

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2008Codification  
District of  
Columbia  
Official Code

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To approve, on an emergency basis, an increase of fiscal year 2008 local funds appropriation authority and the use of funds available in the projected fiscal year 2007 year-end fund balance, revised fiscal year 2008 revenues, and fiscal year 2008 operating cash reserve; and to amend section 601 of the Omnibus Spending Reduction Act of 1993 to establish the John A. Wilson Building Centennial Fund under the control of the Secretary to the Council to commemorate the Centennial of the John A. Wilson Building.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007".

Sec. 2. The Council approves the expenditure of \$191.345 million in supplemental appropriations for fiscal year 2008 as follows:

(a) An amount of \$99.498 million shall be made available from the fiscal year 2007 fund balance pursuant to section 124 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), which shall be allocated on a one-time basis as follows:

(1) An amount of \$43.494 million to the District of Columbia Public Schools to support one-time costs and nonrecurring expenditures consistent with the Public Education Reform Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451 *et seq.*), which shall include:

- (A) An amount of \$23.7 million to offset current facilities inefficiencies;
- (B) An amount of \$5 million to offset current Central Office inefficiencies;
- (C) An amount of \$2.9 million to retain surplus instructional staff;
- (D) An amount of \$7.5 million for additional instructional materials;
- (E) An amount of \$3.2 million for grade realignment;
- (F) An amount of \$500,000 for extra-duty pay; and

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- (G) An amount of \$694,000 for a parent-resource center;
- (2) An amount of \$6 million to the Workforce Investment Fund to support District of Columbia Public Schools retroactive pay;
- (3) An amount of \$12.374 million to the District Department of Transportation as follows:
- (A) An amount of \$12 million to support additional street, alley, and sidewalk paving;
- (B) An amount of \$149,000 to fund a grant supporting operations of the Blue Bus; and
- (C) An amount of \$225,000 to support the Business Transit Connection linking Union Station to the Benning Road Metro;
- (4) An amount of \$1.7 million to the Office of the Chief Technology Officer to support maintenance of the Computer Assisted Passenger Prescreening system;
- (5) An amount of \$14 million to the Department of Employment Services as follows:
- (A) An amount of \$7 million to support the expanded enrollment of ex-offenders and individuals receiving public assistance in the Transitional Employment Program; and
- (B) An amount of \$7 million to support the registration of 15,000 participants in the Summer Youth Employment Program for a duration of 10 weeks;
- (6) An amount of \$588,000 to the District Department of the Environment as follows:
- (A) An amount of \$300,000 to support additional air and soil quality testing in areas of Riggs Park affected by the leak of an underground gasoline storage tank; and
- (B) An amount of \$288,000 to fund a flood study of the Palisades;
- (7) An amount of \$500,000 to the Department of Small and Local Business Development to support the Main Streets programs on North Capitol Street and Rhode Island Avenue;
- (8) An amount of \$9.23 million to the Deputy Mayor for Planning and Economic Development as follows:
- (A) An amount of \$3.5 million to grant local funds necessary to obtain federal matching funds available to develop Georgetown Waterfront Park; and
- (B) An amount of \$5.73 million to support Broadcast One and the Howard Theater Revitalization;
- (9) An amount of \$1 million to the Department of Housing and Community Development to support capital planning, design, and program activities at Park Morton, and to assist, together with \$2 million in funds previously allocated for the redevelopment of Park Morton under D.C. Official Code § 47-340.23(c)(1)(A) and available for this new purpose, in securing necessary temporary-rental accommodations to move a percentage of Park Morton

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residents;

(10) An amount of \$500,000 to the Department of Health to fund a grant to support development of a burn unit at Children's National Medical Center;

(11) An amount of \$2 million to the Department of Education to be deposited in the Integrated Services Fund, established in section 5203 of the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02), for the purpose of implementing early intervention and prevention programs and interagency initiatives for the benefit of District youth;

(12) An amount of \$300,000 to the Office of Planning as follows:

(A) An amount of \$100,000 to support a grant to restore the historic Pierce Mill;

(B) An amount of \$150,000 to support the costs of a study exploring the potential for community-serving uses of the former site of the Rose School; and

(C) An amount of \$50,000 to hire a consultant to conduct research, develop content, and produce materials for Ward 4 neighborhood development marketing tools;

(13) An amount of \$800,000 to the Children and Youth Investment Trust Fund for the Children and Youth Investment Trust Corporation to fund a grant to Peaceaholics, of which \$200,000 shall be dedicated to the Rebuilding the Village project in Petworth;

(14) An amount of \$250,000 to the Homeland Security and Emergency Management Agency to support community events requiring emergency street closures or security planning;

