

D.C. OFFICE OF PERSONNEL
NOTICE OF FINAL RULEMAKING

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with sections 1351 through 1353 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 § 1-613.51 *et seq.*), hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend Chapter 14, Performance Management, of Title 6 of the District of Columbia Municipal Regulations, to: amend sections 1400, 1414, and 1417 of the chapter to expressly exclude at-will employees, including Capital City Fellows, from the performance improvement plan requirement in section 1414, and make other modifications to section 1414; amend section 1402 of the chapter to add language requiring that supervisors inform employees of any deficiencies in their performance, in a timely manner, throughout the rating period so that, to the extent possible, employees are given an opportunity to overcome such deficiencies and improve their performance; amend section 1415 of the chapter to specify that employees covered under the chapter may request reviews of any performance rating, and clarify the language concerning appeals of final agency decisions affecting performance ratings which result in removals; and make other non-substantive changes throughout the chapter. No comments were received and no changes were made to the notice of proposed rulemaking published at 51 DCR 11671 (December 24, 2004). Final rulemaking action was taken on January 25, 2005.

CHAPTER 14

PERFORMANCE MANAGEMENT

Chapter 14 is amended to read as follows:

1400 APPLICABILITY

1400.1 The provisions of this chapter apply to all of the following:

- (a) Employees in the Career Service appointed to supervisory and managerial positions under the authority of section 801 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 § 1-608.01) (2001), including uniformed members of the Metropolitan Police Department at the ranks of Lieutenant, Captain, Inspector, Commander and Assistant Chief, except as provided in section 1400.3 of this section;

- (b) Employees in the Excepted Service appointed under the authority of section 903 of the CMPA (D.C. Official Code § 1-609.03) (2002 Supp.) and employees in the Excepted Service appointed as Capital City Fellows under the authority of section 904(6) of the CMPA (D.C. Official Code § 1-609.04(6)) (2001), except for the provisions of section 1414 of this chapter;
- (c) Employees in the Management Supervisory Service appointed under the authority of sections 951 through 958 of the CMPA (D.C. Official Code §§ 1-609.51 through 1-609.58) (2001), except for the provisions of section 1414 of this chapter;
- (d) Employees in the Legal Service appointed under the authority of sections 851 through 863 of the CMPA (D.C. Official Code §§ 1-608.51 through 1-608.62) (2001) as supervisory attorneys in the Office of the Attorney General for the District of Columbia, non-supervisory attorneys who report directly to either the Attorney General for the District of Columbia or the Principal Deputy Attorney General, subordinate agency General Counsel, and other subordinate agency supervisory attorneys in the Legal Service; and
- (e) Non-unionized Career Service employees not covered under section 1400.1 (a) of this section employed in agencies under the personnel authority of the Mayor authorized for coverage under the performance management program by the Director of Personnel on an agency-by-agency basis.

1401 EXCLUSIONS

- 1401.1 The provisions of this chapter shall not apply to the following employees, who continue to be covered by the performance evaluation system that was in effect on December 31, 1979:
 - (a) Non-supervisory and non-managerial employees in the Career Service, except as specified in section 1400.1 (e) of this chapter;
 - (b) Unionized employees in the Career Service; and
 - (c) Employees in the Excepted Service other than those appointed under the authority of section 903 of the CMPA (D.C. Official Code § 1-609.03) (2002 Supp.), or as Capital City Fellows under the authority of section 904 (6) of the CMPA (D.C. Official Code § 1-609.04 (6)) (2001).
- 1401.2 The performance evaluation system that was in effect on December 31, 1979 is the system set forth in Part II of Chapter 14 of the District Personnel Manual.
- 1401.3 The provisions of this chapter shall not apply to uniformed members of the Metropolitan Police Department at the ranks of Officer, Master Patrol Officer, Detective, Investigator and Sergeant, who continue to be covered under the performance evaluation system in effect as of the effective date of these regulations.

1401.4 The provisions of this chapter shall not apply to unionized employees in the Legal Service.

1402 PURPOSE

1402.1 The purpose of this chapter is to set forth the parameters of the performance management program, which is the systematic process by which an agency involves its employees, as individuals and members of a group, in improving performance in the accomplishment of agency mission and goals.

