under the direction of the OHR Director, which are as follows:

Department of Disability Services;
Department of Youth Rehabilitation Services;

Department of Transportation;
Office of Unified Communications;
Department of the Environment;
Office of the State Superintendent for Education;
Department of Small and Local Business Development;
Office of Zoning;
Office of Tenant Advocacy; and
District of Columbia Lottery and Charitable Games Control
Board.

- 1206.3 Covered entities with major public contact must meet all of the responsibilities for covered entities under the Act and these regulations, and in addition shall:
- (a) Establish and implement a complete BLAP that is approved by the LA Director and published in the D.C. Register every two years;
 - (b) Designate a Language Access Coordinator; and
 - (c) Conduct one (1) public meeting per fiscal year with reasonable advance notice to the public.
- 1206.4 Covered entities with major public contact shall develop a plan to conduct outreach to LEP/NEP communities about their BLAP and the benefits and services to be offered under the plan. Outreach activities may include, but are not limited to, the following:
- (a) Conducting public meetings;
 - (b) Organizing events in LEP/NEP communities (including fairs, community meetings, forums, educational workshops);
 - (c) Deploying entities' mobile unit/truck/van to visit specific community centers, community based organizations or schools;
 - (d) Disseminating information through LEP media outlets (including local TV, newspapers, and radio);
 - (e) Deploying outreach personnel to visit and/or perform regular "walk throughs" within the various LEP/NEP communities;
 - (f) Partnering with community based organizations for the implementation of projects and/or delivery of services;

- (g) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
- (h) Disseminating information through entities' websites;
- (i) Issuing press releases in diverse languages and directing those press releases to media outlets serving the LEP/NEP community;
- (j) Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community;
- (k) Sponsoring educational, informational, cultural and/or social events in LEP/NEP communities;
- (l) Participating in LEP/NEP community events and/or meetings;
- (m) Inviting LEP/NEP community members to visit agency service site(s) and government facilities;
- (n) Cosponsoring community events with LEP/NEP community based organizations;
- (o) Participating in and/or cosponsoring events that target the District's LEP/NEP communities with other District government agencies;
- (p) Organizing regular needs assessment meetings with LEP/NEP community based organizations.

**1207 ROLE OF THE LANGUAGE ACCESS
COORDINATORS**

- 1207.1 Language Access Coordinators ("LAC") shall report directly to their agency director, and consult with the agency director on budgeting issues for the delivery of language access services as required by the Act.
- 1207.2 The LAC must also establish and implement the agency's BLAP pursuant to § 1213.
- 1207.3 The LAC shall coordinate and assist in implementing all of the requirements for covered entities with major public contact under the Act and these regulations.
- 1207.4 On a quarterly basis, the LAC shall submit a report to the LA Director regarding the agency's implementation of its BLAP.

1207.5 The LACs shall receive reports of alleged violations of the Language Access Act from individuals, consultative agencies or other organizations, and shall report them to the LA Director as they are received.

1208 ROLE OF AGENCY DIRECTORS

1208.1 The Directors must meet all language access measures that are outlined in his/her individual performance contracts and scorecard goals developed by the OHR, through the OCA.

1208.2 The Directors shall ascertain that all applicable agency contracts and grants fully comply with all provisions of the Act.

1208.3 In the case of covered entities with major public contact, the Directors shall designate a LAC and review and evaluate the role and performance of the LAC on an annual basis.

1209 ROLE OF LANGUAGE ACCESS COALITION

1209.1 The D.C. Language Access Coalition ("LA Coalition") shall serve in an external non-governmental role consulting on the implementation of the Act. The LA Coalition shall have no authority to make final decisions. In addition, the LA Coalition shall have no obligation to fulfill governmental obligations for providing language access to LEP/NEP individuals, unless its members are contractually or by means of a grant required to do so through the District government.

1209.2 The LA Director shall consult with the LA Coalition on the following:

- (a) Data Collection;
- (b) Development and modification of BLAPs;
- (c) Identification of additional covered entities to be named under the Act as "covered entities with major public contact;" and
- (d) Overall implementation of the Language Access Act.

1209.3 Consultation pursuant to § 1209.2 requires that the LA Director notify the Coalition of activities that would significantly impact the implementation of the Act with sufficient notice so as to allow the Coalition to provide meaningful input, and give reasonable consideration to the

Coalition's input, which may, where appropriate, lead to changes or modifications in decisions.

- 1210 ROLES OF MAYOR'S OFFICE ON AFRICAN AFFAIRS, THE MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS, AND THE MAYOR'S OFFICE ON LATINO AFFAIRS**
- 1210.1 OAA, OAPIA, and OLA (collectively referred to as "consultative agencies") shall serve as consultative bodies to the LA Director and the OHR Director to develop and update covered entities' BLAPs, and assist in the implementation of the Act.
- 1210.2 The consultative agencies shall furnish demographic data on their respective communities to covered entities.
- 1210.3 The consultative agencies shall also provide outreach to LEP/NEP communities in the District on the Act and assist the LACs to develop and implement outreach efforts
- 1210.4 The consultative agencies shall assist OHR in the development of quality control instruments for their respective languages.
- 1210.5 The consultative agencies shall provide technical assistance to the District of Columbia Department of Human Resources ("DCHR") and the personnel authorities of covered entities who have independent hiring authority (collectively "personnel authority") regarding issues related to the recruitment and hiring of bilingual public contact personnel.
- 1210.6 The consultative agencies shall assist their constituents with language access concerns by first referring the concern to the LAC of the entity in question. If the concern is not addressed by the entity, the consultative agency shall refer the allegation to the attention of the LA Director.
- 1211 ROLE OF PERSONNEL AUTHORITIES FOR COVERED ENTITIES**
- 1211 .1 The personnel authority for each covered entity shall provide central coordination and technical assistance to the entity in its implementation of the provisions of the Act and shall report accordingly to the LA Director, OHR and OCA.
- 1211.2 The personnel authority shall develop strategies for recruiting and maintaining bilingual personnel, including assessing the non-

English language abilities of all future and current District personnel who self-identify as bilingual, and who apply for or currently fill a “bilingual” or “bilingual preferred” position.

1211.3 Pursuant to § 1205.8, the personnel authority shall assess the covered entity’s budgeted vacant public contact positions and classify identified positions as “bilingual” or “bilingual preferred” to satisfy the requirement.

1211.5 In consultation with the LA Director and consultative agencies, the personnel authority shall create a linguistic and cultural competency training curriculum that will be made available through DCHR.

1212 BASELINE ASSESSMENTS

1212.1 Each covered entity with major public contact shall complete baseline assessments at the beginning of their implementation phase to provide data for comparison or as a control prior to creating and implementing its first BLAP.

1212.2 Upon the completion of the two-year plan cycle, each covered entity with major public contact shall update the information in the assessments with current information, which shall be included in the entity’s BLAP.

1212.3 The LAC for each covered entity with major public contact shall facilitate the work required for completing the baseline assessments within the agency, as well as complete and submit the assessments to the LA Director as required in § 1212.1.

1212.4 The LA Director shall meet with each LAC and respective agency director to review agency responses to the baseline assessments.

1213 BIENNIAL LANGUAGE ACCESS PLAN

1213.1 A covered entity with major public contact shall establish a biennial language access plan (“BLAP”) by regulation. Each BLAP shall be established in consultation with:

- (a) The Language Access Director;
- (b) The D.C. Language Access Coalition;
- (c) The entity’s Language Access Coordinator;
- (d) The entity’s Director; and
- (e) Consultative agencies.

- 1213.2 Each BLAP shall be updated every two (2) fiscal years and shall set forth, at a minimum, the following:
- (a) The types of oral language services that the entity will provide and how the determination was reached;
 - (b) The titles and types of each translated document that the entity will provide and how the determination was reached;
 - (c) The total number of public contact positions in the entity and the number of bilingual employees in public contact positions, including languages spoken;
 - (d) The number, position, and location of bilingual employees the entity plans to hire in public contact positions;
 - (e) An evaluation and assessment of the adequacy of services to be provided, including mechanisms used to assess adequacy;
 - (f) A description of the budgetary sources specifying the various resources and expenditures upon which the covered entity intends to implement its BLAP;
 - (g) A plan to conduct outreach to the District's LEP/NEP communities served or likely to be served by the covered entity; and
 - (h) A plan to conduct cultural and linguistic competency trainings within the designated BLAP period to the entity's staff who fill public contact positions.

1213.3 The LA Director shall meet with each LAC and respective agency director to review agency plans prior to approval of the BLAP.

1213.4 BLAPs shall be completed by the covered entity with major public contact and approved by the LA Director upon completion of the baseline assessments.

1214 QUARTERLY REPORTS

1214.1 Each covered entity with major public contact shall submit to the LA Director a quarterly report on the entity's BLAP at the end of each official quarter of the fiscal year or as otherwise required by the LA Director.

1214.2 Quarterly reports shall provide the status of all tasks required of the entity in accordance with the entity's BLAP and requirements of the Act.

1214.3 Quarterly reports submitted in the last quarter of a fiscal year shall contain:

- (a) Information on progress made during the quarter;
- (b) A summation of all activity performed within the fiscal year; including a self-assessment of what objectives were unmet with explanation; and
- (c) The number of language access complaints received during the quarter being reported out on and the steps taken to resolve those complaints.