(15) An amount of \$3.425 million to the Metropolitan Police Department as follows:

(A) An amount of \$1.8 million to support gunshot detection systems expansion;

(B) An amount of \$1 million to expand community partnerships and gang intervention activities;

(C) An amount of \$125,000 to the Metropolitan Police Department to be allocated to the Healthy Families Thriving Communities Collaborative Council to produce a report, which shall be submitted by the end of this fiscal year to the Council of the District of Columbia, on nationwide best practices for community-based gang intervention programs, with recommendations for a long-term strategy to establish a District-wide approach to addressing public safety and the root-cause challenges related to gangs and crews; and

(D) An amount of \$500,000 to the Metropolitan Police Department to provide seed money for the Motor Vehicle Theft Prevention Fund;

(16) An amount of \$2 million to the District of Columbia Sports and Entertainment Commission as an operating subsidy;

(17) An amount of \$232,000 to the Department of Parks and Recreation to fund a grant for the expansion of a boxing and a youth center in Ward 7;

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(18) An amount of \$25,000 to the District of Columbia Office on Aging to fund a grant to Palisades Village for aging-in-place programs targeting the Palisades area;

(19) An amount of \$650,000 to the Council of the District of Columbia as follows:

(A) An amount of \$600,000 to support information technology initiatives; and

(B) An amount of \$50,000 to fund the study required by the Juvenile Speedy Trial Equity Emergency Act of 2007, passed on emergency basis on December 18, 2007 (Enrolled version of Bill 17-545);

(20) An amount of \$130,000 to the Office of Justice Grants Administration to support the Visitors' Services Center prisoner re-entry program; and

(21) An amount of \$300,000 to the Department of Public Works for a Ward 4 Business Improvement District demonstration project.

(b) An amount of \$73.384 million shall be made available from additional certified fiscal year 2008 revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub L. No. 110-92; H. J. Res. 52), which shall be allocated as follows:

(1) An amount of \$23.7 million shall be allocated on a recurring basis as follows:

(A) An amount of \$16.082 million to the Workforce Investment Fund to support District of Columbia Public Schools negotiated pay increases;

(B) An amount of \$3.211 million to the Office of the Attorney General for the District of Columbia to support the costs of providing legal counsel in matters involving the District of Columbia Public Schools, to alleviate spending pressures at the District of Columbia Public Schools;

(C) An amount of \$209,000 reserved, on a recurring basis, to offset reductions in revenue collections anticipated as a result of the Golden Rule Plaza, Inc. Real Property Tax Exemption and Real Property Tax Relief Emergency Act of 2007, effective November 5, 2007 (D.C. Act 17-177; 54 DCR 11223);

(D) An amount of \$123,000 to the Department of Employment Services to fund 2 additional full-time equivalents that shall monitor First Source compliance;

(E) An amount of \$332,000 to the District Department of Transportation to support the Blue Bus;

(F) An amount of \$1.8 million to the Council of the District of Columbia to support annualization of previously loaded funding;

(G) An amount of \$750,000 to the District of Columbia Auditor to support increased operational and oversight capacity; and

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(H) An amount of \$1.193 million to the Department of Human Services to support the Emergency Rental Assistance program.

(2) An amount of \$49.684 million shall be allocated on a one-time basis as follows:

(A) An amount of \$143,000 shall be reserved on a one-time basis to offset reductions in revenue collections anticipated as a result of the Golden Rule Plaza, Inc. Real Property Tax Exemption and Real Property Tax Relief Act of 2007, effective November 5, 2007 (D.C. Act 17-177; 54 DCR 11223);

(B) An amount of \$1.4 million to the Department of Parks and Recreation as follows:

(i) An amount of \$500,000 to fund youth outreach in neighborhoods, including Langston Terrace;

(ii) An amount of \$400,000 to fund Sherrier Place renovations;

and

(iii) An amount of \$500,000 to fund a Ward 5 gang-intervention initiative;

(C) An amount of \$30 million to the Housing Production Trust Fund, of which \$11 million shall be used, in consultation with the Department of Human Services, to support housing for chronically-homeless individuals;

(D) An amount of \$3 million to the Pay-As-You-Go Capital Fund to fund family-shelter-capacity building, including purchase, renovation, or disability access improvements at family shelters through the Department of Human Services capital budget;

(E) An amount of \$4 million to the District Department of the Environment to support the Low-Income Home Energy Assistance program;

(F) An amount of \$1 million to the Department of Small and Local Business Development to fund the Small Business Microloan program;