1402.2 Performance management integrates the processes an agency uses to do all of the following:

- (a) Communicate and clarify organizational goals to employees;
- (b) Identify individual and, where applicable, team responsibilities and accountability for accomplishing organizational goals;
- (c) Identify and address developmental needs for individuals and, where applicable, teams;
- (d) Assess and improve individual, team, and organizational performance;
- (e) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
- (f) Use the results of performance appraisal as a basis for appropriate personnel actions.

1402.3 The performance management program implemented by this chapter shall do all of the following:

- (a) Inform employees of work expectations, and require that supervisors inform employees of any deficiencies in their performance, in a timely manner, throughout the rating period so that, to the extent possible, employees are given an opportunity to overcome such deficiencies and improve their performance;
- (b) Hold employees accountable for their performance, which shall include a direct relationship between the rating received pursuant to this chapter and the receipt of any periodic step increases;
- (c) Objectively evaluate employees' work performance based on criteria that have been made known to the employees;
- (d) Improve employee performance through development;
- (e) Recognize employee accomplishments; and

(f) Include customer satisfaction as an evaluation factor.

1403 RATING PERIOD

1403.1 Except as provided in section 1417 of this chapter, a performance rating period shall be from the beginning of each fiscal year to the end of the fiscal year.

1404 PERFORMANCE RATINGS AND RATING LEVELS

1404.1 An overall performance rating shall be the overall rating that indicates the level of an employee's actual performance of assigned goals and standard competencies during the rating period.

1404.2 The overall performance rating shall be derived from the score on goals for sixty percent (60%) and competencies for forty percent (40%).

1404.3 The rating levels for the performance management program shall be as follows:

(a) Level 5, Significantly Exceeds Expectations: Consistently and significantly exceeds performance expectations; exceptional accomplishments are obvious to managers and peers;

(b) Level 4, Exceeds Expectations: Consistently exceeds performance expectations in most areas and meets expectations in others;

(c) Level 3, Meets Expectations: Consistently meets key performance expectations and may exceed on some expectations;

(d) Level 2, Needs Improvement: Meets some performance expectations but requires improvement in one (1) or more areas;

(e) Level 1, Does Not Meet Expectations: Consistently does not meet performance expectations.

1405 ELIGIBILITY TO RECEIVE A PERFORMANCE RATING

1405.1 Except as otherwise provided in this chapter, each non-probationary employee subject to this chapter shall be rated during the first month of each rating period for the preceding rating period.

1405.2 In order to be eligible to receive an annual performance evaluation, a Performance Plan shall be in place for at least ninety (90) days prior to conducting an annual performance evaluation based on that Performance Plan.

1405.3 An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the rating period shall receive an annual performance evaluation not later than thirty (30) days after commencing the duties of the new position.

- 1405.4 An employee promoted or demoted during the ninety (90) days prior to the end of the rating period shall receive an annual performance evaluation not later than thirty (30) days after commencing the duties of the new position.
- 1405.5 The performance evaluation pursuant to sections 1405.3 and 1405.4 of this section shall be issued by the employee's supervisor for the position from which reassigned, promoted, or demoted as specified in those sections.
- 1405.6 An employee who was reinstated or restored to duty during the ninety (90) days prior to the end of the rating period shall be rated at the end of the next rating period.
- 1405.7 An employee who transfers to an agency under the Mayor's personnel authority from another personnel authority or who is newly appointed during the ninety (90) days prior to the end of the rating period shall be rated at the end of the next rating period.
- 1405.8 An employee reinstated, restored, newly appointed, or transferred shall automatically be considered as having been assigned a rating of Meets Expectations, which shall remain the official rating of record until such time as replaced by another official rating.

1406 PERFORMANCE PLANS

- 1406.1 Except as otherwise provided in this chapter, each supervisor shall complete a Performance Plan outlining what is expected for each covered employee as follows:
- (a) Within thirty (30) days of the beginning of each rating period;
 - (b) Within thirty (30) days of the date an employee is promoted, appointed, transferred, reassigned, or demoted to a new position or a position with different duties and responsibilities;
 - (c) Within thirty (30) days of the date an employee is officially detailed when the detail is for a period of more than ninety (90) days;
 - (d) An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the rating period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the position to which reassigned; or
 - (e) An employee who has been promoted or demoted during the ninety (90) days prior to the end of the rating period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the new position.
- 1406.2 A Performance Plan shall include all of the following:
- (a) A review of the competencies as specified in section 1407 of this chapter;

- (b) An Individual Performance Plan as specified in section 1408 of this chapter; and
- (c) An Individual Development Plan as specified in section 1409 of this chapter.