1215 ANNUAL REPORT

1215.1 Each covered entity with major public contact shall furnish a narrative report on progress made in the implementation of the Act at the end of each fiscal year to the LA Director. The report shall be included on a form designated by the LA Director and shall contain summary data on the following:

- (a) Total number of LEP/NEP individuals served or encountered from the total population served by the entity within the fiscal year (delineated by language);
- (b) A list of translated vital documents;
- (c) Oral language services offered through the entity's services and programs;
- (d) The names of all organizations to which the entity provides grants or contracts to provide services to its LEP/NEP customers.
- (e) An itemized budget allocated for Language Access purposes;
- (f) A comprehensive list of the entity's bilingual staff employed in public contact positions;
- (g) The list of contractors and grantees, as described in §§1205.3 and 1205.4, and the status of their compliance with the Act; and
- (h) The number of language access complaints received during the course of the fiscal year, and the steps taken to resolve those complaints.

1215.2 The LA Director shall provide copies of the annual report to the OCA, the LA Coalition, OAA, OAPIA, and OLA.

1215.3 Annual reports shall be made available to the public within thirty (30) days of a request.

1216 PUBLIC COMPLAINTS OF NONCOMPLIANCE WITH THE LANGUAGE ACCESS ACT

1216.1 OHR shall accept information concerning alleged violations of the Act through the filing of a public complaint.

1216.2 By filing a public complaint, any person or organization may request an inquiry into individual or systemic noncompliance with the Act.

1216.3 The LA Director, under the direction and supervision of the OHR Director, shall coordinate the investigation and resolution of public complaints filed under this section.

1216.4 The filing of a public complaint does not supersede or preclude the filing of a complaint by any person or organization alleging intentional illegal discrimination under the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977, D.C. Law 2-38, D.C. Official Code § 2-1401.01 *et seq.* Discrimination complaints shall be filed in accordance with the procedures in Chapter 7 of Title 4 of the District of Columbia Municipal Regulations.

1217 FILING OF PUBLIC COMPLAINTS

1217.1 The procedures in this section apply to the filing of a public complaint as described in § 1216.

1217.2 Any person or organization may file with OHR a complaint of violation of the provisions of the Language Access Act. If a complainant lacks capacity, the complaint may be filed on his/her behalf by a person or organization with an interest in the welfare of the complainant.

1217.3 The complaint shall be in writing on a form obtained from OHR. The original complaint shall be signed and dated by the complainant.

- 1217.4 The LA Director may initiate a signed complaint whenever he or she has reason to believe that any agency covered under the Act or its employee has committed an act of noncompliance with the Act.
- 1217.5 A complaint shall be deemed sufficient when OHR receives from the complainant a written statement sufficiently precise to identify the parties, and to describe generally the action or practice complained of.
- 1217.6 A complaint shall be filed with the Office through its intake procedures.
- 1217.7 The LA Director shall attempt to resolve the alleged violation with the covered entity in question prior to formally docketing the complaint.
- 1217.8 If the LA Director has jurisdiction to investigate the complaint and if the complaint has not successfully been resolved as described in 1221, it shall be docketed and assigned to the LA Director who may assign it to an OHR investigator.

1218 DISMISSAL FOR LACK OF JURISDICTION

- 1218.1 The Language Access Director has the statutory authority to receive, investigate, and seek an appropriate remedy for allegations of noncompliance with the Act's provisions, provided that the following requirements are met:
- (a) The complaint is filed with the OHR within one year of the occurrence of the alleged act of noncompliance, or the discovery thereof; whichever occurs sooner.
 - (b) The alleged act of noncompliance occurred within the District of Columbia; and
 - (c) The respondent is identified as follows:
 - (1) A covered entity or a covered entity with major public contact; or
 - (2) An organization, company, or service provider operating under a grant or contract with the District of Columbia or a covered entity pursuant to §§ 1205.2-1205.4. .

1218.2 If the LA Director determines, on the face of the complaint, that the complaint lacks jurisdiction, pursuant to Section 6(b)(2) of the Act or fails to state a noncompliance claim under the Act, an order dismissing the complaint shall be issued without an investigation two (72) business hours from the time of intake. No cases shall be docketed until this process is completed.

1219 ADMINISTRATIVE DISMISSALS

1219.1 The LA Director shall dismiss a public complaint without prejudice if the complainant submits a written request to withdraw the complaint, or for the following administrative reasons:

- (a) The complainant is absent and has failed to contact or cannot be contacted by the Office;
- (b) The complainant fails to state a claim of noncompliance; or
- (c) After preliminary investigation, the LA Director determines that he or she lacks jurisdiction over the matter pursuant to the Act.

1219.2 An Order dismissing a complaint for administrative reasons shall be in writing and served on the parties stating the reasons for dismissal.

1219.3 A complainant may request that a complaint previously closed for administrative reasons or voluntarily withdrawn be reopened, provided that the complainant submits a written request within thirty (30) days of receipt of the order dismissing the complaint and stating specifically the reasons why the complaint should be reopened.

1219.4 The LA Director, upon receipt of a request to reopen a complaint, may, within his or her discretion, reopen the case for good reasons or in the interest of justice, provided that no determination has previously been made on the merits of the claim.

1219.5 The decision of the LA Director to reopen a complaint shall be served on all parties to the complaint.

1220 WITHDRAWAL OF COMPLAINTS

1220.1 Complaints filed with the OHR under the provisions of the Act may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the LA Director's investigation

and findings, except that the circumstances accompanying a withdrawal may be fully investigated by the LA Director.

1221 INVESTIGATION

1221.1 When a public complaint is filed, the LA Director shall:

- (a) Facilitate the resolution of the complaint if possible. The cited covered entity shall evaluate the complaint and either resolve to provide immediate access to the required services or, if resolution is not possible, propose a solution that is acceptable to the complainant, the covered entity, and the LA Director within a reasonable period of time. If the complaint is not resolved within thirty (30) days, the LA Director shall process a formal complaint;
- (b) When resolution is not possible, supervise and monitor the investigation of the complaint; and
- (c) When the investigation is completed, issue written findings.

1221.2 If the alleged act(s) of noncompliance was committed by OHR, the complaint shall be brought before the OCA for investigation.

1221.3 Upon assignment and docketing of the case, the investigator shall serve (by certified mail) on the respondent a copy of the complaint.

1221.4 Under the direction of the LA Director, the investigation shall include, but not be limited to, site visits, interviews of witnesses, and inspection of respondent's records.

1221.5 After the receipt of all requested documents from the respondent, the investigator shall provide the complainant with an opportunity to rebut relevant information submitted by the respondent.

1221.6 After the completion of the investigation and legal review, the results shall be submitted to the LA Director.

1222 DETERMINATION

1222.1 Upon receipt of a report and recommendation from the investigator and OHR's Legal Unit, the LA Director shall determine whether respondent is in compliance with the Act.

1222.2 The LA Director shall mail the written findings to both parties. All reports and findings shall be forwarded to the OCA.

1223 FINDINGS

1223.1 If there is a finding of noncompliance with the Act., the LA Director shall issue an Order containing terms and conditions to the respondent to provide the services in question within a reasonable timeframe to the complainant and other LEP/NEP individuals. If respondent does not provide the services required by the Order within the designated timeframe, respondent's actions will be reported to the OCA for further action.

1223.2 If the LA Director determines that no violation against the Act has taken place, a letter shall be issued to the Parties dismissing the complaint.

1224 RIGHTS AND RESPONSIBILITIES OF PARTIES

1224.1 All parties are entitled to, and shall receive, a fair and impartial investigation by the LA Director.

1224.2 All parties have a duty to cooperate with and furnish OHR with the following:

- (a) All documents, records, names of witnesses and any other necessary information needed to investigate the complaint; and
- (b) Current contact information.

1224.3 Failure by both parties to perform any of the duties described in § 1226.2 may adversely affect the outcome of the case, up to and including dismissal.

1224.5 Respondent and the complainant shall comply with all requests from the LA Director or OHR during the investigation of the complaint. Noncompliance by the parties shall be reported to the OCA for further action.

1225 AUDITS

1225.1 The OHR shall conduct audits on covered entities, as deemed necessary, to ascertain the level of compliance with the Act.

1225.2 Upon the completion of an audit, results will be issued to the entity being audited, the LA Director and the OCA.

1225.3 The LA Director shall investigate and make a determination in accordance with §§ 1221 through 1223 on any instance of noncompliance cited in the audit.

1226 DEFINITIONS

1226.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Administrative Hearing - a hearing before any governmental or administrative agency, or before an administrative law judge.

Agency - a designated District of Columbia entity which has specified functions and/or provides particular services to the public.

Baseline Assessment - a collection of data regarding specific characteristics of a covered entity as of the date the Language Access Act becomes effective for that entity.

Biennial Language Access Plan (BLAP) - a two-year mandatory compliance plan for each covered entity with major public contact that is to be revised and published in the D.C. Register biennially by the entity.

Bilingual Employee- an employee who is assessed and certified as “proficient” in both the English language and a language other than English by DCHR or the personnel authority of the entity in which he/she is employed should the entity not fall under DCHR’s purview.

Complainant –an individual, group of individuals, or organization(s) who brings or files a public complaint alleging violations of the Language Access Act against an agency, generally titled the respondent.

D.C. Language Access Coalition- the established alliance of diverse community-based organizations in the District that work with the District government to foster and promote the civil rights of immigrant and LEP/NEP communities by advocating for meaningful language access within the District.

Interpretation- oral/verbal conversion of the meaning of a dialogue from one language to another language and vice versa. There are three (3) types of interpretation:

Sight translation: an interpreter reads a document written in one language and translates it orally into another language.

Consecutive interpretation: an interpreter translates a speaker's words orally after the foreign language speaker has stopped speaking.

Simultaneous interpretation: an interpreter speaks simultaneously with the source language speaker.

Limited English Proficient (LEP) - means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Linguistic and Cultural Competence Training- training that educates, informs, instructs or guides agency staff on how to provide readily available, culturally appropriate oral and written language services to LEP/NEP individuals through such means as bilingual/bicultural staff, trained interpreters, and qualified translators.