(G) An amount of \$960,000 to the District of Columbia Public Schools to provide start-up funding for the Pre-K-for-All initiative during the first 2 months of the 2008-2009 school year;

(H) An amount of \$600,000 to the District of Columbia Public Library to support the Francis Gregory Library planning;

(I) An amount of \$1.65 million to the Department of Health as follows:

(i) An amount of \$1.35 million to support grants under the Effi Barry HIV/AIDS Initiative Act of 2007, passed on 1<sup>st</sup> reading on December 11, 2007 (Engrossed version of Bill 17-372); and

(ii) An amount of \$300,000 to fund a grant to the Family Health and Birth Center, Inc.;

(J) An amount of \$350,000 to the Metropolitan Police Department to expand the District's alert system city-wide;

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(K) An amount of \$5.981 million to the Children and Youth Investment Trust Fund for the Children and Youth Investment Trust Corporation, to be distributed as follows:

(i) An amount of \$240,000 to fund a grant to the Friends of Ft. Dupont;

(ii) An amount of \$500,000 to fund a grant to the Alliance for Concerned Men;

(iii) An amount of \$200,000 to fund a grant to the Parkland Community Center;

(iv) An amount of \$41,000 to fund a grant to the High Tea Society; and

(v) An amount of \$5 million to fund grants to organizations serving youths for after-school and summer programs;

(L) An amount of \$200,000 to the District of Columbia Office on Aging to fund a grant for Iona Senior Services for renovation projects to the lobby and attic and for creating a cultural art center;

(M) An amount of \$200,000 to the University of the District of Columbia to support the Fashion Merchandising program; and

(N) An amount of \$200,000 to the District of Columbia Commission on Arts and Humanities to fund a grant to Black Entertainment Television to develop a pilot television program showcasing District of Columbia emerging poets and other expressive talent and featuring leaders, role models, and mentors.

(c) An amount of \$9.763 million shall be made available from the 2008 operating cash reserve fund in accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), as follows:

(1) An amount of \$3.133 million to the Workforce Investment Fund to support District of Columbia Public Schools severance pay;

(2) An amount of \$3.6 million to the District of Columbia Public Schools to fund one-time restructuring costs with respect to school consolidations;

(3) An amount of \$150,000 to the District Department of Transportation to be used for the second annual Carfree Day, in 2008;

(4) An amount of \$650,000 to the Metropolitan Police Department as follows:

(A) An amount of \$150,000 for additional crime cameras in the Petworth and Brightwood communities; and

(B) An amount of \$500,000 to fund a grant to the Columbia Heights/Shaw Family Support Collaborative, for gang and crew violence prevention and to support immediate and long-term solutions to the elevated gang and crew-related violence throughout the District, to be used to establish a Coordinating Council of principal groups that

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are currently working on gang and crew prevention and intervention efforts throughout the District, to be put into immediate use to address the root causes of gang and crew involvement, including underemployment, alienation, substance abuse, and mental health challenges and for direct intervention strategies, such as mediations and other conflict resolution-strategies, and to secure tattoo removal equipment, which operates as part of a comprehensive gang-exit program;

(5) An amount of \$75,000 to the Department of Parks and Recreation for the development of a comprehensive plan for Upshur Park renovation;

(6) An amount of \$100,000 to the Council of the District of Columbia to fund the John A. Wilson Building Centennial Fund; and

(7) An amount of \$2.055 million to the Pay-As-You-Go Capital Fund to restore the Wilson Building Renovation Fund, project number WIL02C, under the direction of the Council of the District of Columbia.

(d) An amount of \$8.7 million shall be made available from additional certified fiscal year 2008 revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub. L. No. 110-92; H.J. Res. 52), to the Office of Risk Management to fund the District of Columbia Free Clinic Captive Insurance Company, in accordance with the District of Columbia Free Clinic Captive Insurance Company Establishment Emergency Act of 2007, effective October 3, 2007 (D.C. Act 17-113; 54 DCR 9977).

### Sec. 3. Fund availability and appropriation authority.

All funds designated in section 2(a) shall be allocated for the purposes described upon certification that funds are available pursuant to the Comprehensive Annual Financial Report for fiscal year 2007 and upon Congressional enactment of legislation granting the District of Columbia sufficient appropriation authority in fiscal year 2008.

### Sec. 4. Establishment of the John A. Wilson Building Centennial Fund.

(a) There is established the John A. Wilson Building Centennial Fund ("Fund"), to be administered by the Secretary to the Council, which shall be used for the purpose of providing resources for the commemoration of the 100<sup>th</sup> anniversary of the opening of the building, formerly known as the District Building, as the permanent location for the municipal government in the District of Columbia.