1407 COMPETENCIES

- 1407.1 Competencies are behaviors demonstrated on the job. At the beginning of each rating period, each supervisor shall discuss with the employee how each competency relates to his or her job.
- 1407.2 There are ten (10) competencies for all covered employees:
- (a) Customer Service;
 - (b) Flexibility/Adaptability;
 - (c) Initiative;
 - (d) Professionalism;
 - (e) Teamwork;
 - (f) Job Knowledge;
 - (g) Resource Usage;
 - (h) Dependability;
 - (i) Communications; and
 - (j) Integrity and Trust.
- 1407.3 There are an additional five (5) competencies applicable to managers and supervisors:
- (a) Managing People;
 - (b) Leadership;
 - (c) Strategic Planning;
 - (d) Operations Planning and Evaluating; and
 - (e) Conflict Management.

1408 INDIVIDUAL PERFORMANCE PLANS

- 1408.1 Each Individual Performance Plan shall establish the performance requirements for the position during the rating period, and shall set forth the goals the employee is expected to accomplish during the rating period.
- 1408.2 When an employee is functioning under a Performance Improvement Plan pursuant to section 1414 of this chapter, the issuance of a Performance Plan pursuant to section 1406.1 (a) of this chapter may be deferred until thirty (30) days after the completion of any Performance Improvement Plan authorized by section 1414 of this chapter, as applicable.
- 1408.3 Each Individual Performance Plan shall include at least three (3) and not more than five (5) performance goals.
- 1408.4 Employee goals set in the Individual Performance Plan shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%).
- 1408.5 Employee goals set in the Individual Performance Plan shall include a timeframe for their accomplishment, which may include a specific date, week, month, quarter, or an ongoing listing.
- 1408.6 Whenever an agency's goals and objectives change, each supervisor shall review each Individual Performance Plan in effect and, as appropriate, issue modified plans.

1409 INDIVIDUAL DEVELOPMENT PLANS

- 1409.1 Except as provided in section 1417.4 of this chapter, each supervisor, in collaboration with each of his or her employees covered by this chapter, shall prepare an Individual Development Plan for each employee identifying areas for growth and development.
- 1409.2 Each Individual Development Plan may include, but is not limited to, the following:
- (a) Specific objectives designed to improve the knowledge, skills, and abilities of the employee;
 - (b) Specific objectives for areas of ongoing professional development; or
 - (c) Objectives that address areas in which the employee received a rating of "Needs Improvement" or below during the preceding rating year.
- 1409.3 Each individual development objective and plan for addressing it shall be specifically defined, including accountability for completion, and a date by which the development objective shall be accomplished.

1410 SELF-EVALUATION

- 1410.1 Each employee eligible to receive a rating may, at his or her discretion, submit a self-evaluation to his or her supervisor as input into the performance evaluation process.

1411 MID-YEAR EVALUATION

- 1411.1 Each employee entitled to an annual performance rating under section 1405 of this chapter may be evaluated no less than three (3) months prior to the end of the rating period by his or her immediate supervisor or, in the absence of the immediate supervisor, a higher-level official designated by the agency head.
- 1411.2 The purpose of the mid-year evaluation is to provide feedback to the employee and identify any performance deficiencies that need to be addressed prior to the end of the rating period.
- 1411.3 A mid-year evaluation shall not become part of the employee's official personnel folder.