Non-English Proficient (NEP) - persons who cannot speak or understand the English language at any level.

Oral Language Services- the provision of oral information necessary to enable LEP/NEP individuals to access or participate in programs or services offered by a covered entity. The types of oral language services include:

Commercial Interpretation Services: Professional businesses that offer oral interpretation as part of their array of services

Community Interpretation Services: Community interpreters are members of a given language community who serve as liaisons between monolingual speakers of their native language and English.

Multilingual Telephonic Interpretation Services: An over-the-phone interpretation service that provides professionally trained and qualified interpreters in various languages.

Staff Interpreter: An employee who has been trained and proven competence in interpretation. Certification, training, or assessments indicate the employee's proficiency as an interpreter.

Bilingual employee.

Party- the individual, group of individuals, or organization(s) named in a public complaint charging noncompliance with the Language Access Act, and is generally the complainant or the respondent.

Personnel Authority-The District's Department of Human Resources or individual departments within covered entities with independent hiring authority responsible for human resource matters, including, but not limited to hiring, compensation and promotion.

Public Complaint -an administrative complaint filed under the rules of procedure established by Section 6(b)(2) of the Act , the LA Director or OHR, and § 1217 of the Language Access Act municipal regulations, which is filed by a person or organization claiming lack of access to a covered entity(ies) services due to significant language barriers posed by the entity(ies) in violation of the Language Access Act.

Public Contact Position - position in a covered entity for which the primary responsibilities include greeting, meeting, serving or providing information or services to the public. These are positions that require personal contacts with the public, community and civic organizations, or any combination of these groups.

Public Meeting- a meeting scheduled by a covered entity and a LEP/NEP community to allow for input or feedback from community members on issues of interest relating to the Language Access Act and service(s) provided by the entity.

Respondent-The respondent agency against whom the complainant files a public complaint charging noncompliance with the Language Access Act

Translation- the written conversion of texts in the source language into texts written in the target language, retaining the meaning and intent of the original source text and producing a culturally competent product. All translators providing translation services to the District must be certified and/or otherwise qualified.

Vital documents – applications and their instructions, notices, complaint forms, legal contracts, correspondence, and outreach materials published by a covered entity in a tangible format, including but not limited to those which inform individuals about their rights and responsibilities or eligibility requirements for

benefits and participation, as well as documents that pertain to the health and safety of the public. The term "vital documents" shall include tax-related educational and outreach materials produced by the Office of Tax and Revenue, but shall not include tax forms and instructions.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Aryan Rodriguez, Language Access Director, Office of Human Rights, 441 4th Street, N.W., Washington, D.C. 20001. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chairperson of the District of Columbia Taxicab Commission (“Chairperson”), pursuant to the authority set forth under section 105 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006, 120 Stat. 2023, D.C. Official Code § 50-381(a) (2007 Supp) and Mayor’s Order, 2007-231, dated October 17, 2007, hereby gives notice of the adoption , on an emergency basis, of amendments to Chapter 6, and the addition of Chapter 13 to Title 31 of the District of Columbia Municipal Regulations (“DCMR”).

The emergency rulemaking is needed to implement the decision by the Mayor to require time and distance taximeters in licensed District of Columbia taxicabs on April 6, 2008. Emergency action is necessary to ensure that a taximeter system can be implemented in the District of Columbia by April 6, 2008. If a taxi operator is caught operating a taxi without a meter or if a taximeter business installs an uncertified meter the individual or business is subject to fines on or after April 6, 2008. In order to maximize the time that taximeters business have to obtain licensing and for taxi operators to install taximeters in their vehicles it is necessary to immediately adopt the amendments to Chapters 6 and the addition of Chapter 13 to 31 DCMR. Implementing a meter system by April 6, 2008 will serve the safety and welfare of the public by providing a reliable taxicab fare system that is clear, transparent, and that allows for the maximum use of taxis for public transportation. In order to meet the April 6, 2008 deadline for beginning the taximeter system, it is necessary to immediately implement the amendments to Chapters 6 and the addition of Chapter 13 to 31 DCMR, which provide for the installation of taximeters and the licensing and regulation of taximeter companies.

The emergency rulemaking was adopted on February 25, 2008 and will become effective on February 29, 2008. The emergency rules will expire 120 days from the date of adoption or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever comes first.

The Chairperson also gives notice of his intent to take final rulemaking action to adopt the following rules, which include amendments to Chapters 6, 8, 10, 11, and 12, the relevant table of contents and appendices, indexes, and the addition of Chapter 13 to 31 DCMR. Proposed Rulemaking was published on January 25, 2008 at 55 DCR 777. The only substantive change to the proposed rules of January 25, 2008 is to increase the maximum fare from \$18.90 to \$19.00. The change is required to meet the specification of taximeter industry standards per comment from meter manufacturers. The rules have also been modified to retain the additional passenger surcharge and to keep the current rates for taxicabs hired on an hourly basis. Finally, the Chairperson has also made minor changes to other provisions for clarity. These Proposed Rules supersede those published on January 25, 2008.

The Proposed Rulemaking comment period has been abbreviated because of the technical nature of the changes and because the public and affected entities have already been given an opportunity to adequately respond. It is imperative that the rulemaking be promulgated so that the public, the taxicab operators, and related businesses understand their rights and responsibilities under the new taximeter system. Final rulemaking action to adopt these

proposed rules shall be taken in not less than five (5) days from the date of publication of this notice in the D.C. Register.

Chapter 6, section 602 is deleted in its entirety and replaced with the following:

602 TAXIMETERS

602.1 Effective April 6, 2008, licensed taxicabs shall be equipped with a taximeter which allows for calculation of the following rates and charges:

- (a) Flag drop rate;
- (b) Distance rate;
- (c) Luggage charge;
- (d) Radio dispatch charge;
- (e) Fuel surcharge;
- (f) Snow emergency; and
- (g) Wait time charges.

602.2 Effective April 6, 2008, licensed taxicabs shall be equipped with a taximeter which allows for the following data and reports:

- (a) Customer receipts;
- (b) Shift statistics, including but not limited to paid miles, unpaid miles, and the number of trips; and
- (c) End-of-year statistics, including but not limited to paid miles, unpaid miles, and number of trips.

602.3 Effective April 6, 2008 licensed taxicabs shall be equipped with a taximeter which shall meet the following requirements:

- (a) Be fully electronic;
- (b) Have all access points sealed by a taximeter shop licensed by the Commission;
- (c) Have casings made of hard impenetrable plastic or metal;

- (d) Be capable of operating within a temperature range of -20 F and +120 F;
- (e) Be capable of automatically producing a printed receipt for passengers as described in § 803.1;
- (f) Be capable of releasing a printed receipt within ten (10) seconds;
- (g) Be capable of producing a printed report for Commission personnel which shows total mileage, total paid mileage, total trips, total units, and total extras. All these readouts must show a minimum of six (6) digits exclusive of decimals, for example 999,999. This function shall be operated by a separate button or switch;
- (h) Have the name and license number of the licensed taximeter shop on the sealed surface of all seals. If an adjustment can be made to any component affecting the performance of the printer, then provision shall be made for applying a seal in a manner which requires the seal to be broken before an adjustment can be made;
- (i) Have an auxiliary power source contained in the unit which operates independently of the vehicle's electrical system contained in the unit and operates the memory at its full capacity for a minimum of two (2) years;
- (j) Have a memory which shall be non-erasable. Upon reaching the limits of any display, the unit shall be capable of turning over;
- (k) Have a fully programmable fare structure with low-cost rate change capability;
- (l) For two (2) piece units, have a printer capable of interfacing with and recording information from a fully approved electronic taximeter;
- (m) For two (2) piece units, have all connections between the display meter and the memory/printer unit permanently sealed and tamper-proof by use of approved tubing or electrical conduits. The display unit must be unable to function if disconnected from the memory/printer unit;
- (n) Be capable of automatically making meter displays inoperable if printer paper is not available in the memory/printer unit;
- (o) Have model and serial numbers appearing on the face of the unit. For two (2) piece units, model and serial numbers must appear on the display unit and the memory/printer unit;

- (p) Have all operating buttons and/or switches related to passenger functions appearing on the face of the unit properly labeled, and indicating each function;
 - (q) Have all extra charges appear separately on the display as well as the receipt for passengers. Extra charge indicator shall be illuminated when in operation;
 - (r) Have the fare displayed for a total of fifteen seconds (15) from the time the printer begins to print the customer receipt at the completion of the ride;
 - (s) Have a clearly visible fare display;
 - (t) Have a receipt dispenser unit which is visible to the passenger;
 - (u) Have sufficient candlepower so that all illuminated indicators are visible to the passenger;
 - (v) Be permanently affixed to the vehicle in a location approved by the Commission;
 - (w) Have a cruiser light that is controlled by the engaging of the meter;
 - (x) Be capable of calculating and displaying the regular metered rate of fare required by section 801 in Chapter 8 of these regulations;
 - (y) Use switches, wiring and wire caps in all connections to the taximeter harness, cruiser light wires and pulse wires that meet the specifications of the Society of Automotive Engineers, where such specifications are applicable. All of the ports and peripheral connections shall be physically secure from tampering that could disrupt the functionality or compromise the integrity of the taximeter; and
 - (z) Meet the specifications and tolerances published in the National Bureau of Standards Handbook 44.
- 602.4 Taximeters shall only be installed by taximeter businesses licensed by the Commission which meet the requirements in Chapter 13 of these Regulations.
- 602.5 No taxicab shall be equipped with more than one taximeter.
- 602.6 Each taximeter shall be sealed to avoid tampering and only a licensed taximeter business shall perform the sealing;

