

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF EMERGENCY 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, on an emergency basis, to add a new section 1904.8 to the chapter. The new section 1904.8 would establish a one-time (1-time) *Cost-Savings Award* for the remainder of calendar year 2008 for certain teachers of the District of Columbia Public Schools (DCPS) who offer to voluntarily sever their employment with the DCPS via regular retirement or resignation, subject to the approval of the Mayor or the Chancellor of the DCPS. Given the significant reorganization of the DCPS through the closing of twenty three (23) schools and the restructuring of twenty seven (27) schools, the DCPS intends to preserve the stability of as many unaffected schools as possible, and realize the cost savings opportunities presented by the reorganization. To that end, the DCPS will offer a *Cost-Savings Award* to teachers at grade levels ET-15 and EG-09 who are eligible for voluntary retirement pursuant to the District of Columbia Teachers' Retirement Plan ("voluntary retirement"); and teachers at grade levels ET-15 and EG-09 who are currently teaching at schools identified for closing or restructuring. These emergency rules are necessary for the immediate preservation of the peace, safety, and welfare of the District government and the DCPS in particular. Because the Mayor plans to immediately establish the emergency provisions of new section 1904.8, and to implement the rules for Cost-Savings Awards, action was taken on April 9, 2008 to adopt the following rules on an emergency basis effective April 9, 2008. These rules shall remain in effect for up to one hundred twenty (120) days from April 9, 2008, unless earlier superseded by another rulemaking notice.

CHAPTER 19**INCENTIVE AWARDS**

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

A new section 1904.8 is added to read as follows:

- 1904.8 (a) Notwithstanding any other provision of this chapter, a one-time (1-time) Costs-Savings Award may be granted to teachers at grade levels ET-15 and EG-09 employed by the District of Columbia Public Schools (DCPS) as described in subsection 1904.8 (b) below, who offer to voluntarily sever their employment with the DCPS via voluntary

retirement under the District of Columbia Teachers' Retirement Plan ("voluntary retirement"), if eligible; or via resignation during calendar year 2008, subject to the approval of the Mayor or the Chancellor of the DCPS, and as specified in this subsection.

- (b) Eligibility for the Cost-Savings Award under this section shall be limited to:
 - (1) Teachers at grade levels ET-15 and EG-09 who are eligible for voluntary retirement, provided that they retire by June 30, 2008; or
 - (2) Teachers at grade levels ET-15 and EG-09 who are ineligible for voluntary retirement and are teaching at schools identified for closing or restructuring.
- (c) The purpose of the Cost-Savings Award is to recognize the length of District government service of the recipients of the award, while at the same time realizing cost savings within the DCPS.
- (d) Cost-Savings Awards pursuant to this subsection may be offered to eligible DCPS teachers from April 9, 2008 through December 31, 2008.
- (e) In determining the amount of the Cost-Savings Award, the following shall apply:
 - (1) Any teacher at grade level ET-15 and EG-09 who is eligible for voluntary retirement and retires by June 30, 2008 will receive twenty thousand dollars (\$20,000);
 - (2) Any teacher at grade level ET-15 and EG-09 who is ineligible for voluntary retirement and is currently teaching at a school identified for closing or restructuring will receive a Cost-Savings Award based on his or her length of service, as outlined in the chart below:

Length of District Government Service*	Cost-Savings Award
Over 20 years	\$20,000
Over 15 up to 20 years	\$15,000
Over 10 up to 15 years	\$10,000
Over 5 up to 10 years	\$5000
5 years or less	\$1,000

*Excludes civilian federal government service and military service otherwise creditable.

- (f) In no case shall a Cost-Savings Award exceed twenty thousand dollars (\$20,000).
- (g) No Cost-Savings Award shall be granted to:
 - (1) Any DCPS teacher who receives a proposed or a final decision notice of removal for cause or non-highly qualified status; or receives a notice of termination for disciplinary reasons, as applicable;
 - (2) Any DCPS teacher 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 such teacher who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if he or she had never been indicted for or charged by information with a felony; and
 - (3) Any DCPS teacher who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has pleaded guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any such teacher who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if he or she had never been charged with a misdemeanor.
- (h) For the purposes of subsection 1904.8 (g)(2), 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) A DCPS teacher at grade levels ET-15 and EG-09 who is eligible for voluntary retirement and accepts a Cost-Savings Award under this subsection may not also receive an additional Cost-savings Award for teaching at a school identified for closing or restructuring.
- (j) An eligible DCPS teacher who receives a Cost-Savings Award under this subsection shall not be eligible for reemployment for compensation with the District government for five (5) years from the date of the retirement or separation on which the payment is based, or hired or retained as a sole source consultant or personal services contractor for five (5) years from the date of retirement or separation on which the payment is based.
- (k) Repayment of the Cost-Savings Award for any DCPS teacher who accepts reemployment for compensation with the District government before the end of the five-year (5-year) period as defined in subsection

1904.08 (j) will be established through a process determined by the Chancellor of the DCPS.

- (l) Notwithstanding the provisions of subsections 1904.8 (j) and (k) above, and on a case-by-case basis, the Chancellor of the DCPS, may waive the five-year (5-year) reemployment prohibition and repayment of a Cost-Savings Award granted, provided that:
 - (1) The proposed reemployment involves a person with unique knowledge, skills, or abilities and is the only qualified applicant available for the position; or
 - (2) In the case of an emergency situation involving a direct threat to life or property, the person has knowledge, skills, or abilities directly related to resolving the emergency situation and will serve on a temporary basis for as long as his or her services are needed due to the specific emergency situation.