1412 ANNUAL PERFORMANCE EVALUATION

- 1412.1 An Annual Performance Evaluation shall be issued to each eligible employee during the first month of each rating period for the preceding rating period.
- 1412.2 An Annual Performance Evaluation shall be based on the employee's Performance Plan for that rating period.
- 1412.3 Except as provided in section 1412.6 of this section, each employee entitled to be rated under section 1405 of this chapter shall be rated, based on his or her position of record, by his or her immediate supervisor or, in the absence of that individual, a higher-level official designated by the agency head.
- 1412.4 A supervisor leaving his or her position at any time within the last ninety (90) days of the rating period shall conduct an advisory performance evaluation for each subordinate employee covered by this chapter prior to his or her departure.
- 1412.5 For the purposes of section 1412.4 of this section, the term "advisory performance evaluation" means an unofficial written evaluation that documents the employee's performance during the period in which supervised. The advisory performance evaluation shall be taken into consideration by the new supervisor during the completion of the Annual Performance Evaluation.
- 1412.6 An employee serving on a detail of more than ninety (90) days at the end of the rating period shall be rated by the employee's immediate supervisor of the position to which detailed, with input from the supervisor of the employee's position of record.

1412.7 When an employee is rated on performance in his or her position of record in accordance with section 1412.3 of this section, appropriate consideration shall be given for work outside the position of record.

1412.8 Except when the agency head is the rating official, a performance rating issued by a rating official shall be subject to the review and approval of a reviewing official, who shall be at a higher level than the rating official.

1413 SALARY INCREASES

1413.1 A rating of Meets Expectations or higher shall constitute performance at an acceptable level of competence for purposes of eligibility for a periodic step increase under Chapter 11 of these regulations.

1413.2 Each failure on the part of an employee to receive a rating of Meets Expectations or higher shall result in the due date for the next scheduled periodic step increase being delayed for an additional year.

1414 PERFORMANCE IMPROVEMENT PLANS

1414.1 The provisions of this section shall not apply to at-will employees described in section 1400.1 (b) and (c) of this chapter.

1414.2 A supervisor shall complete a Performance Improvement Plan when either of the following conditions is met:

(a) At any time during the rating period that an employee's performance becomes deficient; or

(b) When a rating of "Does Not Meet Expectations" (Level 1) or "Needs Improvement" (Level 2) is given pursuant to section 1412 of this chapter.

1414.3 The purpose of a Performance Improvement Plan is to offer the employee placed on it an opportunity to demonstrate improvement. A Performance Improvement Plan issued to an employee shall last for a period of thirty (30) to ninety (90) days, and shall:

(a) Identify the specific performance areas in which the employee is deficient; and

(b) Provide concrete, measurable action steps the employee needs to take to improve in those areas.

1414.3 At the end of the Performance Improvement Plan, the employee's immediate supervisor or, in the absence of that individual, a higher-level official designated by the agency head, shall make a determination as to whether the employee has met the requirements of the Performance Improvement Plan. If the determination is that the employee has met the requirements of the Performance Improvement Plan, the employee's immediate

supervisor or higher-level agency official, as appropriate, shall so inform the employee, in writing. If the determination is that the employee failed to meet the requirements of the Performance Improvement Plan, the employee's immediate supervisor or higher-level agency official, as appropriate, shall issue a written decision to the employee to:

- (a) Extend the Performance Improvement Plan for an additional thirty (30) to ninety (90) day period to further observe the employee's performance;
- (b) Reassign, reduce in grade, or terminate the employee, if he or she has failed to meet the requirements of the Performance Improvement Plan; or
- (c) Defer any annual performance rating that may be due until thirty (30) days after the completion of any thirty (30) to ninety (90) day period authorized by this section.

1414.5 Any reduction in grade or termination action as specified in section 1414.4 (b) of this section taken against a Career Service employee who has completed a probationary period shall be taken pursuant to Chapter 16 of these regulations.

1414.6 Any reduction in grade or termination action as specified in section 1414.4 (b) of this section taken against a Legal Service employee as described in section 1400.1 (d) of this chapter who is not at-will, shall be taken pursuant to Chapter 36 of these regulations.

1414.7 The Chief of Police may elect not to use a Performance Improvement Plan for officials above the rank of Captain.

Section 1415 is amended to read as follows:

1415 EMPLOYEE REQUEST FOR REVIEW

1415.1 An employee may, within fifteen (15) days of receipt of a performance rating, request a review of the rating. The review process shall be in accordance with procedures developed by the appropriate personnel authority.

1415.2 An employee's request for review of a performance rating shall be in writing and shall be submitted in accordance with procedures issued by the appropriate personnel authority.