- (a) Lead seals shall use a numbered seal press with an official inscription issued by the Commission;
 - (b) The taximeter business shall place a certification sticker, issued by the Commission on each taximeter that states the following:
 - (1) The taximeter's serial number;
 - (2) The date it was sealed;
 - (3) The name of the authorized sealer;
 - (4) The sealer's signature;
 - (5) The revolutions (constant "K") of the taximeter; and
 - (6) The wheel and tire size at the time of inspection and the recommended tire pressure.
- 602.7 Each taximeter shall be tested once per year by a taximeter business licensed by the Commission. The annual inspection shall not be conducted by a taximeter business on taxicabs owned or affiliated with the taximeter business conducting the inspection. The annual inspection shall be identical to the inspection process identified in section 1324.1.
- 602.8 Each new taximeter unit submitted for approval to the Commission by the manufacturer, its licensed representative, or the taximeter business shall be subject to a testing period.
- 602.9 Drivers shall comply with the following requirements as to the condition of the taximeter and cruiser lights:
- (a) A driver shall not drive a taxicab unless all taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the taximeter must be the same as that shown on the rate card assigned to the taxicab;
 - (b) A driver shall not pick up or transport a passenger unless the taximeter is properly equipped with paper for the printing of receipts; and
 - (c) A driver while on duty shall not operate a taxicab unless the cruiser light is lit when the taximeter is not in use, and unlit when the taximeter is in use.
- 602.10 Tampering with a taximeter, taximeter technology system or the cruiser light is prohibited:

- (a) A driver shall not operate a taxicab in which the taximeter or the seals affixed thereto by a licensed taximeter repair shop have been tampered with, broken or altered in any manner. The operation of a taxicab with a broken taximeter seal shall give rise to a rebuttable presumption that the driver knew of the tampering or alteration and operated the taxicab with such knowledge;
- (b) A driver shall not tamper with, repair or attempt to repair, or connect any unauthorized device to the taximeter or any seal, cable connection or electrical wiring thereof, or make any change in the vehicle's mechanism or its tires which would affect the operation of the taximeter;
- (c) A driver shall not tamper with the cruiser light or any of the interior lights or connections except to replace a defective bulb or fuse. The cruiser light of a taxicab shall be automatically controlled only by the movement of the taximeter button or ignition switch so that it is lighted only when the taximeter is in an off or "Vacant" position and unlighted when the taximeter is in a recording or "Hired" position. The operation of a taxicab with an unauthorized installation or device controlling interior or cruiser lighting shall give rise to a rebuttable presumption that the driver knew of the unauthorized installation or device and operated the taxicab with such knowledge; and
- (d) A driver shall not place tires or wheels of a different size, or "off-size" tires, on the taxicab without reinspection and recalibration of the meter. The driver shall not operate a taxicab with tires inflated outside the manufacturer's recommended level, be it "under" or "over inflated".

Subsection 608.1 is amended as follows:

- 608.1 All taxicab vehicles shall be inspected semi-annually, or at other times as required by the Commission for the following:
- (a) Safe operating condition and compliance with District of Columbia motor vehicle regulations with respect to the condition of the body and fenders, cleanliness, repairs, and other mechanical parts relating to both the exterior and interior condition of the taxi vehicle; and
 - (b) Broken or damaged taximeter seals.

Chapter 8 is amended as follows, and shall be effective April 6, 2008:

The table of contents of Chapter 8 is amended as:

801 Passenger Rates and Charges

Section 801 is deleted in its entirety and replaced with the following:

801 Passenger Rates and Charges

- 801.1 Passenger rates and charges for metered taxicab service provided within the District of Columbia shall be in accordance with the charges established in this chapter. No person shall knowingly or intentionally charge an amount in excess of the rates and charges established in this chapter.
- 801.2 The word "passenger" shall not include one child five (5) years of age or younger accompanied by an older person.
- 801.3 For trips within the District of Columbia, the regular metered rate of fare is as follows:
- (a) Three dollars (\$3.00) upon entry and first 1/6 of a mile;
 - (b) Twenty-five cents (\$0.25) for each one sixth of a mile after the first 1/6; and
 - (c) The wait rate is fifteen dollars (\$15.00) per hour.
- 801.4 Wait time begins five (5) minutes after time of arrival at the place the taxicab was called. No time shall be charged for premature response to a call. Waiting time shall be charged for time consumed while the taxicab is stopped or slowed to a speed of less than ten miles per hour for longer than sixty (60) seconds and for time consumed for delays or stopovers en route at the direction of the passenger. Wait time shall be calculated in sixty (60) second increments. Wait time does not include time that is lost due to taxicab or driver inefficiency.
- 801.5 Except for declared snow emergency fares provided for in § 804, the regular metered fare listed in § 801.3, not including extra charges and surcharges listed in § 801.6, shall not exceed \$19.00 for trips originating and ending and with all stops en route in the District of Columbia.
- 801.6 Extra charges or surcharges shall be as follows:
- (a) Telephone dispatch service in response to a telephone call for taxicab service shall be two dollars (\$2.00);
 - (b) Dismissal of a taxicab without use, after response to a telephone call, shall be one dollar and fifty cents (\$1.50) in addition to the one dollar and fifty cents (\$1.50) charge for responding;
 - (c) Luggage including large bags of groceries or articles of similar size,

there shall be no charge for one piece per passenger. For additional pieces, there is a charge of fifty cents (\$.50) for each piece handled by the driver. Briefcases and parcels of comparable size shall not be considered luggage;

- (d) Trunks or similar-sized large articles shall be charged at the rate of two dollars per piece (\$2.00). A trunk is a piece of baggage having a minimum dimension or cubic content in excess of 32 inches by 18 inches by 9 inches, or three (3) cubic feet, respectively;
- (e) Personal service shall be charged at the rate of two dollars (\$2.00). "Personal service" is any service requested by a passenger which requires the taxicab driver to leave the vicinity of the taxicab. No such charge shall be made for persons who are blind, handicapped or disabled;
- (f) Delivery service (messenger service and parcel pick-up and delivery) shall be at the same rate as for a single passenger unless the vehicle is hired by the hour;
- (g) Small dogs or other small animals, when securely enclosed in a box or basket designed for that purpose, may accompany a passenger without charge. Other animals not so enclosed may be carried at the discretion of the driver:
 - (1) If the driver agrees to carry a small dog or small animal which is not enclosed, there shall be a charge of one dollar (\$1.00);
 - (2) A driver may refuse to transport any passenger traveling with a small dog or other small animal if the driver notifies the passenger that he/she suffers from a diagnosed medical condition such as allergies and cannot travel with the small dog or other small animal in the vehicle; and
 - (3) No driver shall have a personal pet or animal of any kind in a vehicle for hire while holding the vehicle out for hire.
- (h) A service animal accompanying a passenger with a disability shall be carried without charge. The term "service animal" means a guide dog, a signal dog, or other animal trained to assist or perform tasks for the benefit of a passenger with a disability;
- (i) Devices for the aid of a disabled person, such as a folding wheelchair, when accompanying the passenger with a disability shall be carried without charge. No driver shall impose a personal service charge for loading or unloading such devices in or from a taxicab;

- (j) Where an airport surcharge is paid by the taxicab driver, that surcharge may be added to the fare of the trip; and
- (k) A taxicab employed on an hourly basis shall be \$25.00 for the first hour or fraction thereof and \$5.50 for each additional fifteen minutes or fraction thereof.
- (l) Additional passenger charge for groups of two or more passengers is one dollar and fifty cents (\$1.50) per passenger;

801.7 In cases where more than one passenger enters a taxicab at the same time on a pre-arranged basis (group riding) bound for different destinations, in addition to the applicable charges set out in this section, the fare shall be charged as follows:

- (a) Whenever a passenger gets out, the fare shall be paid, the meter shall be reset, and the last passenger shall pay the remaining fee.

801.8 For trips beyond the limits of the District of Columbia, the provisions in Subsection 801.5 will not apply.

801.9 Any continuous trip where the point of origin and the destination are both within the limits of the District of Columbia shall not be considered a trip beyond the limits of the District though the shortest and most direct route requires traveling outside of the District's boundaries into a contiguous jurisdiction. For such a trip the meter shall be kept in the recording position throughout.

801.10 As provided in § 808, shared riding is only allowed from Union Station at the discretion of a starter. Rates for shared riding shall be calculated in accordance with § 801.7.

801.11 Where the taxicab operator accepts a credit card for Payment:

- (a) There shall be no additional charge added to the fare for the use of a credit card;
- (b) No minimum charge may be imposed for the use of a credit card to pay a fare;
- (c) No service may be refused to any person desiring to use a credit card on the grounds that a trip will not exceed a minimum length or generate a minimum fare; and
- (d) Any operator who accepts credit cards in payment of fares must have posted on a sign in a location that is conspicuous to all passengers the type of credit cards accepted for payment.

801.12 A sign approved by the Office of Taxicabs displaying passenger rates and charges shall be affixed to each taxicab on either the rear door window, rear vent window, or wrap around window and maintained in good conditions.

Section 802 is repealed

Section 803 is deleted in its entirety and replaced with the following:

803 CUSTOMER RECEIPTS FOR SERVICE

803.1 A taxicab operator, when requested by a passenger or a person requesting messenger or parcel delivery service, shall give a receipt showing the following:

- (a) Operator's name;
- (b) Identification card number;
- (c) Vehicle tag number;
- (d) Time, date;
- (e) The amount of the fare; and.
- (f) Commission's complaint phone number.

803.2 In the case of messenger or parcel delivery service, the driver shall provide a written invoice describing the article(s) to be transported.

