

D.C. OFFICE OF PERSONNEL
NOTICE OF FINAL RULEMAKING
(ERRATA NOTICE)

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. Final rules were originally published at 52 DCR 1314 (February 11, 2005) to: 1) change the name of section 3816 of the chapter from "Performance Management for Management Supervisory Service" to "Performance Evaluation System for Management Supervisory Service Employees" and amend that section of the chapter to specify more clearly 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); and 2) amend section 3818 of the chapter 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 that section of the chapter. However, the original notice of final rulemaking mistakenly identified section 3816 of the chapter as section 3817, thus the need to publish this errata notice with the corrected numbering for section 3816 of the final rules. 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 3816 is amended to read as follows:

**3816 PERFORMANCE EVALUATION SYSTEM FOR MANAGEMENT
SUPERVISORY SERVICE EMPLOYEES**

3816.1 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.