1415.3 If, upon receipt of a request for a review, the agency head or his or her designee finds that a Performance Plan was not provided to the employee for the period covered by the rating:

- (a) The employee's request for review shall be dismissed;
- (b) A Performance Plan shall be provided to the employee; and

(c) The employee shall be provided a new rating ninety (90) days after the date of issuance of the Performance Plan, following which the employee may request a review in accordance with section 1415.1 of this section.

1415.4 Any review conducted as a result of a request by an employee shall consist of a review of the record and the burden of proof shall rest with the employee.

1415.5 An employee may be eligible to appeal a final agency decision affecting a performance rating which results in removal of the employee.

1415.6 The provisions of section 1415.5 of this section shall not apply to any performance rating that results in removal of a Legal Service employee who is a supervisory or non-supervisory employee as described in section 1400.1 (d) of this chapter. The right of appeal of such an employee shall be governed by section 3614 of these regulations.

1416 PERFORMANCE EVALUATION OF PROBATIONARY EMPLOYEES

1416.1 A non-unionized Career Service supervisory or managerial employee serving a probationary period shall not be subject to the performance management program established by this chapter, except that a Performance Plan shall be provided to each probationary employee pursuant to section 1406.1 (b) or (c) of this chapter, and the evaluation of probationer process set forth in the procedures applicable to Chapter 8 of the District Personnel Manual completed after the third (3rd), sixth (6th), and ninth (9th) month of the probationary period.

1417 CAPITAL CITY FELLOWS

1417.1 Capital City Fellows shall be rated at the end of each six-month (6-month) placement as specified in this section, for a total of four (4) individual performance ratings during the two-year (2-year) program.

1417.2 A Performance Plan as described in section 1406 of this chapter shall be completed as soon as practicable, but not later than thirty (30) days after the beginning of each six-month (6-month) placement, outlining what is expected from the Capital City Fellow.

1417.3 Employee goals for each six-month (6-month) placement shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%) for each rating. Goals shall be set as follows:

(a) Twenty five (25%) of the overall rating assigned to program-related activities and participation, to be set by the Director, D.C. Office of Personnel (or his or her designee); and

(b) Seventy five percent (75%) of the overall rating assigned to on-site performance, to be set by each agency supervisor to whom the Capital City Fellow is assigned.

- 1417.4 Each Capital City Fellow may, at his or her discretion, submit a self-evaluation as input into the performance evaluation process.
- 1417.5 A rating of Meets Expectations or higher shall constitute performance at an acceptable level of competence for purposes of salary adjustment.
- 1417.6 Except for section 1415.3 of this chapter, the provisions in section 1415 of this chapter shall apply to Capital City Fellows.
- 1417.7 The provisions of section 1414 of this chapter shall not apply to Capital City Fellows.

D.C. OFFICE OF PERSONNEL**NOTICE OF FINAL RULEMAKING**

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with sections 951 through 958 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 § 1-609.51 *et seq.*) (2001), hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend Chapter 38, Management Supervisory Service, of Title 6 of the District of Columbia Municipal Regulations, to: change the title of section 3817 of the chapter from "Performance Management for Management Supervisory Service" to "Performance Evaluation System for Management Supervisory Service Employees;" amend section 3817.1 of the chapter to specify that the performance of employees in the Management Supervisory Service shall be evaluated utilizing the performance management system in Chapter 14, Performance Management, of Title 6 of the District of Columbia Municipal Regulations, except for section 1414 of the chapter (performance improvement plans); amend section 3818 of the chapter (employee rights), to provide that all Management Supervisory Service termination actions shall be authorized by the agency head (or his or her designee) and the Deputy Mayor for the agency, and make other modifications to the section. No comments were received and no changes were made to the notice of proposed rulemaking published at 51 DCR 11682 (December 24, 2004). Final rulemaking action was taken on January 25, 2005.

CHAPTER 38**MANAGEMENT SUPERVISORY SERVICE**

Section 3817 is amended to read as follows:

3817 PERFORMANCE EVALUATION SYSTEM FOR MANAGEMENT SUPERVISORY SERVICE EMPLOYEES

3817.1 Except as provided in section 1414, the performance of employees in the Management Supervisory Service shall be evaluated utilizing the performance management system in Chapter 14 of these regulations.