803.3 The operator shall retain a duplicate receipt for a period of one (1) year.

Subsection 804.1 is amended as follows:

804.1 During a snow emergency fare period, as declared by the Chairperson of the District of Columbia Taxicab Commission (Chairperson), the meter fare rate shall be 125% of the applicable regular fare.

Subsection 804.10 is amended as follows:

804.10 During snow emergency periods, there shall be prominently displayed on the back of the front seat of the taxicab, and pointed out to the passenger by the driver, a sign in size and form prescribed by the Office, which shall read as follows:

SNOW EMERGENCY FARE

DURING SNOW EMERGENCY PERIODS, AS DECLARED BY THE CHAIRPERSON OF THE DISTRICT OF COLUMBIA TAXICAB COMMISSION, PASSENGERS SHALL PAY 125 PERCENT OF THE APPLICABLE REGULAR FARE, NOT INCLUDING ANY APPLICABLE EXTRA CHARGES OR SURCHARGES.

BEGINNING AND END OF SNOW EMERGENCY PERIODS WILL BE PUBLICIZED ON RADIO, TELEVISION OR IN NEWSPAPERS.

IF DISPUTES ARISE, THE PASSENGER(S) SHALL PAY THE FARE STATED BY THE DRIVER AND THE DRIVER MUST FURNISH A RECEIPT. THE PASSENGER(S) MAY FILE A COMPLAINT IN WRITING WITHIN FIFTEEN (15) DAYS IN ACCORDANCE WITH THE STATEMENT OF PASSENGER RIGHTS POSTED IN THIS TAXICAB. THE COMPLAINT SHALL BE FILED WITH THE DISTRICT OF COLUMBIA TAXICAB COMMISSION, 2041 MARTIN LUTHER KING, JR., AVENUE, S.E., WASHINGTON, D.C. 20020, (202) 645-6003.

Subsection 805.2 is amended as follows:

805.2 The passenger(s) disputing a snow emergency fare shall file a written explanation of the nature of the dispute, along with a copy of the receipt required by § 804.11, with the District of Columbia Taxicab Commission.

Section 808 is deleted in its entirety and replaced with the following:**808 GROUP RIDING AND SHARED RIDING**

808.1 Group riding for pre-formed groups, as defined in § 899, is permitted at all times. No driver shall refuse to engage in group riding at any time.

808.2 Shared riding, as defined in § 899, is only permitted at Union Station at such times as are determined to be necessary to achieve adequate service by a starter employed or authorized by Union Station.

- (a) The starter shall have the sole authority to determine when a taxicab shall depart after taking on passengers, except that after an initial passenger has been taken on, the starter shall not unreasonably delay the departure of the taxicab for the purpose of securing additional passengers;
- (b) The general direction of the destination of the first passenger shall determine the general direction of that particular trip. Other passengers whose

destinations lie generally in that direction may be transported to the extent of the designed capacity of the taxicab; and

- (c) Passengers shall be discharged in the order of the arrival at their respective destinations. In the event any questions arise as to the order of arrival at any destination, the question shall be resolved in favor of the passenger who entered the taxicab first.
- (d) Passengers have the right to refuse shared riding.

Subsection 825.1 is amended as follows:

825.1 The civil infractions and their respective fine amounts set forth in this section do not include major moving violations.

<u>INFRACTION</u>	<u>FINE</u>
Accident	
Failure to report to insurance carrier within specified time	25.00
Air Conditioning	
Improperly operating system	100.00
Cruising Lights	
Broken	25.00
Failure to have	50.00
Failure to use	25.00
Curb	
Failure to pull to curb to pick up and discharge passenger(s)	25.00
DCTC License	
Failure to display	100.00
Failure to have	500.00
Destination	
Asking in violation of § 819.9	25.00
Dirty Taxicab	50.00
Dress of Operator	
Unkempt or improperly dressed	25.00

Failure to Notify

The Office of a change
in information 25.00

Fares

Failure to charge proper fare 150.00
Failure to give receipt upon request 150.00
Refusing to pay 25.00
Soliciting 25.00

Heating

Improperly operating system 100.00

Hubcaps and Wheel Covers

Failure to have 25.00

Identification Cards

Failure to display for passenger(s)
view 25.00

Operating without an identification
card 500.00

Permitting the operation without an
identification card 500.00

Insignia

Failure to have proper colors,
number or insignia on vehicle 25.00

Loitering

25.00

Manifest

Failure to have approved form
in possession 25.00

Failure to properly complete
and maintain 25.00

Failure to provide manifest to
government agency 100.00

Failure to provide meter statistics to
government agency 1,000.00

No Smoking

Violation of law 25.00

Orders of Enforcement Personnel

Failure to obey an order of a
Civilian Hack Inspector or
other law enforcement personnel

engaged in enforcement of taxicab laws and regulations	50.00
Parked	
More than 5 feet from cab	
hack stand	5.00
Off stand	5.00
Passenger	
Loading or unloading in crosswalk	25.00
Overloading	25.00
Refuse to haul	250.00
Illegal Shared Ride	250.00
Property	
Failure to report property left in vehicle	25.00
Rate Sticker Sign	
Failure to display	150.00
Seat Belts	
Failure to have mandatory use of seat belts signage	100.00
Sign	
Improper use of "Off Duty"	100.00
Improper use of "On Call"	100.00
Speedometer or Odometer	
Defective	25.00
Taximeter	
Tampering with meter or seals	\$1,000.00 and suspension or revocation
Operating without meter	1,000.00 and suspension or revocation
Operating with non-functional meter	1,000.00
Operating a cab with "off-size" wheels or tires	1,000.00 and suspension
Operating a cab with "under" or "over" inflated tires	1,000.00
Unlicensed Operator	
D.C. resident	500.00
Non-resident	500.00

Unlicensed Vehicle

D.C. resident	500.00
Non-resident	500.00

Subsections 825.2 is amended as follows:

- 825.2 Appeals of civil infractions shall be considered by the Office of Administrative Hearings.
- 825.3 In addition to the civil fine, failure to pay the fine or request a hearing within fifteen (15) calendar days of the issuance of a notice of infraction may result in the imposition of a penalty equal to the amount of the civil fine.
- 825.4 Failure to appear for a requested hearing may result in the imposition of a penalty equal to twice the amount of the civil fine.
- 825.5 The civil fines set forth in this section shall be doubled for the second violation of the same infraction and shall be doubled once more for any subsequent violation or violations of the same infraction.

Section 899 (Definitions) is amended as follows:

Group Riding – the transportation of two (2) or more passengers whose trip has a common point of origin and different destinations.

Shared Riding – trips arranged by a starter at Union Station that involve the transportation of two (2) or more passengers with common or different destinations.

Appendices 8-1 and 8-2 of Chapter 8 are deleted.

Appendix 8-3 is amended by substituting an amended Taxi Driver's Daily Manifest Form (attached)

Chapter 10, subsection 1010.10 is amended as follows and shall be effective April 6, 2008:

- 1010.10 The Department of Motor Vehicles, acting as agent for the District of Columbia Taxicab Commission, shall inspect taxicabs to ensure compliance with the District of Columbia Taxicab Commission's regulations concerning paint color(s), trade name, insignias, rate and passenger rights signs, meter seals, cruising lights, upholstery condition, and sanitation.

Chapter 11, subsection 1102.3 is amended as follows, and shall be effective April 6, 2008:

- 1102.3 A Commission or panel investigation may include, but is not limited to, an investigation into any of the following subjects:

- (a) Rate studies;
- (b) Review of the taximeter;
- (c) Public education and awareness;
- (d) Education of taxicab operators and owners;
- (e) Enforcement activities; or
- (f) Discrimination in the taxicab industry.

Chapter 12, section 1299.1 is amended as follows, and shall be effective April 6, 2008:

1299.1 **Sedan** - a for-hire vehicle designed to carry fewer than six (6) passengers, excluding the driver, which charges for service on the basis of time and mileage.

A new Chapter 13 is added to 31 DCMR to read as follows:

CHAPTER 13 LICENSING AND OPERATIONS OF TAXI METER COMPANIES

Section

- 1300 Application and Scope
- 1301 Unlicensed Business Activity Prohibited
- 1302 Taximeter Business License – General Requirements
- 1303 Taximeter Business License – Bond Required
- 1304 Taximeter Business – Financial Disclosure
- 1305 Taximeter Business – Fees
- 1306 Taximeter Business – Compliance with Licensing Requirements
- 1307 Taximeter Business – Change in Ownership
- 1308 Taximeter Business – Compliance with Applicable Laws
- 1309 Taximeter Business – Fees Charged by Licensees
- 1310 Taximeter Business – Premises and Equipment
- 1311 Taximeter Business – Equipment Maintenance
- 1312 Taximeter Business – Signage on Premises
- 1313 Taximeter Business – Personal Conduct
- 1314 Taximeter Business – Unlawful Activities Prohibited
- 1315 Taximeter Business – Notification of Criminal Conviction or Change in License Conditions
- 1316 Taximeter Business – Notification of any License Suspension or Revocation
- 1317 Taximeter Business – Bribery Prohibited
- 1318 Taximeter Business – Threatening, Harassing or Abusive Conduct Prohibited
- 1319 Taximeter Business – Cooperation with the Commission
- 1320 Taximeter Business – Liability for Conduct of Employees

1321	Taximeter Business – Liability for Tampering or Alteration
1322	Taximeter Business – Duty to Notify the Commission
1323	Taximeter Business – Seals
1324	Taximeter Business – Required Inspections
1325	Taximeter Business – Other Repair Limitations
1326	Taximeter Business – Record of Taximeter Tests
1327	Taximeter Business – Repair Work After Test Failure Prohibited
1328	Taximeter Business – Overcharges Prohibited
1329	Taximeter Business – Sale of Taximeters
1330	Taximeter Business – Record Keeping and Reporting
1331	Penalties for Violations
1399	Definitions

1300 APPLICATION AND SCOPE

- 1300.1 This chapter shall be applicable to and governs all taximeter businesses in the District of Columbia.
- 1300.2 The provisions of this chapter shall be interpreted to comply with the language and intent of section 105 of the 2005 District of Columbia Omnibus and Authorization Act, approved October 16, 2006, 120 Stat. 2023, D.C. Official Code § 50-381(a) (2007 Repl.) and the “District of Columbia Taxicab Commission Establishment Act of 1985,” as amended.