(b) Deposits into the Fund shall include appropriated funds, other District funds, private gifts, and donations. All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes of the Fund without regard to fiscal year limitation, subject to authorization by Congress.

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(c) The Secretary to the Council is authorized to expend monies in the Fund to commemorate the anniversary.

Sec. 5. Reporting requirements.

(a) The District of Columbia Public Schools shall file monthly reports, within 15 days following the end of each month, with the Council of the District of Columbia on the obligation and expenditure of any funds pursuant to this act.

(b) The District of Department of Transportation shall file quarterly reports, within 15 days following the end of each quarter, with the Council of the District of Columbia on the obligation and expenditure of any funds pursuant to this act.

Sec. 6. Applicability.

Sections 2 and 3 shall apply upon the approval of the reprogramming of \$33.5 million in annual operating funds for facility maintenance, \$22.203 million in fiscal year 2008 and \$99.827 million in fiscal years 2008-2013 capital budget authority from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, and any other reprogrammings required by the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007, passed on an emergency basis on December 11, 2007 (Enrolled version of Bill 17-516), and the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR \_\_\_).

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 18, 2007, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

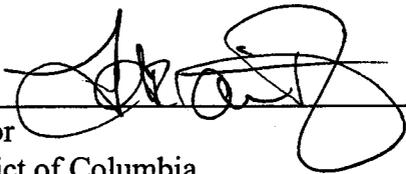
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-240

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

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

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

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06) ("CMPA"), the Council of the District of Columbia adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

Note,  
 § 1-611.06

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

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

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

- (i) Retiring under the optional retirement provisions of 5 U.S.C. §8336(a), (b), or (f); and
- (ii) Who are eligible to retire with Social Security (minimum age 62).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(F)(i) The Mayor shall establish:

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

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

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

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

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or reappointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend  
§ 1-609.03

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

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

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

Amend  
§ 1-611.11

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

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

“(A) Classified as an Educational Service employee;

“(B) Placed under the personnel authority of the Mayor; and

“(C) Subject to all rules of the District of Columbia Public Schools;

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

“(A) Classified as an Educational Service employee; and

“(B) Placed under the personnel authority of the Mayor; and

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

“(A) Classified as an Educational Service employee; and

“(B) Placed under the personnel authority of the Mayor.”

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

Amend  
§ 1-617.09

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

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

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

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

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

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

Amend  
§ 1-624.02

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

**Sec. 3. Rulemaking.**

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

**Sec. 4. Voluntary early-retirement request.**

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

**Sec. 5. Evaluation and re-authorization.**

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

(1) A comprehensive list of the employees terminated pursuant to the PEPRA act, as described in section 801A(b)(2)(I) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01a(b)(2)(I)); and

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

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

Amend  
§ 38-453

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

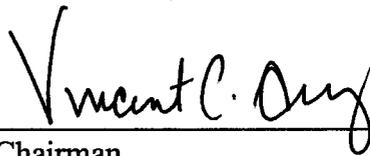
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Sec. 7. Fiscal impact statement.

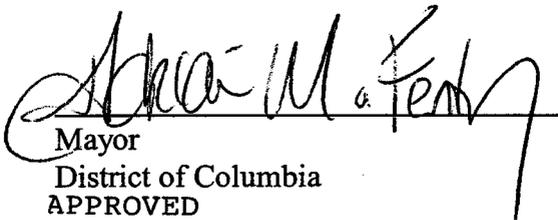
The Council adopts the fiscal impact statement for the Public Education Personnel Reform Amendment Act of 2008, passed on 2<sup>nd</sup> reading on January 8, 2008 (Enrolled version of Bill 17-450), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,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

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.

West Group  
Publisher

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

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

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

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

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

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

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

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

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

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

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

Amend  
§ 1-608.01a

## ENROLLED ORIGINAL

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

(5) No incentive pay shall be paid to:

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

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

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

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

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

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

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

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

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

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

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

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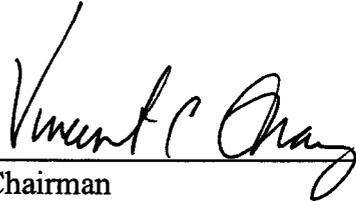
before the end of the 5-year period.

Sec. 3. Fiscal impact statement.

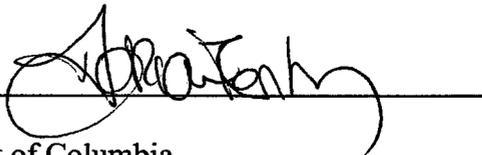
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2008