Section 3818 is amended to read as follows:

3818 EMPLOYEE RIGHTS

3818.1 No termination action shall be initiated under this chapter unless first authorized by the agency head (or his or her designee) and the Deputy Mayor for the agency.

- 3818.2 An appointment to the Management Supervisory Service shall be an at-will appointment. A person appointed to a position in the Management Supervisory Service shall serve at the pleasure of the appointing authority, and may be terminated at any time. An employee in the Management Supervisory Service shall be provided a fifteen-day (15-day) notice prior to termination.
- 3818.3 Pursuant to section 954 of the CMPA (D.C. Official Code § 1-609.54 (b)) (2001), an employee in the Management Supervisory Service shall be entitled to severance pay upon termination for non-disciplinary reasons.
- 3818.4 Upon termination for non-disciplinary reasons, and at the discretion of the personnel authority, a person with Career or Excepted Service status due to appointment as an attorney in that Service, may retreat, within three (3) months of the effective date of the termination, to a vacant position within the agency to which he or she was promoted and for which he or she qualifies.
- 3818.5 A retreat pursuant to section 3818.4 of this section shall be to a position in the Service in which the person acquired status.
- 3818.6 Terminations from the Management Supervisory Service shall not be subject to administrative appeal.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

**TELEPHONE TARIFF 04-4, IN THE MATTER OF THE APPLICATION OF VERIZON-
WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE GENERAL
SERVICES TARIFF, P.S.C. - D.C. -No. 203**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 13499 (February 1, 2005), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")¹ to amend the following tariff page:

**GENERAL SERVICES TARIFF, P.S.C.-D.C.-No. 203
Section 31, 2nd Revised Page 4**

2. Through this tariff filing Verizon DC sought to introduce the Verizon Bundle Discount service for its residential customers.² This service shall provide residential customers subscribing to the Verizon Regional Package and Verizon Regional Package Extra a \$5.00 monthly credit when they also subscribe to one or more of the following products: (1) Verizon Online Internet access services, (2) ONE-BILL with Verizon Wireless, or (3) Direct TV purchased through Verizon. Verizon DC stated that the Application complied with Section 3(a) of Price Cap Plan 2004.³

3. The Commission issued a Notice of Proposed Rulemaking, published in the *D.C. Register* on November 19, 2004, inviting the public to submit comments on the proposed tariff revision.⁴ No comments were filed. Subsequently, the Commission, in Order No. 13499, approved Verizon DC's tariff application, finding that because the rates for the Bundle Discount service exceeded the incremental cost of providing it, the tariff therefore complied with the requirements of Price Cap Plan 2004. This tariff revision becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

¹ Telephone Tariff 04-4, In the Matter of the Application of Verizon Washington, DC, Inc. for Authority to Amend the General Services Tariff, P.S.C.-D.C.-No. 203, Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC to Sanford M. Speight, Acting Commission Secretary, filed November 5, 2004 ("Application").

² Application at 1.

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

⁴ 51 D.C. Reg. 10651-10652 (2004).

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under § 8(b)(1)(G) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 2-505(a), 50-307(b) (1)(G), and 50-308(b)), hereby gives notice of its final rulemaking action taken February 1, 2005, to amend § 601.12 of Chapter 6 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The notice of proposed rulemaking was published in the *DC Register* on December 24, 2004, at 51 DCR 11684. The final rulemaking will allow taxicab operators to utilize a dispatch radio as a safety device. A public hearing was held on February 1, 2005, and comments were received by the Commission and taken into consideration. This rule will become effective on the date this notice is published in the DC Register.

Title 31 DCMR, Section 601, PARTS AND EQUIPMENT, is amended to read as follows:

601 PARTS AND EQUIPMENT

601.12 In lieu of the partition required by §601.9, as of April 1, 2001, a taxicab may be equipped with safety warning lights for driver safety or a dispatch radio that is used in the regular operation of business to receive and accept radio dispatched calls from a taxicab radio dispatch service. The safety warning lights shall be approved by the Commission, and used by the driver only to summon assistance in the event that he or she has reason to believe that he or she is being threatened with harm. The dispatch radio shall be used by the driver in the regular operation of business and may be used to summon assistance through the radio dispatch service in the event that the driver has reason to believe that he or she is being threatened with harm.