1301 UNLICENSED BUSINESS ACTIVITY PROHIBITED.

- 1301.1 No person shall sell, install, repair, adjust, or calibrate taximeters or install or replace seals, wiring harnesses or other equipment relating to the operation of a taximeter or cruiser light for use upon any licensed taxicab in the District of Columbia without a valid taximeter business license issued by the Commission.

1302 TAXIMETER BUSINESS LICENSE – GENERAL REQUIREMENTS

- 1302.1 The application for the initial and renewal of a taximeter business license shall be filed on a form provided by the Office of Taxicabs and shall contain a sworn and notarized statement that the information contained therein is true under penalty of perjury.
- 1302.2 License Application Requirements
- (a) An individual applicant for a taximeter business license shall meet the following requirements:

- (1) Provide proof of identity in the form of a valid photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and a valid, original social security card;
 - (2) Be at least eighteen (18) years of age; and
 - (2) Be of good moral character as reflected by the outcome of the report required in section (d) and in accordance with the guidelines in § 1001.12.
- (b) An applicant that is a partnership shall provide the following:
- (1) A certified copy of the partnership certificate from the jurisdiction where the principal place of business is located.
 - (2) Each partner must satisfy the requirements for individual applicants set forth in § 1302.2.
- (c) An applicant that is a corporation shall provide the following:
- (1) A certified copy of its certificate of incorporation with a filing receipt issued by the Mayor, if incorporated less than one year from the date of the license application or a certificate of good standing; or if incorporated more than one year from the date of the license application, or if not a District of Columbia corporation, a copy of the certificate of incorporation, filing receipt, and authority to do business within the District of Columbia;
 - (2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder; and
 - (3) A certified copy of the minutes of the organizational meeting at which the current officers were elected.
- (d) Each of the following persons shall be fingerprinted, for purposes of securing criminal history records from the Federal Bureau of Investigation:
- (1) Each individual applicant;
 - (2) Each partner of a partnership applicant;

- (3) Each officer or shareholder of a corporate applicant; and
- (4) Each person who has provided funds either individually, or as a principal of a partnership or corporation, whether such funds were provided by gift, loan or otherwise, in connection with the operation of the taximeter business, unless such provider is a licensed bank or loan company. The applicant shall pay any processing fees required by the Office of Taxicabs or the Federal Bureau of Investigation.
- (e) The Commission shall have the right to reject the proposed name of any taximeter business that is substantially similar to any name in use by another taximeter business licensee.
- (f) Each license expires two (2) years from the date of issuance.

1303 TAXIMETER BUSINESS LICENSE – BOND REQUIRED

- 1303.1 Each applicant for an initial taximeter business license or renewal license shall deposit with the Commission and shall keep in full force and effect throughout the license period, a bond in the sum of fifty thousand (\$50,000) dollars, provided by one or more sureties approved by the Commission.
- 1303.2 Such bond shall be payable to the DC Treasurer and shall be conditioned on the licensee complying with all provisions of this title including, but not limited to, compliance with the Clean Hands Act and payment of any fines or judgments against said licensee by any court or administrative agency, including, but not limited to, the Office of Administrative Hearings for violations of this title.
- 1303.3 This bond shall remain in full force and effect for the term of the taximeter business license, and for one (1) year following the termination, non-renewal, or revocation of any license.

1304 TAXIMETER BUSINESS LICENSE – FINANCIAL DISCLOSURE

- 1304.1 Each individual, partner, corporate shareholder or corporate officer applicant for a new or renewal taximeter business license shall file with the Commission a financial disclosure statement, to be submitted on a form provided by the Office of Taxicabs, which shall include but not be limited to identifying such individual's assets, liabilities, income, net worth, source of bank accounts and any investments a business licensed or regulated by the Commission or with an individual or entity who is a participant in a business licensed or regulated by the Commission.

1304.2 Each individual, partner, shareholder or officer of a taximeter business shall disclose to the Commission his interest, whether as owner, partner, officer, shareholder, director, lender or other creditor, in any licensed taxicab.

1305 TAXIMETER BUSINESS LICENSE – FEES

1305.1 Every application for a license to operate a taximeter business shall be accompanied by a non-refundable application fee of five hundred dollars (\$500) to be deducted from the first bi-annual license fee of two thousand dollars (\$2,000).

1305.2 The license application fee and the license fee shall be payable by money order or by certified check and payable to the DC Treasurer.

1305.3 The bi-annual renewal license fee after the first license is one thousand and five hundred dollars (\$1,500) and is due on the anniversary of the issuance of the license.

1306 TAXIMETER BUSINESS – COMPLIANCE WITH LICENSING REQUIREMENTS

1306.1 If at any time during the term of the taximeter business license, the Chairman becomes aware that the licensee no longer meets the requirements for a taximeter business license, the Commission may suspend or revoke the license or deny any application for renewal.

1306.2 Nothing contained herein shall limit the authority of the Chairman to summarily suspend the license of any taximeter business where a threat to public health, safety or welfare exists.

1306.3 Appeals of actions taken by the Commission pursuant to sections 1306.1, 1306.2 and 1331 shall be heard by the Office of Administrative Hearings

1307 TAXIMETER BUSINESS – CHANGE IN OWNERSHIP

1307.1 A taximeter business owner shall not, without the prior consent of the Commission, transfer any interest in a taximeter business, including, but not limited to, the transfer of any ownership interest, or any agreement to transfer an ownership interest in the future.

1307.2 A taximeter business owner shall not, without prior notification and approval by the Commission, make any change in location, mailing address, corporate name,

trade name, corporate officers, or any other material deviation from the description of the taximeter business as stated in the original or renewal application.

1308 TAXIMETER BUSINESS – COMPLIANCE WITH APPLICABLE LAWS

- 1308.1 A licensee shall obtain and keep in full force and effect all licenses and permits required by the District or federal laws.
- 1308.2 A licensee shall comply with all applicable Occupational Safety and Health Act (OSHA) standards and requirements at the licensee's place of business, as well as all other Federal and District laws governing the conduct of its business.
- 1308.3 A licensee shall pay any fines, fees, and/or taxes owed by it to the federal or District government.
- 1308.4 A licensee shall comply with all workers' compensation and disability benefits laws, and all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

1309 TAXIMETER BUSINESS – FEES CHARGED BY LICENSEES

- 1309.1 A licensee shall file with the Commission a schedule of current fees for all services related to the sale, repair, installation and calibration of taximeters, including, but not limited to, inspections, tests, adjustments, installations, corrections, or repairs.
- 1309.2 Any change in fees shall be filed with the Commission at least ten (10) days prior to the scheduled date of said change in fees.
- 1309.3 A taximeter business owner shall not engage in any business unless a current schedule of inspection and repair charges, including hourly rates, if applicable, is prominently displayed to the public on the business premises.
- 1309.4 A taximeter business owner shall not publicly display any fee schedule until after it has been filed with the Commission.

1310 TAXIMETER BUSINESS – PREMISES AND EQUIPMENT

- 1310.1 A taximeter business licensee shall meet the following requirements at all times:
- (a) Be located within an area zoned for this business activity;
 - (b) Be of sufficient size to simultaneously accommodate at least three (3) vehicles of the type(s) and model(s) licensed by the Commission;

(c) Have sufficient illumination and space in inspection, testing, and calibration areas to enable proper inspections and tests required by these regulations; and

(d) Have all signs required by law and these rules.

1310.2 A taximeter business licensee may not use temporary structures that are not described in the certificate of occupancy for the premises.

1310.3 No installation, adjustment, correction, calibration, or repairs of any type may be performed on a public street or any facility other than the taximeter business premises.

1310.4 A taximeter business shall be equipped with, at a minimum, the equipment required by the Commission for the repair and installation of taximeters.

1311 TAXIMETER BUSINESS – EQUIPMENT MAINTENANCE

1311.1 A taximeter business owner shall properly maintain all equipment required by the Commission, or any other equipment required by law or regulation, in good working order, and in such a manner that an inspection, test, or calibration may be conducted in conformity with these rules.

1311.2 A taximeter business shall not conduct any test, calibration, or installation using equipment that is not in good working order.

1312 TAXIMETER BUSINESS – SIGNAGE ON PREMISES

1312.1 A “licensed taximeter business” sign, bearing the taximeter business license number and meeting the specifications of the Commission, shall, at all times, be hung or mounted on the outside of the premises in such a manner that it is easily visible to the public from outside the building.

1312.2 A taximeter business owner shall not display a “licensed taximeter business” sign if its taximeter business license, or any other necessary license, is expired, suspended or revoked or if it never was licensed.

1312.3 Each licensed taximeter business shall have affixed to the inside of the glass window thereon, to be clearly legible from the outside, a printed sign bearing its business name, license number, and the Commission’s complaint telephone number.

1313 TAXIMETER BUSINESS – PERSONAL CONDUCT

- 1313.1 A taximeter business owner or his representative, while performing duties and responsibilities as a licensed taximeter business, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny.
- 1313.2 Examples of fraud, larceny or misrepresentation include, but are not limited to:
- (a) Calibration of a fare other than that set by the Commission;
 - (b) Adjustment of the tire size, driving axle, pinion gear, transducer, wiring, or other equipment, for the purpose of generating an inaccurate signal of time or distance into the taximeter; or
 - (c) The manufacture, sale or installation of any device which is either designed to or does generate a false or inaccurate signal into the taximeter.
- 1313.3 A taximeter business owner or his representative shall not perform any willful act of omission or commission, which is against the best interest of the public, even if not specifically prohibited by these rules.

1314 TAXIMETER BUSINESS – UNLAWFUL ACTIVITIES PROHIBITED

- 1314.1 A taximeter business owner shall not use or permit any other person to use his business premises or office of record for any unlawful purpose.
- 1314.2 A taximeter business owner shall not conceal any evidence of a crime connected with his business premises or office of record.
- 1314.3 A taximeter business owner shall report immediately to the Commission and the police any attempt to use his business premises to commit a crime.
- 1314.4 A taximeter business owner shall not file with the Commission any statement, including but not limited to statements required to be filed pursuant to these rules, which he or she knows or reasonably should know to be false, misleading, deceptive or materially incomplete.

1315 TAXIMETER BUSINESS – NOTIFICATION OF CRIMINAL CONVICTION OR OTHER CHANGE IN LICENSE CONDITIONS

- 1315.1 A taximeter business owner, including a member of a partnership or any officer or shareholder of a corporation, shall notify the Commission in writing of his/her conviction for a crime within fifteen (15) days of such conviction, and he or she shall deliver to the Commission a certified copy of the certificate of disposition issued by the clerk of the court within fifteen (15) days of conviction.
- 1315.2 In accordance with § 1307.2, a taximeter business owner shall notify the Commission of any material change in the information contained on such owner's latest taximeter business license application or renewal.

1316 TAXIMETER BUSINESS – NOTIFICATION OF ANY LICENSE SUSPENSION OR REVOCATION

- 1316.1 A taximeter business owner shall immediately notify the Commission in writing of any suspension or revocation of any license granted to the licensee, or any other person acting on his behalf, by any agency of the District of Columbia or federal government.

1317 TAXIMETER BUSINESS – BRIBERY PROHIBITED

- 1317.1 A taximeter business owner or any person acting on his behalf shall not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission, or any public servant.
- 1317.2 A taximeter business owner or any person acting on his behalf or during the scope of his or her employment with said taximeter business owner, shall immediately report to the Commission and the Inspector General any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant.
- 1317.3 A taximeter business owner or any person acting on his behalf shall not accept any gift, gratuity, or thing of value from an owner or driver of any vehicle licensed by the Commission, or any individual or any other person actually or purportedly acting on behalf of such owner or driver for the purpose of omitting an act required by these rules or committing any violation of these rules.
- 1317.4 A taximeter business owner shall notify the Commission immediately and in writing within twenty-four (24) hours thereafter of any offer of a gift or gratuity prohibited by § 1317.1.

1318 TAXIMETER BUSINESS – THREATENING, HARASSING OR ABUSIVE CONDUCT PROHIBITED

1318.1 A taximeter business owner, while performing his duties and responsibilities as a licensee, shall not:

- (a) Threaten, harass, or abuse any governmental or Commission representative, public servant, or other person; and
- (b) Use or attempt to use any physical force against a Commission representative, public servant or any other person.

1319 TAXIMETER BUSINESS – COOPERATION WITH THE COMMISSION

1319.1 A taximeter business owner shall, at all times, cooperate with all law enforcement officers and representatives of the Commission.

1319.2 A taximeter business owner shall answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives.

1319.3 A licensee shall produce his/her Commission license and/or other documents whenever the Commission requires.

1320 TAXIMETER BUSINESS – LIABILITY FOR CONDUCT OF EMPLOYEES

1320.1 A taximeter business owner shall supervise and be responsible for the conduct of all its employees, contractors or agents, for the activities including, but not limited to, the sale, installation, inspection, testing, and calibration of taximeters.

1320.2 A taximeter business owner shall ensure that all employees are fully familiar with the rules and regulations contained herein, as well as any other pertinent regulatory agency rules and regulations.

1320.3 To this end, a taximeter business shall employ only such persons who have been certified as taximeter technicians by a taximeter manufacturer to perform any installation, testing, repair or calibration of the taximeter on which work is being performed:

- (a) Any work involving a taximeter, including, but not limited to, installation, inspection, calibration, and repair shall be performed by a technician certified by the taximeter manufacturer; and

(b) The certified technician shall be responsible for maintaining all records required by the Commission and shall place his signature on all inspection, testing, repair or other reports prepared by him.

1320.4 A taximeter business owner shall ensure that all employees perform their duties in compliance with all relevant federal and District laws, rules, and regulations.

1320.5 A taximeter business shall furnish to the Commission, upon licensure or renewal, the names of all certified taximeter technicians employed by it and shall notify the Commission in writing of any changes in the employment of certified taximeter technicians.

1321 TAXIMETER BUSINESS – LIABILITY FOR TAMPERING OR ALTERATION

1321.1 By installing a seal on a taximeter, the taximeter business certifies that the taximeter has been tested and calibrated in accordance with these rules.

1321.2 A taximeter business owner shall be strictly liable for the tampering of a meter that is sealed with an unbroken seal issued by a taximeter business.

1321.3 By testing, installing or calibrating a taximeter, the taximeter business certifies that at the time of such installation, testing or calibration, it has:

- (a) Examined and found the wiring harness leading from the taximeter to the speed sensor is of one (1) piece construction with no intervening connectors, splices, “Y” connections, or direct or indirect interruptions of any kind whatsoever, and
- (b) Examined the pinion gear seal and has determined that it is properly sealed.

1322 TAXIMETER BUSINESS – DUTY TO NOTIFY THE COMMISSION

1322.1 A taximeter business shall notify the Commission by telephone immediately, and in writing within twenty-four (24) hours, of any of the following occurrences:

- (a) A taximeter which the taximeter business knows or has reason to know has been reported to the Commission as lost or stolen has been presented to the taximeter business for installation, repair, adjustment or calibration;
- (b) A taximeter has been presented for installation, repair, adjustment or calibration on which one or more seals are removed, damaged, broken or tampered with;

- (c) A person whom the taximeter business owner knows or should have known to be a licensee of the Commission, or to be acting on behalf of a licensee, has requested that the taximeter business engage in any activity prohibited by these rules;
- (d) A person whom the taximeter business owner knows or should have known to be a licensee of the Commission, or to be acting on behalf of a licensee, has attempted to repair, or connect any unauthorized device to, any taximeter, seal, cable connection or electrical wiring, which may have affected the operation of a taximeter; and
- (e) The taximeter business discovers the existence of any intervening connections, splices, "Y" connections or direct or indirect interruptions or connections of any kind whatsoever.

1322.2 Any notice required to be provided to the Commission hereunder shall contain, at a minimum, the following information:

- (a) The taxicab name and number and vehicle tag number;
- (b) The name(s) and license number(s), if any, of the driver(s) who presented the vehicle to the taximeter business;
- (c) The date of the inspection or repair; and
- (d) A detailed description of the taximeter as described in section 1322.1(a).

1323 TAXIMETER BUSINESS – SEALS

1323.1 Installation of a taximeter shall include the affixing of security seals to the taximeter as required by the Commission. Only seals which have been authorized and approved by the Commission shall be used by a taximeter business. The security seals shall be installed in a manner prescribed by the Commission, and in such manner that the security seals self-destruct when the taximeter or sealed part of the vehicle is disassembled.

1323.2 Each seal shall be numbered and the taximeter business shall keep a record of each seal used. Seals must be used in consecutive numerical order, and any seal not used must be accounted for. The record of seals shall be available for inspection by the Commission as set forth herein. The record shall contain, at a minimum, the following information:

- (a) The seal number;
- (b) The number of the taximeter in which the seal was

installed;

- (c) The name and number of the taxicab in which the taximeter was installed;
- (d) The date the seal was installed;
- (e) The date and seal number of any seal removed;
- (f) The reason for installing any new seal; and
- (g) The wheel and tire size at the time of inspection and the recommended tire pressure.

1323.3 No taximeter business shall install a seal on a taximeter without removing all seals installed by another meter shop, whether or not broken.

1323.4 Each taximeter business shall maintain on its business premises either a fireproof safe secured to the floor of the establishment or a locked, secured room secured by an alarm connected to a centralized monitoring facility, for the storage of seals and taximeter repair records.

1323.5 Each taximeter business shall maintain and file with the Commission a description of the procedures used by it to prevent the loss, theft, destruction or misuse of taximeter seals.

1323.6 A taximeter business shall not install a meter or seal in a taxicab that it owns or with which it is affiliated.

1324 TAXIMETER BUSINESS – REQUIRED INSPECTIONS

1324.1 A taximeter shall be inspected by the taximeter business whenever it is installed, repaired, or calibrated. Inspection shall include examination of the taximeter installation and operation to verify compliance with:

- (a) The taximeter specifications, type approvals, tolerances, and all other requirements of the commission, including, but not limited to a measured mile run test;
- (b) The rate of fare established by the Commission;
- (c) The standards set forth in the sections of the taxicab owners' rules regarding taximeters; and
- (d) All other applicable federal and District regulations and

guidelines.

1324.2 This section shall not apply to repairs which are made exclusively to the printing mechanism or the resetting of the date and/or time on the printer receipt.

1325 TAXIMETER BUSINESS – OTHER REPAIR LIMITATIONS

1325.1 A taximeter business owner shall not perform any work on a taximeter, including, but not limited to, inspection, testing, calibration, or repair, if:

- (a) No valid vehicle license from the Commission is presented unless the taximeter is not for use in a taxicab licensed by the Commission;
- (b) The taximeter serial number is deleted, defaced, or otherwise altered;
- (c) The vehicle is licensed by the Commission and the taximeter make, model or serial number appears on the Commission vehicle license or rate card, and the commission has not otherwise authorized the use of that taximeter;
- (d) The taximeter business licensee knows or should know that the taximeter presented for testing was reported lost or stolen to the Commission or any other law enforcement agency; or
- (e) The taximeter business licensee has not obtained from the owner or driver of the vehicle, or his agent, a written consent to perform any work on the taximeter.

1326 TAXIMETER BUSINESS – RECORD OF TAXIMETER TESTS

1326.1 The taximeter business owner shall record the results of any inspections or tests, and the taximeter make, model, and serial number on a form, prescribed by the Office of Taxicabs, which the taximeter business licensee shall submit to the Commission within seven (7) days of such inspection.

1326.2 Upon a determination that a taximeter has passed an inspection, the taximeter business owner, in addition to complying with § 1326.1, shall affix a certification sticker, prescribed and approved by the Office of Taxicabs, to the taximeter. Any certification sticker shall not be re-affixed to the taximeter if removed.

- 1326.3 A taximeter business owner shall provide for the safekeeping of certification stickers, shall control their sequence of issuance, and shall ensure that such stickers are placed only on taximeters in accordance with these regulations.
- 1326.4 When a taximeter is installed in preparation for “hack-up,” the taximeter business owner, in addition to complying with § 1326.1 and §1326.2 shall:
- (a) Prepare a vehicle “hack up” certification form approved by the Office of Taxicabs at the completion of the preparatory work for vehicle “hack-up”;
 - (b) Submit to the Commission, within 24 hours, all documents relating to the installation and inspection of such taximeter; and
 - (c) Provide the vehicle owner with an itemized list of all work performed in preparation for “hack-up.”

1327 TAXIMETER BUSINESS – REPAIR WORK AFTER TEST FAILURE PROHIBITED

- 1327.1 No taximeter business owner shall, as a condition of performing any test or other work, require a vehicle driver or owner to undertake any repair work at his business. He shall inform the owner or driver that he may select another licensed taximeter business to perform a repair.
- 1327.2 No taximeter business owner shall direct a vehicle owner to utilize any other taximeter business to perform said repair work.

1328 TAXIMETER BUSINESS – OVERCHARGES PROHIBITED

- 1328.1 A licensed taximeter business shall not charge fees for any work involving taximeters in excess of the fees set by its fee schedule, which shall be filed with the Commission and shall be publicly displayed pursuant to § 1309 of these rules.

1329 TAXIMETER BUSINESS – SALE OF TAXIMETERS

- 1329.1 A taximeter business owner shall only sell and install taximeters for use in a District of Columbia licensed taxicab that have been approved by the Commission.
- 1329.2 A taximeter business owner shall not sell a taximeter for use in a taxicab licensed by the Commission unless a valid vehicle license from the Commission is presented.

- 1329.3 A taximeter business owner shall not sell a taximeter for use in a Commission licensed vehicle unless the installation, testing and certification of the taximeter/vehicle assembly is performed by the taximeter business licensee or an employee thereof.
- 1329.4 A taximeter business owner shall report to the Commission, within seven (7) days, all sales, trades or exchanges of taximeters by the licensed taximeter business on a form prescribed by the Commission.
- 1329.5 A taximeter business owner shall inform all purchasers in writing, before the sale takes place, of any and all restrictions imposed by the taximeter manufacturer and/or taximeter business licensee regarding the testing, repairs, calibration and installation of the taximeter.
- 1329.6 A taximeter business owner shall remove, deface, or otherwise void the validity of the certification sticker upon receipt of a taximeter purchased, exchanged, or accepted in trade by the taximeter business licensee, and report such decertification to the Commission.
- 1329.7 The certification sticker must conform to all specifications established by the Commission and bear the name of the Chairperson of the Commission.
- 1329.8 All installations of taximeters in taxicabs license to operate in the District of Columbia must be in accordance with specifications which have been filed with and approved by the Commission.
- 1329.9 No change in the method of installation shall be made unless the installation method has been filed with and approved by the Commission.

1330 TAXIMETER BUSINESS – RECORD KEEPING AND REPORTING

- 1330.1 A taximeter business owner shall comply with all record keeping procedures established by the Office of Taxicabs. All records required to be kept by the Office of Taxicabs shall be in the form and manner prescribed by the Office of Taxicabs and must be maintained for a period of five (5) years.
- 1330.2 All record-keeping entries must be made by a technician certified in accordance with § 1320.3 of these rules.
- 1330.3 A taximeter business owner shall account for all certification stickers procured and issued by the taximeter business licensee.
- 1330.4 A taximeter business owner shall account for all new or used taximeters that the taximeter business licensee buys, loans, rents, exchanges, or accepts in trade.

- 1330.5 A taximeter business owner shall keep records of all sales, installations, inspections, re-inspections, calibrations, repairs and the results thereof.
- 1330.6 At any and all times, a taximeter business owner shall make available for examination, to any agent of the Commission, or any other properly authorized law enforcement officer, all the records the official taximeter business is required to keep.
- 1330.7 A taximeter business owner shall permit any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time.

1331 TAXIMETER BUSINESS – PENALTIES FOR VIOLATIONS

- 1331.1 The schedule below lists penalties for violations of requirements of specified sections of this Chapter.

<u>Section</u>		<u>Penalty</u>
1301	Unlicensed business activity	\$250
1305	Failure to pay bi-annual license fee	\$500 / Suspension after 30 days overdue
1307.1	Failure to notify Commission	\$5,000
1309	Change in fee schedule without notification	\$500
1310.3	Installation, adjustment, correction, calibration or repair of taximeter outside of premises of licensed taximeter business	\$500
1312	Failure to comply with signage requirements	\$250
1313	Fraud	\$25,000 and license revocation
1314	Unlawful Activities	\$25,000 and license revocation
1315	Failure to Notify	\$1,000
1316	Failure to notify	\$1,000
1317.1	Bribery of Commission	\$25,000 and license revocation

1317.2	Failure to report	\$10,000
1317.3	Acceptance of bribe	\$25,000 and license revocation
1317.4	Failure to notify Commission	\$10,000
1318	Threats, harassment, or abuse	\$10,000 and license revocation
1319	Failure to cooperate with Commission	\$500
1320	Work by Non-Certified Technician	\$500
1322	Failure to notify Commission	\$1,000
1324	Installation without inspection	\$1,000
1325	Unauthorized work	\$5,000
1326	Defective certification/inspection	\$1,000
1327	Requiring repair work	\$1,000
1328	Overcharge	\$250
1329	Sale of unapproved meter for installation on a taxicab licensed by the DCTC	\$500
1330	Failure to keep appropriate records	\$100 per record
1331.2	The civil fines set forth in this section shall be doubled for the second violation of the same infraction, and shall be doubled once more for any subsequent violation or violations of the same infraction.	
1331.3	Appeals of civil infractions shall be considered by the Office of Administrative Hearings.	
1331.4	In addition to the civil fine, failure to pay the fine or request a hearing within fifteen (15) calendar days of the issuance of a notice of infraction may result in the imposition of a penalty equal to the amount of the civil fine.	
1331.5	Failure to appear for a requested hearing may result in the imposition of a penalty equal to twice the amount of the civil fine.	

1399 DEFINITIONS

1399.1 The words and phrases in this chapter shall have the meaning as set forth below:

Applicant – An individual, partnership or corporation seeking a taximeter business license from the Commission.

Commission – The DC Taxicab Commission.

Driver – A person licensed by the Commission to drive a licensed DC taxicab in the District of Columbia.

Hack-up – To outfit a vehicle as a taxicab and obtain approval from the Commission for that vehicle to serve as a taxicab for the first time.

Mailing address – The address designated by an applicant or licensee for the receipt of all notices and correspondence from the Commission. Unless otherwise approved in advance, the mailing address of a taximeter business licensee shall be the street address of the business.

Owner – An individual, partnership, limited liability company or corporation licensed by the Commission to own and operate a taxicab or taxicabs.

Rate of fare – The established fare which may be charged by a licensed taxicab, which fare has been promulgated by the Commission, and which fare may include, but is not limited to surcharges and waiting times.

Seal – A device, approved by the Commission, which may be installed on a taximeter, wire, wiring mechanism, gear or other device, so that no adjustment, repair, alteration or replacement can be made without removing or mutilating the seal or seals.

Taximeter – An instrument or device approved by the Commission by which the charge to a passenger for hire of a licensed taxicab is automatically calculated and on which such charge is plainly indicated.

Taximeter business – Any business which engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, adjustment, testing, sealing or calibrating of taximeters, for use upon any licensed vehicle in the District of Columbia including any business which engages in whole or in part in the installation of taxicab cruiser lights.

Taximeter business owner – An individual, partnership or corporation licensed by the Commission to own and operate a taximeter business.

Taximeter test (sometimes alternatively referred to as “test”) – Shall mean a method to determine compliance with distance and time tolerances, utilizing either a road test over a precisely measured road course or a simulated road test determining the distance traveled by use of a roller device, or by computation from rolling circumference and wheel-turn data, said test

having been conducted in accordance with the National Institute of Standards and Technology Handbook No. 44.

Wiring harness – Any wire or collection of wires, including all connections thereto, which is connected in any manner whatsoever to a taximeter or in any way affects the operation of a taximeter.

Repeal Subject Index reference as follows:

Zone charts §§ 801.1, 801.2

Any person desiring to file written comments on the Commissioner’s proposed rulemaking action must do so not later than five (5) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Leon Swain, Chairperson, District of Columbia Taxi Commission, 2041 Martin Luther King, Jr. Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.